



Report to Central Buckinghamshire Area Planning Committee

Application Number:	19/03891/APP
Proposal:	Demolition of existing property and construction of two dwellings
Site Location:	102 Aylesbury Road, Bierton, Buckinghamshire, HP22 5DL
Applicant:	Mr P Gollins
Case Officer:	Daniel Terry
Ward(s) affected:	Aston Clinton & Bierton
Parish-Town Council:	Bierton Parish Council
Date valid application received:	31.10.2019
Statutory determination date:	24.12.2019 (Extension agreed until 12.06.2020)
Recommendation	Approval subject to conditions

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application seeks to demolish the existing single storey bungalow structure and replace it with two detached dwellings of mirrored design which would utilise the existing access and track. In summary, the proposal would represent housing development on this edge of settlement site which respects the character and appearance of the site and area, an appropriate level of parking is provided, and provides satisfactory access arrangements without harming highway safety.
- 1.2 Special regard has been given to the statutory test of preserving or enhancing the character or appearance of the conservation area. There would be limited harm at the lower end of the spectrum of less than substantial harm to the significance of the Bierton Conservation Area in NPPF terms to which great weight is given. This has been weighed against the public benefits of the scheme and concluded these would outweigh the limited harm to the conservation area arising. Having regard to this it is considered that there is no clear reason for refusal on this ground.
- 1.3 The scheme has also been considered acceptable in terms of its impact to residential amenity, achieving well-designed places, promoting sustainable transport, meeting the challenge of climate change and flooding, and conserving and enhancing the natural environment, however these do not represent benefits of the scheme but

rather demonstrate an absence of harm to which weight should be attributed neutrally.

- 1.4 In considering the overall balance there would be public benefits to the limited contribution to housing land supply and the proposal would also provide economic benefits from the construction of the development itself and the subsequent occupation of the dwellings, which would outweigh the limited harm to the conservation area. The adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits.
- 1.5 The application is being reported to the Central Buckinghamshire Area Planning Committee because Councillor Carole Paternoster has called the application to committee. The reasons for calling this in are set out in the appendices at the end of this report. It is considered that the application raises material planning considerations which would be appropriate for the Committee to consider.
- 1.6 Recommendation: It is recommended that the application be **DEFERRED AND DELEGATED to officers for APPROVAL**, subject to the receipt of accurate amended plans relating to the access and subject to the conditions listed in paragraph 8.1 below and any necessary amendments to those conditions.

2.0 Description of Proposed Development

- 2.1 The application site is accessed from an approximately 50-60m long track from Aylesbury Road (A418) and lies to the north-western side of the highway. To the west/south-west are dwellings forming part of Barnett Way; to the north/north-west is Barnett House, approximately 150m away and separated by open fields. To the east is a reasonably sized parcel of land within the ownership of the applicant with sporadic trees and beyond this, mature woodland and several ponds (the latter not being within the same ownership). To the south-east are dwellings which front Aylesbury Road.
- 2.2 The majority of the site falls outside of the Berton Conservation Area with the exception of the south-eastern corner of the site as well as the access track; there are two public rights of way, one to the south (BWB/4/2) which runs from east to west between the application site and No.104 Aylesbury Road and the other (BWB/3/6) which runs diagonally through the site from north-west to south-east before meeting up with the other footpath. The site is also shown to fall within a 'red' impact zone for Great Crested Newts (GCN) and the land to the rear (east) is designated a Site of Special Scientific Interest (SSSI) and the land beyond that a Biological Notification Site.
- 2.3 The proposal involves the demolition of an existing bungalow. This would be replaced by the erection of two 2 storey 4-bedroomed dwellings with an almost identical appearance and a single garage attached to one side. Each dwelling would benefit from a further two parking spaces which, in the case of plot 1, would be located to the north-west where the existing outbuilding would be demolished and plot 2 would

benefit from spaces in front of, and to the side of, the single garage. Each dwelling would benefit from a rear garden approximately 38m in depth and 21m wide.

