



REFERENCE NO	PARISH/WARD	DATE RECEIVED
17/04373/ADP	STEWKLEY	17/11/17
APPLICATION FOR RESERVED MATTERS PURSUANT TO OUTLINE PERMISSION 15/00932/AOP RELATING TO LANDSCAPE, LAYOUT AND APPEARANCE FOR THE ERECTION OF 14 DWELLING 66 HIGH STREET NORTH	The Local Member(s) for this area is/are: - Cllr Janet Blake	
ABBEYMILL HOMES LTD		
STREET ATLAS PAGE NO. 68		

1.0 The Key Issues in determining this application are:-

- a) The planning policy position and the approach to be taken in the determination of the application**
- b) Whether the proposal would constitute a sustainable form of development:**
 - **Building a strong competitive economy**
 - **Promoting sustainable transport**
 - **Delivering a sufficient supply of homes**
 - **Achieving well designed places**
 - **Making effective use of land**
 - **Promoting healthy and safe communities**
 - **Conserving and enhancing the natural environment**
 - **Conserving and enhancing the historic environment**
 - **Meeting the challenge of climate change and flooding**
 - **Supporting high quality communications**
- c) Impact on existing residential amenity**
- d) Other Matters**

The recommendation is that permission be APPROVED, subject to conditions.

PLANNING BALANCE AND RECOMMENDATION

The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the objectives of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF sets out that the presumption applies if there are no relevant development plan policies or the policies that are most important are out-of-date. The Council considers that it would be appropriate to accept that in this case, the presumption in favour of sustainable development applies. Whilst the new NPPF advises that made neighbourhood plan policies take precedent over existing non strategic policies in the local plan, RA13 and RA14 are still part of the development plan and are considered as out of date for the reasons set out in the overview report.

The principle of development has already been accepted and the harm caused by the limited loss of open countryside and agricultural land weighed in the balance with the benefits of the outline scheme. In terms of the details set out in this application, a further balancing exercise is to be carried out.

It is acknowledged that there would be economic benefits in terms of the construction of the development and those associated with the resultant increase in local population to which limited, positive weight is afforded in the planning balance.

The development would make a contribution to the housing land supply which is a significant benefit, addressing local need for smaller dwellings as well as supply generally in the district, although this benefit is tempered given the current substantial 11.7 years supply and the relatively small scale of the development and therefore is afforded limited positive weight in the planning balance.

The scheme will make effective use of the land and is attributed positive weight in the balance.

Compliance with some of the other objectives of the NPPF have been demonstrated or could be achieved in terms of promoting sustainable transport trees/hedgerows, ecology, promoting healthy and safe communities, conserving and enhancing the historic environment, achieving well designed places, meeting the challenge of climate change and flooding, supporting high quality communications, and residential amenity. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight is attributed neutrally.

Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits.

RECOMMENDATION:

That reserved matters be APPROVED subject to conditions.

CONDITIONS

1. The development permitted by this planning permission shall be carried out in accordance with the approved Detailed Surface and Foul Water Drainage Strategy (2018s1230 – 001 Rev A, 04/10/2018, JBA Consulting).
Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to ensure that surface water is managed in a sustainable manner in accordance with the NPPF
2. The development permitted by this planning permission shall be carried out in accordance with the approved amended samples board received 22 Nov 2018 as well as the amended drawing 'PR Wall Detail' ref STE-10-A and amended boundary treatments drawing 'Boundary And Hardstanding Plan' ref STW-05B.

Reason: To ensure a satisfactory form and appearance to the development and to comply with policy GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

3. The development permitted by this planning permission shall be carried out in accordance with the approved 'Biodiversity Enhancement Scheme for Land at 66 High Street North, Stewkley, Buckinghamshire' dated Oct 2017.
Reason: To comply with the requirements of the National Planning Policy Framework, The Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended).
4. Notwithstanding the details submitted as part of the reserved matters in accordance with condition 1 of the outline permission, no development above slab level shall take place on the building(s) hereby permitted until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include details of all proposed tree works to facilitate the development; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.
Reason: To ensure a satisfactory appearance to the development and to comply with policy GP9 and GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.
5. The development shall not be commenced until or unless the trees shown for retention on the approved plan No. SJA392.03.F have been protected by the erection of a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the TREE PROTECTION PLAN The protection measures referred to above shall be maintained during the whole period of site excavation and construction.

The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, in particular:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed unless these are elements of the agree tree protection plan.
4. No materials or waste shall be burnt; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

Reason: In order to minimise damage to the trees during building operations and to comply with policy GP38 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework. Details must be approved prior to the commencement of development to ensure the development is undertaken in a way which ensures a satisfactory standard of tree care and protection

6. Following completion of the scheme, first occupation or opening of the public footpath, whichever occurs first, the developer shall notify the LPA in writing within 5 working days and submit for approval in writing a scheme detailing the dismantling and removal of the parking and storage compound shown on amended drawing 'Construction Traffic

Management Plan' ref STE-100-B as well as the proposed means of remediation and reinstatement of the land to a useable condition and appearance as agricultural fields. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory restoration of open countryside, in the interests of its intrinsic value as well as the appearance and amenity of the locality in accordance with GP35 of AVDLP and the NPPF.

INFORMATIVES:

1. You are advised that conditions 5, 6, 7, 8, 12 of the outline decision allowed at appeal Ref: APP/J0405/W/16/3144138 dated 28 June 2016 have been addressed and details approved as part of this reserved matters. However, conditions 9 and 12 still require separate application(s) for approval of details prior to commencement.
2. You are advised that, unless expressly indicated, nothing within this approval effects or varies the conditions imposed on outline decision allowed at appeal Ref: APP/J0405/W/16/3144138 dated 28 June 2018 which must be complied with.
3. The applicant is advised that the off site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:-

Highways Development Management
6th Floor, New County Offices
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
Telephone 0845 2302882

4. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
5. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
6. Under the terms of the Land Drainage Act 1991 and the Floods and Water Management Act 2010, the prior consent of the Lead Local Flood Authority is required for any proposed works or structures in the watercourse. After planning permission has been granted by the LPA, the applicant must apply for Land Drainage Consent from the LLFA, information and the application form can be found on our website. Please be aware that this process can take up to two months.
7. Any external lighting proposal(s) which are not Permitted Development will require separate approval.

8. This permission shall not be deemed to confer any right to obstruct the public footpath now crossing the site which shall be kept open and unobstructed until legally stopped up or diverted under Section 257 of the Town and Country Planning Act 1990.
9. The applicant is advised that advisory signs denoting the presence of the public footpath or bridleway crossing the site are required. Please contact the Rights of Way Officer at the County Council in this respect on telephone no.(01296) 382171.
10. The County Archaeologist may be contacted at County Archaeology Service, Buckinghamshire County Council, Annexe A, County Hall, Walton Street, Aylesbury, Bucks. Telephone: (01296) 382927.

2.0 WORKING WITH THE APPLICANT

- 2.1 In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal. AVDC works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case the application has been amended following negotiation. AVDC has considered the submissions as amended and concluded that the reserved matters can be approved.

3.0 INTRODUCTION

- 3.1 The application has been brought to committee as the parish is objecting to the latest amendment to the detailed site layout plan received Oct 2018. This latest amendment omits visitor parking that was for the benefit of the village and subject to private arrangements rather than being necessary to mitigate the development and not a factor in the planning balance. It had been included in previous iterations however, fell away on account of accommodating the plots, their servicing and associated scheme mitigation to make the scheme acceptable, with the prevailing site and locality constraints. In regards to the further matter being raised concerned safety and turning of larger vehicles, the access point has already been considered at outline stage whilst turning within the site as part of the consideration of layout is considered acceptable by Bucks CC Transport.

4.0 SITE LOCATION AND DESCRIPTION

- 4.1 This application relates to 66 High Street North and the land to the rear of no. 66, located towards the centre of the village. The site frontage onto High Street North is approx. 75m long, the southern section of which (approx. 45m) was occupied by a two-storey dwelling set back 14m within the site. With the exception of the residential curtilage of the former dwelling, the remainder of the site occupies the southern half of a field beyond the existing settlement edge and has been used for grazing livestock.
- 4.2 A public right of way (STE/19/1) crosses the centre of the field that forms the site, accessed from the High Street North in a gap between No.s 66 and 64. No.s 64 and 66 lie within the Stewkley Conservation Area as does the south western corner of the field which occupies the remainder of the High Street North frontage. The conservation area appraisal identified views across the site.
- 4.3 Access to the site is currently provided by two access points. The southern most access provides access to the rear of no. 66 High Street North to the field to the rear of no. 54 High Street North.

4.4 The site is enclosed by a privet hedge to the frontage and along the south eastern boundary with an unmade track which provided access to a former outbuilding. There are a number of conifers within the former building curtilage together with a willow tree and two Scot pines. On the grazing land to the rear, there is hedgerow along the south eastern boundary, a privet hedge adjoining Cricketers Farm. Cricketers Farm is located to the north of the site with an agricultural building beyond. To the north-west is housing fronting High Street North and to the west are residential properties. To the south-east and north-east is agricultural land. A Grade II listed property at no. 67 lies immediately opposite the field frontage section of the site and similarly listed No. 78 lies immediately to the north of the application site.

5.0 PROPOSAL

5.1 The application follows the outline consent, reference 15/00932/AOP, for means of access and scale which was allowed on appeal for demolition of 66 High Street and associated outbuildings and redevelopment of the site for a residential scheme of up to 14 dwellings with associated parking, estate road and associated works. Consideration is for 'layout', 'appearance' and 'landscaping' as part of this reserved matters. As indicated at outline stage, the scheme necessitates the diversion of the existing route of the public right of way.

5.2 The scheme is for 14 dwellings (5 x 2bed; 5 x3bed; 4 x4bed) comprising bungalows and 2 storey dwellings in semi detached and detached typologies. Dwellings are of a traditional appearance with face brick and pitched roofs with chimney features for example.

5.3 All dwellings benefit from on plot parking or immediately adjacent in the case of Plots 13 and 14. All dwellings have private amenity spaces as well as front curtilages, most with defensible planting.

5.4 The application includes details required to satisfy the following conditions which imposed at outline:

- Condition 5 – Scheme for parking, garaging and manoeuvring
- Condition 6 – Surface water drainage
- Condition 7 – Slab levels
- Condition 8 – Ecological mitigation and enhancement measures

Scheme amendments

5.5 There have been extensive discussions in the course of the application and several iterations to the detailed design and the latest Oct 2018 amendment as follows:

- Increased building setbacks on Plots 5, 6, 7, 8, 9 to the countryside edge and its existing trees and hedgerow located on and outside the red line boundary as well as provision of additional buffer planting to improve the appearance of the development to this edge
- Reorientation of dwellings on Plots 5 and 8 as well as the change on Plot 6 to reduce the scale, massing and subsequently the visual impact of development on the countryside edge
- Relocation of the turning head to facilitate the above changes
- Reconfiguration of parking on Plots 3, 5, 6, 7, 8, 9, 10, 11 to facilitate the above including removing of quad and triple stacked parking to facilitate the above changes as well as improve the appearance, amenity and function

- Plots 11 and 12 becoming a semi-detached to improve built form, appearance and amenity relationships as well as reflecting the indicative layout at the time of the outline
- Repositioning dwellings on Plots 1 and 2 to provide better defined private gardens and retained tree planting in public-facing green curtilage fronting High Street North. Corresponding omission of the village visitor parking spaces to accommodate the repositioned Plot 1 as well as retention of trees in the front setback adjacent to the access road contributing to the open verdant break in development
- Increased soft landscape planting throughout the development including the High Street North frontage
- Improved material treatments specifically the introduction brick boundary walls enclosing private gardens to better reflect the historic character of Stewkley as well as improved the safety and security of occupiers
- Clarification of the foul water drainage scheme which requires an underground pumping station, which is located adjacent the site access under curtilage open space

Supporting application documents

5.6 Along with the application drawings, the following documents support the application:

- Design and Access Statement
- Detailed Surface and Foul Water Drainage Strategy dated Dec 2017
- Ground Investigation report ref 16.09.013 dated Dec 2016
- Supplementary Geo-environmental and Remedial Scheme Report ref 17-11-03 dated Dec 2017
- Arboricultural Schedule ref 8JA392 dated 24.10.2017
- Arboricultural report ref SJA392.100 rev D dated 06.06.2018
- Biodiversity Enhancement Scheme dated Oct 2017

6.0 RELEVANT PLANNING HISTORY

15/00932/AOP - Outline application with access and scale to be considered and all other matters reserved for the demolition of 66 High Street North & outbuilding and a residential development of up to 14 dwelling with associated parking, estate road and associated works – Refused by development committee 07 Jan 2016 for the following reasons:

- “1. *The proposal would result in the partial development of a Greenfield site which would result in an intrusion into open countryside and would conflict with policy GP35 of the Aylesbury Vale District Plan and fail to reuse land that has been previously developed. The development is of a scale and nature which would result in significant adverse impacts on the rural character and appearance of the site and its surroundings and would fail to complement the existing settlement characteristics of Stewkley to the detriment of its character and identity, contrary to policies GP35 of the Aylesbury Vale District Local Plan and NPPF advice in respect of taking account of the different roles and character of different areas, protecting the intrinsic character and beauty of the countryside, conserving and enhancing the natural environment and securing high quality design. In the context of paragraph 14 of the NPPF, these adverse impacts of the proposal would significantly and demonstrably outweigh the housing and economic benefits.*
2. *The proposal, by reason of its siting, layout and scale would appear incongruous with the established pattern of development and would adversely impact on the character and appearance of the site, the streetscene, and would fail to preserve the character and appearance of the designated conservation area. The proposal would therefore conflict with policy GP35 and GP53 of the Aylesbury Vale District Local Plan and advice contained in the NPPF, particularly with respect to conserving the natural and historic environments and promoting good design. In the context of paragraph 14 of the NPPF, it is considered the limited benefits of the scheme in terms of housing supply and economic benefits would be significantly and demonstrably outweighed by the adverse impacts identified.*
3. *Had the above reasons for refusal not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a Section 106 Agreement to secure financial contributions towards leisure and open space provision and for the provision and future maintenance of SuDS. In the absence of such a provision the development would conflict with policies GP86-88 and GP94 of the Aylesbury Vale District Local Plan and the objectives of the National Planning Policy Framework to achieve sustainable development.”*

An appeal was submitted to PINS (Ref: APP/J0405/W/16/3144138) in relation to the council's decision. The inspector allowed the appeal on 28 Jun 2016 subject to the various conditions including the following which are relevant to any subsequent reserved matters applications in terms of supporting information requirements:

- Condition 4 – development to be carried out in accordance with the approved site plan and proposed site layout plan ref 09097(B)101 Rev A
- Condition 5 – Reserved matters to include a scheme for parking, garaging and manoeuvring
- Condition 6 - Reserved matters to include a scheme for surface water drainage
- Condition 7 – Reserved matters to include slab levels
- Condition 8 - Reserved matters to include proposed ecological mitigation and enhancement

In allowing the appeal, it is noted that the Inspector had regard to the indicative layout:

“3. The application was submitted in outline with only access and scale to be determined at this stage. I have dealt with the appeal on that basis and I have taken the illustrative plans that have been submitted into account, insofar as they are relevant to my consideration of the principle of the development on the appeal site.”

7.0 PARISH/TOWN COUNCIL COMMENTS

January 2018 Objection:

“Stewkley Parish Council recommendation - Objection

Housing Mix

Further a recent meeting and subsequent correspondence from the design manager, dated 08 January 2018, we are pleased that the new land owner has agreed to revert to the 14 dwellings mix and house type to that illustrated as part of the Outline Application - 7 x 2 bed dwellings, 3 x 3 bed dwellings and 4 x 4 bed dwellings. Subject to amended plans being submitted, we have no objection to the mix and housing type.

Car Parking

On street car parking within the village is a major concern in that the amount and location of parking has increased to such an extent that it now:-

- Almost continuous in some parts of the village (8 cars plus) thereby reducing the width of the road for two way traffic*
- Eliminates sight lines from access/ egress to adjacent roads and houses*
- Is parked too close to 'blind' comers or is parked dangerously.*

Given that we do not want to see this problem increased, we object to the current parking provision and layout as:-

- We believe that too few spaces are shown for the mix of housing (27 spaces dedicated to the residents of the 14 plots)*
- As per AVDC Draft VALP car parking policy - Garages should not be used in the car parking calculation as these are generally used for storage and not for cars.*
- The national planning portal highlights that no more than 2 cars parked end to end should be considered within the car parking calculation allocation.*
- The 4 car bays shown for residents outside the development should not be used as part of the calculation as these are 'for residents' in High Street North.*
- The two visitor bays should not be used as part of the calculation, as these allow visitors to the Close to park off the main estate road.*
- The considerations for reducing the number of car park spaces (for residents in High Street North) from the original 6 spaces in the AOP should be reviewed as this could further mitigate the on-street parking problem adjacent to the development*

New access/ Egress road to the development

We are very concerned with this new road access to the development on a known traffic accident spot. We believe that this scheme still provides an opportunity for the existing road re-alignment with white lines alongside the road edge for the whole length of the visual splays.

Archaeological Works

We note that the programme of archaeological work required by item 9 in the Schedule of the Appeal Decision dated 28 June 2016 has not been submitted for approval. This

programme must be implemented prior to development taking place.

Note

If the above items are adopted then the Parish Council is happy to withdraw its Objection to the scheme.”

Sep 2018 Objection:

“The PC objects to the most recent plan because it shows reduced parking from the June plan which had 4 spaces for residents. Plot 3 is reduced to one space and one garage. This reduction in parking has not affected the view from the road or changed the number of trees. The plan does not have adequate detail of the pumping station.