- 2.4 The dwellings would be predominantly 10.5m wide with the attached garage adding a further 3m, whilst the predominant depth measures to be 8.6m. The porch and two storey rear element make the maximum depth of each dwelling 12.1m. They would each have a dual-pitched roof with two gable ends, with the eaves height measuring 5.5m and the ridge height measuring 8.5m. The application forms indicate that the dwellings would be constructed of brick, with plain concrete tiled roofs and upvc windows and doors.
- 2.5 As noted above, there is a grass verge that runs the length of the track leading to the site which would need to be removed and replaced with a retaining feature/wall to satisfy the highway authority's requirements.
- 2.6 The application is accompanied by:
 - a) *Application forms*
 - b) *Design and Access Statement*
 - c) *Arboricultural Impact Assessment (amended, received 27th April 2020)*
- 2.7 The scheme has been amended during the course of the application in order to address the concerns of the tree officer. The most up-to-date plans being considered are therefore:
 - AYL 001-2/PA (Elevations – Plot 1, received 26th August 2020)
 - AYL 001a/PA (Elevations – Plot 2, received 26th August 2020)
 - AYL 002-2/PA (Floor plans – Plot 1, received 26th August 2020)
 - AYL 002a/PA (Floor plans – Plot 2, received 26th August 2020)
 - AYL 007/PA (Site entrance and exit, received 13th January 2020)
 - Site plan (untitled) (amended, received 26th August 2020)
 - OS Location plan (amended, received 9th June 2020)
 - 2296-01 REV C (Retaining wall details, received 8th July 2020)
 - Tree Impact Plan (amended, received 8th July 2020)
 - Tree Protection Plan (amended, received 8th July 2020)
 - Preliminary Ecological Appraisal and Preliminary Roost Assessment (Final version received 25/08/2020)

3.0 Relevant Planning History

There is no relevant planning history specific to this site, however there is an application at the adjoining site No.104 Aylesbury Road (ref: 19/03773/APP) for the conversion of outbuildings into living accommodation, as well as extensions, which has recently been approved. This is relevant insofar as the highway authority comments are concerned, and

this is discussed below in the report. Please note that the application at 104 Aylesbury Road did not result in the creation of any additional dwelling-houses.

4.0 Representations

4.1 In total, representations have been received from 19 separate persons with the majority of neighbours commenting several times. Whilst these OBJECTIONS have been more clearly set out below in Appendix A, the key concerns are:

- Intensification of the access and potential risks to pedestrian safety
- Loss of privacy/overlooking to the rear gardens and rear windows of properties in Barnett Way
- Concerns over ownership of the grass verge/bank and whether this addresses the Highway Officer comments
- Whether a retaining wall as proposed would be in keeping with the adjacent conservation area

5.0 Policy Considerations and Evaluation

Aylesbury Vale District Local Plan (AVDLP 2004): The report will identify where policies are not consistent with the NPPF and the weight to be afforded if not full weight.

Emerging Vale of Aylesbury District Local Plan (VALP): This is now at an advanced stage and weight can be given to the relevant policies in the plan in accordance with the NPPF. The overall approach is:

- **Limited weight:** if there is a new and untested policy introduced by a main modification and subject to consultation.
- **Moderate weight:** where there are objections and the Inspector has requested main modifications and therefore objections can be regarded as being “resolved”. The context being that the Inspector has considered the proposed modifications and in agreeing them for consultation, has confirmed that he is reasonably satisfied that they remedy the points of unsoundness identified in the examination process so far (as set out in Inspector’s note ED185).
- **Considerable weight:** where there are objections but the Inspector has not requested main modifications (and as such the policy will not be changed in a material way) and the objections can therefore be regarded as being “resolved”.
- **Significant weight:** where there are no objections and no modifications. These policies are not going to be changed and the next step will be adoption and very significant weight.

The report will identify the weight to be given to the relevant emerging policies.

Supplementary Planning Document (SPD): Aylesbury Vale Conservation Areas

Adopted Design Guide: New houses in Towns and Villages

Bierton Conservation Area document

The National Planning Policy Framework

Principle and location of development

Aylesbury Vale District Local Plan (AVDLP 2004): RA14 (Development at the edge of Appendix 4 settlements)

Emerging Vale of Aylesbury District Local Plan (VALP): S1 (Sustainable development for Aylesbury Vale) carries *considerable weight*; S2 (Spatial strategy for growth), S3 (Settlement hierarchy and cohesive development), D3 (Proposals for non-allocated sites at strategic settlements, larger villages and medium villages, all attract *moderate weight*).