These comments should be read in addition to the letter sent by the Chairman Cllr. Higgins dated 28/9/18.

We hope to discuss all matters with the developer”

“After further consideration, we would wish to comment on the recent changes:

1. The proposal for additional parking spaces within this development site was a key element of the original landowners' scheme which gained outline planning on appeal and was also accepted by Abbey Mills as part of their contribution to encouraging acceptance of this scheme into the community. It seems that AVDC Planning has unilaterally acted against the wishes of Stewkley residents, represented by the Parish Council and the willingness of the developer in this regard.

2. The latest Housing mix has changed from that proposed earlier in the year which was supported by Stewkley PC, namely 5 X 2 beds (down from 7) 5 X 3 bed (up from 3) and 4 X 4 bed unchanged. Disappointing but understandable if other factors remain in balance.

3. The visitors parking spaces have been removed completely, though four were shown on the site plan published on 7th June and six were included on the outline plan.

4. Stewkley PC concerns, which were detailed in their objection of 11th January 2018, seem to have been completely ignored in these latest proposals. These major concerns centre around sufficient parking spaces on site for residents and visitors and additional spaces available for other villagers to alleviate the serious on-street parking problems, which will be made worse by this development.

5. Road safety: the opportunity to improve road safety on this section of Stewkley's long, narrow High Street has been totally ignored and even now there is no mention of possible parking restrictions on either side of the access to deter random parking.

6. The consequence of these two points is that nearby residents, without off-street parking will be tempted to park on-street within the new development to the detriment of all.”

“Stewkley Parish Council objects to the amended plans 17 9 18

Object on the basis of:-

- Turning for large vehicles requires no on the road parking to achieve this manoeuvre therefore a proposal for no parking within this designated zone needs to be resubmitted first*
- The Plan has been changed to omit the 4-6 parking bays for residents outside of*

the development. These need to be reinstalled”

Pro-former reply letter provided with boxes ticked objecting to the scheme and attending committee and speaking with the following reasons given: *“Deletion of Visitor Parking Spaces. Safety issues including turning for large vehicles.”*

“Our argument re the deletion of the visitor parking spaces is that it will force more on-street parking, rather than potentially reduce it, and thereby nullify any improvement to road frontage.

We have already submitted our objection, so we assume that we will be heard at committee. In our opinion reinstatement of these parking spaces will have a long-term gain for villagers as opposed to marginal improvement from a bit more green space and frontage.

Many thanks.”

8.0 **CONSULTATION RESPONSES**

8.1 Environment Agency (EA): Do not wish to be consulted on this application

8.2 Thames Water (TW):

- Waste comments: No objection
- Water comments: The area is covered by Anglian Water
- Supplementary comments: No concerns with the drainage strategy detailing the surface and foul water strategy for the site

8.3 Anglian Water (AW): No comments to make. *[NB: AW further clarified informally that separate application would be made by the developer to AW for connecting the development to the water supply and would be responsible for ensuring adequate supply]*

8.4 Natural England (NE): No objection to the original application and noting that the amendments to the scheme are unlikely to have any significant effects

8.5 Transport: No objection *[NB Bucks CC clarified that conditions were not required to be imposed given the outline decision and it's conditions]*

8.6 SUDS: No objection subject to conditions:

- 1 Development to be carried out in accordance with the submitted strategy
- 2 Verification report to confirm construction is per the agreed scheme

Further, an informative is recommend to draw the agent's attention to the separate requirement for approval for any structures in a watercourse from the lead Local Flood Authority pursuant to the Land Drainage Act 1991 and the Floods and Water Management Act 2010

[NB: The SUDs officer subsequently clarified that cond 2 is not required given the SUDs condition imposed at outline]

8.7 Archaeology: Recommend a condition requiring a written scheme of investigation and programme of archaeological work prior to development *[NB: Bucks Archaeology subsequently confirmed that the condition is not required given it is already imposed on the outline]*

8.8 Rights of Way (RoW): Note that a separate diversion application for Footpath STE/19/1 has been received and is satisfactory form a rights or way perspective. No comments to make on the amendments in the course of the application

8.9 Heritage: Recommend conditional approval in respect of materials and boundary

treatments

- 8.10 Environmental health: Although no comments to make on the application initially, they subsequently provided the following clarification in relation to specific matters encountered in the assessment:
- Underground foul water pumping station adjacent the site access point: Pumping stations do not generally cause significant noise problems provided they are specified for the properties they serve and are maintained, it being noted that TW raise no objection. Although not completely silent despite the manufacturer's suggestion received via the planning agent, the siting beside the high street means it is unlikely to be audible at the nearest property and especially during the daytime when the pumps are most likely to operate. The pump might just become audible in the dead of night however, the pump is considered unlikely to be operating at this time as there will be limited discharge into the system
 - Contamination: There are no issues identified for the site that would have necessitated further investigation or conditions at outline stage. In regards to further information regarding limited contamination, the remediation and implementation strategy proposed will address this.
- 8.11 Biodiversity: No objection following receipt of the biodiversity enhancement report in accordance with condition 8 – recommend approval of the report
- 8.12 Trees: No objection subject to a condition for revised tree works, tree protection and detailed planting proposals
- 8.13 Landscape: Whilst there are landscape and visual impacts, in line with the Inspector's decision at outline, the reserved matters and the amendments to reduce the scale and massing of dwellings and well as retention and enhancements of buffer planting to the countryside edge as much as possible is as much as can be achieved to mitigate the impact of the proposal to an acceptable degree having regard to Policy GP35.
- 8.14 Other: No comments were received from Education or Parks and Recreation

9.0 REPRESENTATIONS

- 9.1 11 objections were received raising issues summarised as follows:
- Relocate access and instead provide fencing and or planting to address privacy impacts to neighbours – suggest the access is the existing access point serving the dwelling or instead along the right of way.
 - Reiterated previous objections to the outline application as follows:
 - 14 houses inappropriate, 4 houses would perhaps be acceptable
 - The access point creates a greater hazard than the current access
 - Loss of farmland with the development extending beyond the residential curtilage
 - Increased traffic and questioning the times of day is was surveyed
 - Suggest alternative sites for housing to address need
 - Concern about dwelling mix and possibility of larger units in favoured in subsequent reserved matters applications
 - Access point will pose amenity impact (headlight glare) and impact on property value – suggest it is relocated
 - Scheme does not resemble the original idea put forward by the land owners

- Parking availability on site including limited provision for larger dwellings and loss of visitor parking benefiting the village
- Increased street parking pressure
- Access point on a dangerous bend
- Pedestrian safety impact associated with traffic and parking pressure on narrow high street
- Concern for tree felling on site without permission and impact on wildlife of tree removals proposed as part of the application
- Re PINS outline decision and sch 6 - Querying how surface water drainage will be addressed
- Re PINS outline decision and sch 9 - Querying how the programme of archaeological works will be addressed
- Re PINS outline decision and sch 12 - Querying where the developer intends to make an areas for vehicles to turn before the development starts
- Disappointing that views across the fields from 67/65 High Street North not properly taken into consideration in the Inspectors decision and the impact to property prices
- The site has been sold off to a developer so any suggestion that this was a development to be for the benefit of local residents is removed
- Concern about the extent of tree losses including amenity impact to neighbours and to the appearance of the conservation area and to ecology. Also, concern if the developer has the right to remove trees on or beyond the red line boundary
- Flooding in the area will be exacerbated by concreting over the land
- Suggesting that the council includes the conditions suggested by Bucks CC Transport for wheel washing and road sweeper; banksman to control vehicle movements; time restrictions on traffic
- Concern about the impact of any street lighting not to impact on neighbour amenity
- Request a risk assessment if the footpath is closed
- Scheme is not in keeping with the conservation area noting by way of an unrelated refusal of a skylight application at no. 65 High Street
- Loss of vegetation affecting the conservation area and requesting it is either retained or replaced to create screening along High Street North
- Concern about the adequacy of the visibility splays
- Requesting the PINS decision is challenged
- Any development be 'curtailed' such that it does not impact on the look and feel of the open countryside within the village
- Notes that sewers back up and concerned that there is no assessment provided and requesting the project is suspended until safeguards are in place
- Querying contamination on site and the ground investigation in association with the drainage proposals
- Increase in 3 beds and reduction in 2 beds
- Concerned that the sewage pumping station will require separate permission and pose noise impacts
- Querying the appearance of the foul water pumping station

- Concern about the storage and parking area to the rear of the site and requesting assurances that it will be cleared at the end of the build
- Requesting deliveries are further restricted during school start and closing times
- Querying whose responsibility it is to clear ditches on adjacent fields in relation to drainage proposals

10.0 EVALUATION

a) The planning policy position and the approach to be taken in the determination of the application:

- 10.1 Members are referred to the Overview Report before them in respect of providing the background information to the Policy. The starting point for decision making is the development plan, i.e. the adopted Aylesbury Vale District Local Plan (and any 'made' Neighbourhood Plans as applicable). S38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF.
- 10.2 Stewkley does not have an adopted neighbourhood plan, it being noted that a neighbourhood plan is currently being developed and is yet to be submitted for its first formal presubmission consultation exercise pursuant to Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. At this stage no weight is attributed to the plan. Therefore consideration falls on the relevant policies in the AVDLP in context of paragraph 11 of the NPPF.

b) Whether the proposal would constitute a sustainable form of development having regard to:

- ***Sustainable location***

- 10.3 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 7 to 211 of the NPPF, taken as a whole (paragraph 3). The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development for both plan-making and decision-making.
- 10.4 It is only if a development is sustainable when assessed against the NPPF as a whole that it would benefit from the presumption in paragraph 11 of the NPPF. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.
- 10.5 AVDLP identifies Stewkley as set out in Appendix 4 as a settlement where policies RA.13 and RA.14 would apply limited infilling or rounding off would be appropriate, these policies are out of date as outlined within the Overview Report and only have very limited weight.
- 10.6 Stewkley is identified in the Settlement Hierarchy Assessment for the submission Plan

(September 2017) as a Medium Village. 'Medium villages' are settlements defined as typically having a population of between around 600 and 2,000 and have between 6 – 7 of the key criteria (*within 4 miles of a service centre, employment of 20 units or more, food store, pub, post office, GP, village hall, recreation facilities, primary school, hourly or more bus service and train station*). Medium villages have some provision of key services and facilities, making them moderately sustainable locations for development. On this basis, it is therefore accepted that Stewkley itself is a moderately sustainable location for limited development subject to the scale of growth that could reasonably be considered sustainable not only in terms of its impact on the localised site and surrounding but also in terms of the wider capacity of the village to accept further population growth, having regard to its impact on the infrastructure and local services and the community itself.

10.7 It is further noted that in allowing the outline application at appeal, the Inspector considered that the site is an accessible location for the development [PINS decision para 24].

- ***Build a strong competitive economy***

10.8 The Government is committed to securing and supporting sustainable economic growth and productivity but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

10.9 It is considered that there would be economic benefits in terms of the short term benefit in the construction of the development itself and in the long term the resultant increase in population contributing to the local economy. As such, it is considered that the economic benefits of the scheme whilst significant, due to the scale of the proposed development would only attract moderate positive weight in the overall planning balance.

- ***Delivering a sufficient supply of homes***

10.10 Local planning authorities are charged with delivering a wide choice of sufficient amount of and variety of land and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development. In supporting the Government's objective of significantly boosting the supply of homes, paragraph 61 states that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

10.11 In respect of affordable housing, GP2 of the AVDLP requires a minimum of 30% affordable housing to be provided on site for schemes providing 25 dwellings or more or a site area of 1 ha or more. The scheme falls below the threshold requiring affordable housing as was considered at the time of the outline application.

10.12 At the time of the outline application an indicative dwelling mix was provided comprising 5 x 2bed bungalows, 2 x 2bed houses, 3 x 3bed houses and 4 x 4bed houses. The committee report for the outline considered that the scheme would make a worthwhile contribution towards the provision of a varied housing mix fulfilling an identified local shortfall, and moderate weight was attached to it in the planning balance. In allowing the appeal, the Inspector considered that the housing would make a worthwhile contribution towards

addressing the need for smaller dwellings in the village. The Inspector further considered that the scheme would contribute to addressing an undersupply of housing in the District as it was considered at the time of the appeal that AVDC did not have a 5 yr housing land supply [PINS decision para 39]. Collectively that these factors were significant weight in favour of allowing the appeal [Pins decision para 50].

- 10.13 The proposed mix of 5 x 2bed bungalows, 5 x 3bed houses and 4 x 4bed houses, is considered a minor change compared with the indicative mix suggested at outline stage and the scheme continues to contribute to meeting local need including smaller homes. It is noted that the change to 2 no. houses is relatively minor, involving the addition of an internal wall to divide a larger double bedroom into a smaller double bedroom and a further single bedroom. Further still and as was noted at the time of the outline, there is no reason that that the site could not be delivered within the next 5 year period.
- 10.14 Overall, noting that there is no reason that the site could not be delivered within the next five year period making a contribution to housing land supply which is a public benefit to which positive weight should be given. Whilst at the time of the Inspectors consideration there was not a 5 year housing land supply, the Council can demonstrate a 11.7 years housing land supply. It should be noted that work is ongoing towards revising this calculation in accordance with the new NPPF and early indications are that the council still maintains over 5 years supply. Therefore, the significant positive weight should be tempered to moderate weight in the planning balance.

- **Promoting sustainable transport**

- 10.15 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.16 In the course of consideration of the outline including means of access, it was considered in the report to committee that a safe and suitable access to the site could be achieved without detriment to the surrounding highway network. Subject to conditions including the requirement to construct the access to an appropriate standard as well as appropriate manoeuvring space and parking details within the site to be approved at reserved matters stage, the proposal was considered to have an acceptable impact on the safety and convenience of highway users and would accord with relevant plans and the NPPF. On balance, the site was considered to be suitably located and the proposals would not impact on highway safety or convenience and therefore was afforded neutral weight in the planning balance.
- 10.17 The Inspector had regard to highway safety in allowing the appeal and stated the following:
“25. I note that the bend in the road to the north of the site reduces forward visibility. As a result, it is a feature that reduces vehicle speeds along this part of the road. The bend in combination with the on road parking that takes place, at times, leads to congestion with vehicles, including lorries, having to give way to each other. There are also concerns for pedestrian safety as the pavement on the western side of the road ends outside No 67, requiring pedestrians to cross to the other side of the road at a point where visibility is

limited. For the same reason substandard visibility exists for vehicles exiting No 67.

26. However, in terms of traffic generation the Council has no objections to the effect that the proposal would have on the local highway network. On the basis of the relatively small size of development proposed I have no reason to disagree with that position. As a result, the proposed development would not significantly increase traffic flow along High Street North to the extent that congestion or the likelihood of accidents would be materially increased.

27. In terms of pedestrian safety, in creating the site access the relatively narrow pavement outside the appeal site would be significantly widened. As a result, the eastern side of the road would become the obvious side of the road for pedestrians to walk on. This would reduce the likelihood of pedestrians crossing by the bend when outside No 67 where the pavement ends, thereby improving highway safety.

...

29. In order to ensure that vehicles turning out of the proposed access would not come into conflict with vehicles driving along High Street North adequate visibility splays would need to be achieved at the proposed site access. The Council accepts that satisfactory visibility splays that meet, or are very close, to those sought by national guidance can be achieved in relation to oncoming traffic in both directions. I saw no reason why such splays could not be provided. As a result, I have no reason to disagree with the conclusions of the Council that subject to the provision of satisfactory visibility splays highway safety would not be harmed.

30. The proposal would result in construction traffic. However, this would be temporary and subject to a standard of site management that is reasonable to expect would not harm highway safety or the free flow of traffic.”

- 10.18 The access arrangements remains as per the details allowed by the Inspector at appeal and is subject to compliance with conditions 10 and 11 requiring construction of the access and visibility splays.
- 10.19 In respect of the layout which is a consideration at reserved matters, BCC Transport are satisfied that the amended road layout shows suitable access and turning for the site, accommodating 11m refuse vehicles. Therefore, the site can be safely served by large vehicles without having to reverse onto the public highway. This addresses the requirements of condition 5 of the outline which requires amongst other things a scheme for manoeuvring to be submitted for approval at reserved matters stage, including sufficient space for refuse vehicles to turn and exit the site in forward gear.
- 10.20 Further in regards to the layout, the existing Footpath 19 9STE/19/1) traversing the site will be diverted along the access road and continue to provide connection between High Street North and countryside. A kissing gate in compliance with British Standards will provide access between the site and the field beyond. The BCC Rights of Way officer raises no objection to the proposed diversion, it being noted that the diversion will be subject to a separate application under the Section 257 of the Town and Country Planning Act. The diverted route remains a suitable and convenient route in this proposed realignment. It is further noted that the detailed layout maintains for pedestrians an existing route between Plot 14 and neighbour no. 60 High Street North.
- 10.21 In relation to parking AVDLP policy GP24 requires that new development accords with published parking guidelines. SPG 1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development.
- 10.22 Each dwelling is provided dedicated parking in accordance with the AVDC SPG1 maximum

standards. Garages have been included in the calculations as they meet the required standard to accommodate a parked vehicle. It is noted that amendments in the course of application have secured improved parking layout including reducing the incidences of triple stacked parking configurations to Plots 4 and 7, the cases where the site constraints preclude other parking formats. Also, the increased use of tandem parking formats which is more convenient for users than stacked parking. BCC Transport is satisfied with the proposed parking provision for the dwellings. As such arrangements for parking and garaging satisfy the further requirements of condition 5 of the outline which required these details to be submitted for approval at reserved matters stage. In relation to cycle parking, all plots are capable of accommodating secure provision in the garages where such provision is made or within the private curtilage of the dwelling.