- 5.1 Bierton (including Broughton) is identified in the Settlement Hierarchy as a 'Medium Village'. This means it has some provision of key services and facilities and is therefore a moderately sustainable location for development. Although there are no housing allocations in Bierton provided for by the emerging VALP, it is expected that some small scale development will arise through 'windfall' sites such as this.
- 5.2 There are two bus stops approximately 100-150m north-east along Aylesbury Road which are serviced by routes no.s 100, 150 and 165. Route 100 run by Red Rose provides transport between Aylesbury, Wing and Milton Keynes.
- 5.3 AVDLP RA14 seeks to restrict small scale development at the edge of settlements to where these would be substantially enclosed by existing development, complete the settlement pattern and not intrude into open countryside. Policy RA14 forms part of the overall housing strategy which identified housing targets for the plan period up to 2011 and the evidence relating to the districts need has changed significantly since this policy was adopted. This policy is not consistent with the NPPF policies to significantly boost the supply of housing based on up to date evidence, and in particular paragraphs 59, 60 and 67. RA14 sought to take a protective approach to development and can only be given very limited weight when considering proposals at the edge of settlements identified in Appendix 4.
- 5.4 Emerging Policy D3 states that development in 'medium villages' (et al) are restricted to small scale areas of land infilling small gaps in built up frontages or consolidating existing settlement patterns.
- 5.5 Although in this instance the site would not have a frontage onto Aylesbury Road, there is already a single dwelling on this site, which is bounded to the west and south by built development. It is considered that the existing site lies on the edge of the village, and would fall to be considered in this context, and consolidate the existing settlement pattern. It is considered that the proposal would not intrude into the countryside, and would maintain a well defined boundary between the settlement and the countryside.
- 5.6 Therefore, the site is considered to be an appropriate location for small scale development. The site is therefore moderately sustainable in locational terms and the proposal would be acceptable in principle when considered against the relevant development plan policy RA14 and policy D3 of the emerging VALP.

5.7 The latest Five Year Housing Land Supply Position Statement for the Aylesbury Vale area was published April 2019, based on March 2018 data, which shows that the Council can demonstrate 5.64 years worth of deliverable housing supply against its local housing need in this area. This calculation is derived from the new standard methodology against the local housing need and definition of deliverable sites set out in the NPPF and NPPG.

5.8 The proposal would contribute to housing land supply which would be a significant benefit, tempered by the scale of the development and its limited contribution. It is considered that there would also be economic benefits in terms of the construction of the two dwellings themselves as well as the resultant increase in population which would contribute to the local economy. This is a benefit of the proposal, although the weight to be afforded to such benefit is tempered to limited weight, due to the scale of the proposal.

Affordable housing and housing mix

AVDLP – Policy GP2

SPD – Affordable Housing

Emerging policy H6a Housing Mix (attracts *moderate weight*)

5.9 With regard to affordable housing, the provision of 2 dwellings (a net gain of one) would not meet the thresholds for requiring affordable housing contributions to be made.

5.10 With regard to housing mix, two dwellings are proposed, both of which would contain 4 bedrooms. The finding of the Housing and Employment Development Needs Assessment (HEDNA) set out in the emerging VALP indicate that, based on current figures and population growth, 3 bedroom homes are of the highest need, followed by 4-bed houses.

5.11 Given the scale of the proposal being for 2 dwellings, the provision of 4-bed houses would be acceptable and in this instance does not require a mix of sizes, given the small number of units proposed.

5.12 On the basis that the proposal complies with AVDLP policy GP2 and emerging VALP policy H6a and demonstrates an absence of harm in this regard, this matter should be attributed neutral weight.

Transport matters and parking

AVDLP GP24 (Car parking guidelines), SPG1: Parking Guidelines

Both emerging VALP policies T5 (Delivering transport in new development) and T6 (Vehicle parking), Appendix B (Parking Standards) attract *moderate weight*

5.13 As discussed above and in accordance with the Settlement Hierarchy, Bierton is a moderately sustainable location for development, due to the facilities and services

available within the village and this is also supplemented by public transport services to larger service centres such as Aylesbury, Leighton Buzzard and Milton Keynes.