- 10.23 Overall the continued provision of an access as previously allowed at outline stage as well as a suitable detailed layout to accommodate larger vehicles (including refuse vehicles) and parking provision to serve the development as well as the proposals for maintaining public footpath connectivity through the site, represents an appropriate and acceptable form of development. In the absence of any harm posed by the scheme and its operation, neutral weight is attributed to it in the planning balance.

- **Conserving and enhancing the natural environment**

- 10.24 In terms of consideration of impact on the landscape, NPPF para 170 states that proposals should amongst other things protect and enhance valued landscapes, recognise the intrinsic character and beauty of the countryside, minimising impacts on and contributing to net gains in biodiversity, preventing new development contributing to or being at risk of unacceptable soil, air, water or noise pollution and land instability and remediating despoiled, degraded, derelict, contaminated or unstable land where appropriate.

Landscape

- 10.25 AVDLP Policy GP35 requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines.
- 10.26 Policy GP38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible.
- 10.27 Policy GP84 states that development affecting a public right of way the Council will have regard to the convenience, amenity and public enjoyment of the route and the desirability of its retention or improvement for users, including people with disabilities. Planning conditions will be imposed on planning permissions, or planning obligations sought, to enhance public rights of way retained within development schemes.
- 10.28 At the outline stage, the officer report noted the following characteristic pertaining to the immediate area and the implications of the proposal:

“10.21 The physical form of the village of Stewkley is predominantly linear in form, characterised by traditional development, one unit deep, set along the High Street frontages. The proposed development site is located on the east side of High Street North. In physical terms the site falls into 3 parts. The curtilage of 66 High Street North, a large detached 20th century property to the south; a rectangular open area located between 66 and Cricketers Farm to the north which fronts the highway and an open triangle of farmland across the rear of these frontage plots.

10.22 The proposed development would comprise of the partial development of a

Greenfield site in open countryside and therefore it is inevitable that the proposed development would have a significant impact upon the character and appearance of the site itself and its immediate environs... “

10.29 The officer report to committee further clarified that the landscape impact of the scheme “..would be relatively localised and is unlikely to affect long distance views”.

10.30 In considering the Landscape impact of the scheme, the Inspector stated the following as part of the consideration:

“9. The National Planning Policy Framework ('the Framework') is an important material consideration. A core planning principle of the Framework is that the intrinsic character and beauty of the countryside should be recognised in decision taking. As an area of open pasture the rear part of the site is pleasant open countryside which is enjoyed in public views from the public footpath that cuts across it. As the proposed development would result in the loss of this area of countryside to development it would cause harm to its character and appearance, albeit this harm would be limited as the area of countryside in question is not large.”

10.31 In allowing the outline on appeal, the Inspector drew the following conclusions:

“Overall conclusion on character and appearance

23. The proposed development would result in harm to the character and appearance of the countryside through the loss of an area of countryside to development. However, as I have earlier noted, by virtue of the relatively small amount of countryside involved the harm caused would not be large. In compliance with policy GP53 of the Local Plan and the statutory test the Conservation Area as a whole and its setting would not be harmed by the proposal. Similarly, the setting nearby listed buildings would not be adversely affected. Subject to the control that exists at reserved matters stage in relation to layout, landscaping and appearance a well designed scheme could be achieved in compliance with policy G35 of the Local Plan. This policy requires the protection of the character and appearance of a locality through high quality design that respects local design features.”

10.32 The loss of countryside was identified by the Inspector as an adverse impact in the planning balance however, along with the other impact identified to agricultural production were considered limited and did not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole [PINS decision paras 49 and 50].

10.33 The detailed design at reserved matters closely follows the indicative layout considered at the outline stage. The proposals including the access road and plots layouts are more or less the same as are the locations of bungalows and 2 storey dwellings. In detail the differences are the extent of hard surfacing which has been reduced, parking which has an improved configuration. Furthermore, the dwelling configurations have been modified to improve the relationships on site and the locality, and the extent of the soft landscaping and tree planting proposals and the specific boundary treatments which better relate to the locality. The amendments described earlier in this report have the effect of softening the appearance of the development through the increased soft landscaping and tree planting and reduction in hard surfacing, particularly at the front of the development along High Street North as well as to the countryside edge and through the scheme as well as making more appropriate to its locality context.

10.34 In respect of scale which was also considered at outline stage, a scheme comprising a mixture of bungalows and two storey dwellings which adopt a traditional appearance with pitched roofs and chimneys as was suggested in the DAS is similarly proposed at reserved matters. At the time of the outline consideration the Inspector noted there were no adverse comments in relation to scale. The Inspector further considered the size of the houses would be in keeping with residential development in the area and in terms of density, would be in keeping with the grain of development within the Stewkley Conservation Area [PINS

decision para 16].

- 10.35 In regards to the proposed construction management drawings which shows a parking area extending into the field beyond the redline boundary of the operational development, this arrangement and its landscape impact is temporary and considered justified on this basis. Subject to an appropriately worded condition is recommended the decommissioning of the parking area and returning the area of field to grazing land upon the completion of the development.
- 10.36 Overall, as was considered at outline stage, the proposal's harm to the site would continue to involve a small amount of countryside. The change to the site would also be viewed in the context of the Stewkley settlement. Overall, the landscape harm is considered to continue to have limited negative weight attributed to it in the planning balance

Agricultural Land

- 10.37 Paragraph 170 of the NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land and, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. There is no definition as to what comprises 'significant development' in this context but the threshold above which Natural England are required to be consulted has been set at 20 hectares so the site falls well below this threshold.
- 10.38 At the time of the outline scheme, the officer report to committee noted that the site appeared to be Grade 3 based on Defra's Provisional Agricultural Land Classification Grade map. However, there was no site specific assessment accompanying the application to establish if any 'best and most versatile agricultural land' was indeed being lost. Moderate negative weight was attributed to this matter in the planning balance.
- 10.39 As part of the appeal, in the absence of any site specific assessment, the Inspector proceeded on the basis that the site *could* be Grade 3a, that is BMV land [PINS decision para 33]. As part of considering whether or not the proposals constituted 'sustainable development' pursuant to the NPPF, the Inspector stated in relation to loss of agricultural land:
- "43... The development of what may be Grade 3a agricultural land would result in its loss for farming use. However, given the relatively small size of the land involved, and its narrow awkward shape to the side of No 66, the loss economically to agricultural production would not be significant."

- 10.40 Taking into account all the factors under consideration the Inspector concluded that the proposal constituted sustainable development [PINS para 45] and in the planning balance, such impact did not significantly and demonstrably outweigh the benefits when assessed against the policies of the framework as a whole [PINS para 51].
- 10.41 On the basis of the above and that there is no change or additional information submitted with the reserved matters, the loss of a relatively small area of agricultural land which *could* be BMV agricultural land, with an insignificant implication economically to agricultural production, this matter is attributed limited negative weight in the planning balance.

Trees and hedgerows

- 10.42 Policies GP.39 and GP.40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 10.43 In allowing the appeal the Inspector variously stated in the decision that the approx. 30m long vegetation screen conceals views from the High Street North to the open countryside [PINS para 14], the proposed break in the development created by the access handle presents an opportunity for landscaping and existing tree retention however, would result in

the loss of a privet hedge [PINS para 15]. The Inspector further considered that “...with the landscaping proposals at reserved matters stage, sufficient controls exist for mitigation and enhancement that the proposal overall would not have an adverse effect on trees and hedgerows”.

- 10.44 In relation to existing trees a total of 57 trees have now been surveyed. Of these, 18 are classed as Category U, with 1 Cat A, 12 Cat B, and 26 Cat C. There are also 3 Category C tree groups.
- 10.45 The proposal involves the removal of 32 trees, including the sole Cat A tree (T20, removed to allow the new access), as well as 2 Cat B trees (T21 to allow new access, T31 because Plot 9 is directly adjacent). The remaining removals are all of Cat C or U grade. It should be noted however that over half of proposed removals are due to the condition of the tree, rather than to facilitate the development.
- 10.46 Aside from T31, all the proposed removals are located along the site frontage, and although most are of poor quality, they have a significant collective visual impact, and contribution to the character of the CA. Therefore while removal is acceptable in principle, it is subject to appropriate replacement planting which is secured by condition if the council is minded to approve the application.
- 10.47 Of the trees to be retained, T12 and T14 have significant encroachment into their RPA however most of the proposed encroachment is intended to be of no dig construction, which is likely to reduce any impact. Although the new access road will still affect a large portion of T12's RPA, there is sufficient contiguous area available for roots to compensate. Notwithstanding that care should be taken during excavations for the new road and this should ideally be carried out under arboricultural supervision.
- 10.48 Varying levels of pruning is advised for many of the remaining trees, with reductions to T12-14, T32, T34, T46-49, and T51-53 all requiring a degree of pruning to facilitate the development. Management works are also proposed to the remaining western boundary trees.
- 10.49 Despite the design revisions, Plot 1 still has post development pressure issues in terms of shading, although this is stated to be limited by the design of the internal layout, and will be further limited by tree pruning works which form part of the details further secured by condition if the council is minded to approve the application.
- 10.50 Design revisions have led to a better relationship with most retained trees, but there is still a significant number of removals (albeit most due to poor condition) and the immediate arboricultural impact of the proposal is considered to be high and hence, the requirement for replacement planting.
- 10.51 In relation to the proposed planting, the council's Tree officer considers that a good number of new trees are proposed. The planting schedule has 35 trees (including 6 new hedgerow trees), as well as 40 trees planted as understorey to strengthen the western boundary. The proposed planting is considered to offer sufficient compensatory value to offset the loss of trees required to implement the proposal.
- 10.52 Further details of tree pits as well as aftercare/maintenance in accordance with BS 8545:2014 are to be secured by condition if the council is minded to approve the application.
- 10.53 Overall, despite the removals the proposed planting offers sufficient compensatory value to offset the losses, subject to conditioning further details relating to tree pits, aftercare and maintenance. Given the harm is mitigated and compensated for by the proposal, this matter is afforded neutral weight in the planning balance.

Biodiversity/Ecology

- 10.54 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.

10.55 In allowing the outline application, The Inspector had regard to ecology as follows:

“31. There is evidence of bats, a protected species, roosting in the roof space of the house. As a result, if permission was to be granted further survey work to determine the mitigation works required to provide replacement roosting space would be necessary. The hedgerows around the perimeter of the appeal site could largely be retained. However, the semi-improved grassland of the appeal site is otherwise species poor. Nevertheless, details of measures to enhance the biodiversity value of the hedges, the proposed development and its soft landscaping could be secured by the Council's suggested condition.”

“42. There are three dimensions to sustainable development; economic; social and environmental. In relation to the environment, although an area of countryside would be developed, the proposal would not harm Stewkley Conservation Area as a whole and the setting of the nearby listed buildings would be preserved. The appeal site is in a location where local services and facilities are accessible by walking, cycling or using public transport. A wider pavement would also be provided outside the appeal site improving highway safety. In ecological terms, an alternative bat roost could be provided, many of the perimeter hedges could be retained and measures to enhance the biodiversity value of the site could be secured by a condition suggested by the Council.”

10.56 In allowing the appeal, Condition 8 of the Inspectors decision required amongst other things for details of the proposed ecological mitigation and enhancement measures to be included in the reserved matters.

10.57 A Biodiversity Enhancement Scheme was submitted as part of this application to discharge the requirements of condition 8 and sets out various measures including the following:

- Tree retention and hedgerow retention and enhancement along with maintenance of new planting
- At least 75% of proposed soft landscaping planting to be native and wild-life attracting species
- A selection of bat boxes/tubes and bird boxes to be incorporated into the new dwellings, and placed on the retained trees in the northwest corner of the site to provide new roosting and nesting opportunities, the locations as shown on the plan included in the report
- Lighting: *“Any external lighting at the site will be designed such that any landscaping areas will be kept at less than four lux, and no lighting will be directed at the bat roost features installed in the new buildings, the bat boxes placed on the trees, and boundary hedgerows, to reduce disturbance to roosting, foraging and commuting bats. Where external lighting proves necessary it will consist of LED light sources or be fitted with directional accessories (i.e. hoods, cowls, shields, louvres) to minimise light spillage and direct light away from areas of vegetation.”*
- Hedgehog tunnels
- Bat protection during site works: Demolition work on the exiting dwelling will be subject to a separate European Protected Species (EPS) licence from Natural England, and will include the following procedures, with further details provided in the method statement of the licence application [NB: *It is noted that the separate licence has been given by NE on <date> and the dwelling and garage were demolished*]

10.58 The council's Ecologist is satisfied with the measures proposed to ensure there is no net loss to biodiversity as required under NPPF and to satisfy the requirements of condition 8 of the outline appeal decision. An appropriate condition is recommended for the scheme to be implemented in accordance with the details of the mitigation and enhancement plan

submitted with the reserved matters application. In the absence of any harm this matter is afforded neutral weight in the planning balance.

- ***Promoting healthy and safe communities***

- 10.59 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.
- 10.60 Policies GP86-88 and GP94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development.
- 10.61 The officer report to committee identified that Stewkley offers access to number of facilities and is relatively close to the larger settlement of Winslow where most other facilities are also readily accessible. As such, it was considered that the development could be accommodated and integrated without any harmful impact on the existing community [Committee report para 10.40]. The Education team further advised that there was no requirement for an education contribution.
- 10.62 In relation to open space, it was considered that the development was not of a sufficient scale to warrant any on-site provision although, a contribution towards off-site provision of leisure facilities would be sought if the council had been minded to approve the application. However, in allowing the appeal, the Inspector considered noted that there was no assessment of local provision provided to justify the contribution and thus it was not taken into account [PINS decision paras 35-38].
- 10.63 The detailed design at reserved matters is considered to accord with the NPPF as all properties are provided with private outdoor space, the public footpath is maintained for existing residents of the village as well as the future occupiers of the development to access the countryside recreational opportunities. Also In relation to safety, there is no safety issues identified by BCC Transport in terms of the safety and function of the site and public highway. In relation to the detailed design, the orientation of dwelling provides active frontages and promotes passive surveillance through the development as well as secure private gardens, those of which with particularly exposed sides being secured by 1.8m brick walls.
- 10.64 In the absence of any harm, this matter is afforded neutral weight in the planning balance.

- ***Making effective use of land***

- 10.65 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.
- 10.66 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should taking into account of the importance the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 10.67 The application site is part redevelopment of a residential property whose re-use is generally encouraged whereas the other part of the site is open countryside where

development including residential is typically restricted.

10.68 The Inspector identified the following benefits of the scheme:

- that it constitutes sustainable development,
- Is located with good access to facilities and services
- That it will make a contribution towards addressing a need for smaller dwellings in the village and the undersupply of housing in the district

He further noted the absence of harm in respect of the conservation area and its listed buildings including commenting on the appropriateness of the scale, grain and density of the proposed development in relation to its surroundings. The Inspector considered in the planning balance that the scheme benefits outweighed the impacts which were considered to be the limited loss of open countryside and agricultural land. As discussed in this report, the detailed design is appropriate to its surroundings, is well designed and considered to promote a healthy community and addresses housing need locally and in the district, whilst the impacts on countryside and agriculture continue to be limited. Further there is no harm to heritage assets. It is therefore considered that the scheme continues to represent an effective use of the land in accordance with the NPPF. This matter is attributed positive weight in the planning balance.

- ***Achieving well designed places***

10.69 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.70 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).

10.71 Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides. The overview report sets out Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.

10.72 Policy GP35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site.

10.73 As discussed earlier in this report, means of access and scale were considered at outline stage and are unchanged from the outline consent. This leaves for consideration matters of 'layout', 'appearance' and 'landscaping'.

Reserved matters: Layout

- 10.74 At the time of the layout, the Inspector noted the following in relation to the indicative layout:

“15. The proposed site layout shows how the site could be developed by up to 14 dwellings. The layout of the two dwellings shown along the front of the southern side of the site would be in keeping with the position of neighbouring houses. In contrast, the bungalows proposed towards the front of the northern side of the site would be set further back and angled away from the road. In conjunction with the break in development represented by the site access in the middle of the site, this would provide space for landscaping and help retain a sense of spaciousness. The indicative scheme illustrates how the two important trees identified within the curtilage of No 66 could be retained as part of the scheme. The privet hedge and the enclosure that it provides has been identified as being important by the SCAA. On the basis of the indicative site layout it would be largely lost. However, I agree with the Council that, with the landscaping proposals at reserved matters stage, sufficient controls exists for mitigation and enhancement that the proposal overall would not have an adverse effect on trees and hedgerows.”

- 10.75 As noted earlier in this report, an indicative layout was considered by the Inspector in allowing the appeal and which the reserved matters follows closely. The layout is acceptable in terms of vehicular and pedestrian movements and turning. The amendments agreed in the course of application to the specific arrangement of dwellings on plots have improved the parking arrangements on various plots, making them more useable, as well as reducing the extent of hard surfacing. This has further facilitated increasing soft landscaping to soften the development, particularly benefiting the appearance of the development and tree/hedge retention whilst maintaining private amenity space provision for the dwellings. Although the layout involves the diversion of the footway, the realignment remains suitable and convenient and is acceptable to the BCC RoW officer subject to a separate diversion application

Reserved matters: Appearance

- 10.76 As noted earlier in this report, the Design and Access Statement included indicative details of dwellings which would adopt a traditional appearance which the detailed design of the dwellings are similarly taking. Across the 14 plots, the dwellings take simple forms which whilst varied to offer interest, all possess consistent features such as the design of porches, bays and window units, pitched roofs, chimneys. The resulting scheme appearance is considered to thereby integrate with this part of the settlement where there is interest on account of the variety of architectural styles that contribute to the character of Stewkley. The materials palette will further assist in the group appearing cohesive. The Conservation officer is satisfied with the proposed surface and facing materials to be used in the development, having viewed the samples on site and as detailed in the updated materials schedule. Exposed garden boundaries will be enclosed by brick walls which is a further feature that is appropriate to the locality. Overall, the appearance is appropriate to the location and will appear a good quality development.

- 10.77 In accordance with condition 7 of the outline consent, the details of slab levels and indeed ground levels for the proposed site in relation to surrounding levels indicate there are no substantial level changes forming part of the proposals and as such, no significant implications for the appearance of the development. The requirements of this condition have been satisfied as part of the reserved matters submission.

Reserved matters: Landscaping

- 10.78 As noted earlier in this report, soft landscaping opportunities have been increased and enhanced in the course of negotiations, in terms of retained trees and hedges as well as additional and replacement planting. The landscaping proposals benefit the appearance of the development in terms of the character and appearance of the street scene and conservation area and in relationship to its relationship to the countryside. The enhanced soft landscape planting will improve the appearance of the development along the access road and will be of benefit to the experience of users of the public footpath.

Summary

10.79 The detailed design submitted as part of the reserved matters is consistent with the indicative details supplied at outline and will result in a high quality development with detailed layout, appearance and landscape proposals considered to be appropriate to the site and locality, mitigating any impact to the appearance of the settlement and countryside as variously discussed in this report, subject to the abovementioned conditions which necessitate submission of various details at a later date in respect of soft landscaping. In the absence of their being any harm as consequence of the design, this matter is afforded neutral weight in the planning balance.

• **Conserving and enhancing the historic environment**

10.80 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving the Listed Building, its setting and any features of special architectural or historic interest in which it possesses. In addition to paying attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

10.81 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification. Paragraph 189 extends this provision to non-designated heritage assets with an archaeological interest. Where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, paragraph 196 requires this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.82 Policy GP53 of AVDLP requires new developments in and adjacent to conservation areas to preserve and enhance the character and appearance of the Conservation Areas. Policy GP53 of the AVDLP is to be given limited weight as it is inconsistent with the NPPF by failing to incorporate the balancing test contained in paragraph 196 of the NPPF.

10.83 The heritage assets under consideration are the following:

- Stewkley Conservation Area
- *Sycamore Farmhouse – Grade II listed*
- *No. 67 High Street North – Grade II listed*
- *No. 78 High Street North - Grade II listed*

10.84 In allowing the appeal, the Inspector made the following assessment of the effect of the proposal on the CA:

“17. With regard to the setting of the Conservation Area, a mixture of built development in depth and open countryside surrounds it. The proposal would result in the loss of an area of countryside adjacent to the eastern boundary of the Conservation Area. The SCAA identifies important views westwards towards the village from the boundary of the field that the appeal site partly occupies. From here the development would be evident. However, the area of countryside lost would be small in size, the new housing would be in scale with existing dwellings and the development would not protrude significantly into the surrounding countryside. As a result, if permission was granted and the development went ahead the Conservation Area would still be set within a rural landscape of fields and seen, and appreciated as such, in this important view.

18. I therefore find that subject to the sensitive design of the proposed residential scheme, which is a matter that could be controlled at reserved matters stage, a well designed development could be achieved that would not harm the Conservation Area, its setting, significance or views into or out of it.

19. Taking all these matters into account, I therefore conclude that whist the proposed development would change part of the Conservation Area it would not harm its character or appearance locally, or as a whole. As a result, the objective of preservation would be achieved and policy GP.53 of the Local Plan would be complied with."

10.85 As noted previously, the detailed design follows the indicative details that were considered at outline stage and is considered to be high quality. The Council's Conservation officer has considered in detail the design including the proposed materials and features such as the brick wall detailing which are considered appropriate. The retained trees as well as the additional soft landscaping proposals as well as the physical break of the access road which has been enhanced by additional soft landscaping in the course of negotiations will continue to provide a verdant character and break in development as identified by the Inspector as the main contribution the appeal site makes to the conservation area [PINS decision para 14].

10.86 *In relation to the nearby listed buildings the Inspector made the following comments:*

"22. The elements of setting that contribute to the significance of these buildings, include their relationship with the street, and their immediate plots. In that context, I consider that the appeal site contributes little, if anything, to the significance of these buildings, or their setting. I therefore find that the setting of these buildings, with the scale of development proposed and the control that exists at reserved matters stage, would not be harmed by the proposed development. As a consequence, the statutory test would be passed."

10.87 Similarly in relation to the potential implications for listed buildings, the detailed design of the dwellings which adopt a traditional appearance with details including materials which are appropriate to context, as well as enhanced soft landscaping proposals mean there is no harm identified to the nearby listed buildings as consequence of the proposal.

10.88 Overall, special regard and attention has been given to the statutory tests under S66 and S72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted as a higher duty. The detailed design is appropriate to the location and will not result in harm to the settling of the nearby Listed Buildings nor harm the Stewkley Conservation Area. In the absence of any harm, this matter is afforded neutral weight in the planning balance.

Archaeology

10.89 In the consideration of the outline, the officer report to committee noted the following in relation to archaeology:

"10.35 The county archaeologists advise that the site is within the medieval village of Stewkley and it has been proposed that a Roman Road runs through the village. On this basis they conclude that the application site has the potential to include heritage assets of archaeological interest but insufficient information has been submitted in support of the application to properly assess that interest.

10.36 With reference to NPPF paragraphs 128 and 129 and policy GP.59 of the Local Plan, the archaeologist has requested that further evaluation in the form of archaeological trial trenching be undertaken prior to determination of the application..."

10.90 In allowing the outline appeal, the Inspector imposed condition 9 that no development shall take place until a programme of archaeological work has been implemented in accordance

with a written scheme of investigation which is to be approved in writing by the local planning authority. This condition requirement is separate to the consideration of the reserved matters and remains to be addressed before the development takes place.

- 10.91 Noting that there no requirement nor indeed any basis to re-impose this condition further at reserved matters stage, the BCC Archaeologist has nevertheless re-confirmed that they have no objection to the scheme and will consider any separate applications to address the requirements of this condition in due course. In the absence of any harm, this matter is afforded neutral weight in the planning balance.

- ***Meeting the challenge of climate change and flooding***

- 10.92 The NPPF at Section 14, 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 163 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.

- 10.93 The officer report to committee for the outline scheme noted that the site is located in Flood Zone 1 and was considered to be of low risk of flooding. Further still there is no identified surface water flood risk. The supporting details included an outline SUDS proposal. There was no FRA submitted however, such is not required given the absence of any flooding issues being identified and that the site is less than 1HA.

- 10.94 In allowing the outline scheme at appeal, the Inspector imposed condition 6 requiring a surface water drainage scheme.

Surface Water Drainage

- 10.95 BCC as Lead Local Flood Authority (LLFA) has reviewed the information provided in the Detailed surface water and foul water drainage strategy (2018s1230, October 2018, JBA Consulting).

- 10.96 Surface water runoff will be attenuated within lined permeable paving and oversized pipes within the road. It is the intention of the applicant to offer the SuDS scheme to Anglian Water for adoption, therefore the proposed surface water scheme has been designed to comply with their adoptable standards.

- 10.97 Surface water runoff will be discharged at a rate of 2.5l/s to a watercourse to the east of the site. It is understood that there are two third party land owners between the development site and the ordinary watercourse, one of the land owners has given permission for the connection to cross their land, and the applicant is in negotiations with the second land owner. If an agreement can't be reached the applicant has proposed that they would seek a sewer requisition from Anglian Water. Once an agreement has been reach BCC require the applicant to inform the LLFA.

- 10.98 The LLFA has no objection to the proposed development subject to conditions requiring the scheme to be completed in accordance with the strategy and a verification report for the construction. Whilst an appropriately worded condition requiring compliance with the approved strategy is considered reasonable, a condition further requiring a verification report is not justified on the basis that condition 6 already requires the scheme to be implemented in accordance with the approved strategy. The LLFA confirmed they would still have no objection on the basis that the verification condition is not imposed.

Foul Drainage

- 10.99 In relation to foul drainage, the scheme would be connected to Thames Water infrastructure who have indicated they have capacity and raise no objection to such,

subject to a separate application for connection.

10.100 The proposed foul drainage connection to TW system necessitates a pumping station, which is located adjacent the access point in curtilage amenity space. The Agent confirms that the It will be underground with soft landscaping over. As such there are no associated appearance and amenity implications to consider.

10.101 The council's Environmental Health Team further considered this aspect of the proposal in detail and advises that as a general rule such pumping stations do not cause significant noise problems provided they are properly specified for the number of properties they serve and are adequately maintained as is the case here as well as noting the connection will be subject to the separate approval of TW. Whilst Environmental Health were of the view that the pump operation would not be completely silent, given it's location next to the main road through Stewkley it is unlikely to be audible at the nearest residential property during the daytime when the pumps will most likely have to operate. At night-time the pump might just become audible however, as there is likely to be limited discharge into the foul sewer at this time, the pumps are unlikely to need to operate. Nevertheless, Environmental Health are of the view that there are no significant problems anticipated with this installation.

Summary

10.102 Overall the scheme is not considered to result in any increased flood risk on site or elsewhere and in the absence of any harm identified this matter is attributed neutral weight in the planning balance.

• **Supporting High Quality Communications**

10.103 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

10.104 Given the location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development. It is therefore considered that the proposal would accord with the guidance set out in the NPPF, and this factor is afforded neutral weight.

c) Impact on residential amenities.

10.105 The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.

10.106 In respect of relationships to neighbours, the layout follows closely the indicative layout considered by the Inspector in allowing the outline.

Neighbours

10.107 In respect of separation, openness and privacy/overlooking, back-to-back distances between Plots 9 and 10 are in excess of 20m to the rear of the existing neighbours along High Street North. In addition, Plots 9 and 10 are single storey bungalows thereby further reducing any impact. Plot 3 has a flank garage wall set 13.5m away from the rear of no. 76

High Street North which is acceptable. There are no outlook, privacy and overlooking implications given there are no direct window relationships, Plot 3 is a single storey bungalow and the existing intervening hedgerow planting is being retained and enhanced. The back-to-back relationship between Plot 5 and no. 76 High Street North is approximately 32.5m and there are no amenity implications therefore. There are no amenity implications for neighbours across High Street North as the relationships are offset. Except for Plot 14 to No. 59 High Street North, with a front-to-front separation of approximately 14m although, this is the flank wall with very limited openings and as such there is no amenity implication.

- 10.108 In respect of solar access, the combination of orientation, separation distances and limiting scale to single storey bungalows where neighbours are immediately adjoining will minimise any solar impacts. Furthermore, any shadowing of amenity space is transient and in relation to dwellings, is mitigated by the multiple dwelling aspect and considered typical in a residential context.
- 10.109 Any short term, temporary noise and general disturbance impacts during the construction period is subject to investigation in the event of complaint. It is noted that the Inspector had regard to construction impact at the outline stage and imposed condition 12 requiring a turning area to be approved. A construction plan details the arrangements including the turning area as required by the condition and is acceptable.
- 10.110 No impacts are identified as a consequence of the operation of the development as it is considered to be consistent with the residential use of the immediate surroundings. Specifically in relation to possible noise associated with the operation of the foul water drainage pump, the Council's Environmental Health team is satisfied there will be no noise impact as a consequence of its operation.

Future occupiers

- 10.111 In respect of separation, outlook and openness and privacy/overlooking, the offset front-to-front window relationships across the access road mitigate any impact. With the exception of the direct relationship of Plots 5 and 6 although, such separation across a frontage is not untypical for village locations and the impact is mitigated by the multiple aspects nature of the dwellings. In relation to rear elevations and garden provision, although gardens are shallow for Plots 3, 4, 11, 12, the sense of enclosure is not untypical for a village context and is not considered to result in an unacceptable level of amenity for future occupiers. Similarly in terms of solar access for those Plots in particular, any shadowing will be transient given the orientation of gardens in relation to dwellings and their surroundings. For the rear of Plots 11 and 12 in particular, the single storey nature of Plot 10 and the orientation of its roof pitch as well as the offset nature of non-habitable room windows in the flank wall further mitigate any impact to privacy, outlook, openness and solar access. Overall, all plots are provided with good quality secure private amenity space. For plots where the rear gardens have exposed walls, the brick boundary walls provide added security as well as visual interest.

Summary

- 10.112 Overall, an acceptable level of amenity is achieved for neighbours and the future occupiers in accordance with GP8 of the AVDLP and to NPPF guidance. As such, it is considered that the issue of residential amenity should be afforded neutral weight in the overall planning balance.

e) Other Matters

- 10.113 The above report addresses the representations made through the consultation of this application. Where these have not been addressed within the report, a brief response is made below to specific issues.

Village visitor parking

- 10.114 It is noted that the indicative site layout at the time of the outline and earlier versions of the reserved layout included visitor parking for the village. Although, in the latest site layout, the visitor parking for the village has fallen away as it has not been possible for the applicant team to design it in as well as all the other amendments as discussed earlier in this report. The Parish and residents have raised objection to the loss of this visitor parking. However, the parking is not necessary to mitigate the development and cannot be required and certainly not at the expense of acceptably addressing the relevant requirements of planning policy and NPPF discussed in this report. This matter cannot be attributed weight in the planning balance.
- 10.115 For the avoidance of any doubt, this approach is consistent with the Inspector's decision which considered the visitor parking and submissions regarding it in the course of the appeal:

"28. The appellant is offering to provide onsite parking for nearby residents who have no off road parking and is willing to agree to a condition to that effect. However, as the appeal site in principle is large enough to accommodate all the parking that the proposed new housing would generate the scheme would not exacerbate on road parking. As a result, a condition requiring such a scheme would not be necessary to make the development acceptable in planning terms. Consequently, its use would be contrary to paragraph 206 of the Framework. Whilst I recognise that this will be disappointing for local residents there is nothing to stop the developer providing the additional parking if they so wished. However, that would be a matter for the developer concerned and for the reasons that I have given it would not be appropriate in this instance to require such provision by condition."

Tree removals outside the red line

- 10.116 Any tree removals would necessitate the separate agreement of the owner. In addition, any further tree removals beyond those shown in this application and which fall within the conservation area or protected by a TPO would further require the approval of the council.

Lighting

- 10.117 As noted in the ecology section of the report, an informative is recommended drawing attention to the consideration of any lighting proposals in the absence of details being included in the reserved matters. The implications of any lighting proposals on neighbour amenity as well as ecology could be considered.

Signage

- 10.118 Although the construction plan drawing suggests the provision of signage, it should be noted that unless any signage is covered by permitted development or other legislation, it would otherwise require separate advertising consent.

Contamination

- 10.119 Although there is no record of any contamination issues on site and no conditions imposed by the Inspector requiring any investigation, the identification and action to address any previously unidentified contamination previously remains the responsibility of the developer.
- 10.120 The council's environmental health officer has reviewed both the council's GIS and site records and there is nothing of concern identified in relation to the historical use of the site. There was no expectation that reports would be required nor a requirement to impose any conditions at the outline stage. Environmental Health agree with the Inspector in that there was no requirement for any contaminated land conditions in allowing the outline appeal.
- 10.121 Nevertheless, with regards to the contaminated land reports that have been submitted it has been concluded that limited contamination is present in the northwest of the site in the location of a former public house in the proposed rear gardens of Plots 1 and 2. Subsequently a remedial strategy has been proposed and its implementation will address any concerns in relation to contamination at the site. Having considered the correspondence from the application team, the Environmental Health Team is satisfied that there is the intent to implement the proposed mitigation.

Management and responsibility for SUDS

- 10.122 The detailed strategy for surface water management envisaged that the surface water drainage system will be put for adoption by Anglican Water whilst the individual drain connections will be the responsibility of individual land owners as is already the case.

Temporary closure of the public footpath during construction

- 10.123 In relation to arrangements during construction and assessing any risks for the footpath, the BCC RoW officer has clarified that a temporary closure (to allow construction) runs parallel to a formal permanent closure, which BCC are currently considering. The site and path therein will be fenced off thereby stopping people using the path, so health and safety and assessing such risk is not an issue requiring further consideration. Where possible an alternative route could be sought during the closure however, there is no obligation for this to be provided

Further matters

- 10.124 The following matters relevant to the consideration at outline stage when the inspector had regard to the principle of the development as well as means of access and scale along with the indicative information:
- Relocate access and instead provide fencing and or planting to address privacy impacts to neighbours – suggest the access is the existing access point serving the dwelling or instead along the right of way.
 - Reiterated previous objections to the outline application as follows:
 - 14 houses inappropriate, 4 houses would perhaps be acceptable
 - The access point creates a greater hazard than the current access
 - Loss of farmland with the development extending beyond the residential curtilage
 - Increased traffic and questioning the times of day is was surveyed

- Suggest alternative sites for housing to address need
- Access point will pose amenity impact (headlight glare) and impact on property value – suggest it is relocated
- Increased street parking pressure
- Access point on a dangerous bend
- Pedestrian safety impact associated with traffic and parking pressure on narrow high street
- Concern about the adequacy of the visibility splays
- Requesting deliveries are further restricted during school start and closing times

10.125 The following further matters raised are not material planning considerations and therefore cannot be afforded any weight in the planning balance:

- Scheme does not resemble the original idea put forward by the land owners
- Disappointing that views across the fields from 67/65 High Street North not properly taken into consideration in the Inspectors decision and the impact to property prices
- The site has been sold off to a developer so any suggestion that this was a development to be for the benefit of local residents is removed
- Request a risk assessment if the footpath is closed
- Requesting the PINS decision is challenged

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