- 5.14 Turning specifically to the access arrangements onto Aylesbury Road (A418), this would be utilising an existing access, however because there would be an intensification of this access as a result of the increase in dwellings, consideration is given to highway safety. In this regard, the Highways Officer notes that each dwelling is likely to generate approximately 4-6 vehicular movements per day (two-way) and further notes that the existing access track is approximately 50m long with the narrowest part being only 2.5m wide. This is insufficient to allow for passing places, meaning cars may need to wait on Aylesbury Road and given the strategic importance of this highway, the Highway Authority would look to object to any proposals that would impede the free flow of traffic on this highway. Further information was therefore requested and is discussed below, however the Highway officer did confirm that the visibility splays in both directions meet the standards set out in Manual for Streets, having regard to the fact that the highway is subject to a 30mph speed restriction.
- 5.15 Following the initial comments received from Highways, a plan showing the width of the access track at various points along the first 13m, was submitted (ref: AYL 007/PA). At this stage, the highway authority also noted that the only way to achieve an acceptable width of the track, would be to remove the existing grass verge, thereby creating a width of around 5m, which in the Highway Authority's view, would be sufficient to allow for 2 vehicles to safely pass and therefore vehicles would not need to wait on the A418.
- 5.16 Given the fact that the boundary of the Bierton Conservation Area encompasses the access track, the heritage officer raised concerns over the removal of this grass verge. The applicant therefore submitted plans showing the partial retention of the grass verge as well as a subsequent plan which showed passing places. The Highway officer objected to both of these plans and made it clear that the grass verge would need to be removed in its entirety for them to be satisfied that 2 vehicles can pass without resulting in undue risk to highway safety. The visual impact resulting from the removal of this verge is further discussed under the appropriate heading below.
- 5.17 As the Highway officer has been clear that the grass verge would need to be removed in its entirety, subsequent plans have been submitted however these do not scale correctly and therefore do not show an adequate width. As such, officer's revisited the site and carried out their own measurements which appear to correspond with drawing AY/007 PA. Based on the case officer measurements, the Highway officer therefore raises no objection, subject to accurate plans showing the widening of the access being submitted and subject to conditions and informatives.
- 5.18 Policy GP24 of the AVDLP refers to the Council Car Parking Standards, which indicates that 4-bedroom dwellings should provide for 3 parking spaces, and Policy T6 and Appendix B of the VALP, indicate the same level of provision. Turning firstly to Plot 1,

this would have an attached single storey garage, providing one parking space to the left of the dwelling, with a further 2 parking spaces being provided to the west where the existing outbuilding is located. In the case of Plot 2, this dwelling would also benefit from a single attached garage space with 2 additional spaces provided to the front and side of the garage respectively.

- 5.19 Policy T8 of the emerging VALP relates to electric vehicle parking and states that new developments (including conversions) should provide one electric vehicle dedicated charging point within the garage or driveway, in the case of a house. Policy T8 can currently be attributed moderate weight in decision making. Electric charging points are a required for all development under the VALP and in this instance, it would be possible to secure provision of these charging points by way of a planning condition.
- 5.20 As such, the proposal would comply with policy GP24 of the AVDLP, policies T6 and T8 of the emerging VALP and accord with the NPPF. This is a matter that should be attributed neutral weight in the overall planning balance because an absence of harm can be demonstrated.
- 5.21 In their comments dated 21st November 2019, the Highway Officer did note that the access track being 50m long did exceed the guidance in Manual for Streets of 30m, as being a reasonable distance for future occupiers to carry waste. In this instance, refuse vehicles would not be able to drive along the access track, nor would they be able to comfortably manoeuvre within the area at the front of the dwellings. The Highway Officer also indicated that they would not adopt this track. Notwithstanding the above, the Highway Officer does note that this refuse scenario already exists in relation to the existing dwelling at this site and as such they would not be in a position to object on these grounds.

Raising the quality of place making and design

AVDLP 'saved' Policies GP.35 (Design of new development proposals) and GP.38 (Landscaping of new development proposals)

Emerging VALP policy BE2 (Design of new development) and NE4 (Landscape character and locally important landscape) both carry *moderate weight*

Design Guide: New Houses in Town and Villages

- 5.22 In requiring good design, the NPPF states that development should add to the overall quality of the area, respond to local character and history and to reflect the identity of local surroundings. This aim is reflected in 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. Emerging policy BE2 is also closely aligned with saved policy GP35.
- 5.23 With regards to the demolition of the existing bungalow, this is not considered to be of any particular merit or contribution to the character of the area and its loss would

be acceptable. In terms of the siting of the proposed dwellings, these are located at the edge of the settlement and as set out above, would replace an existing dwelling on this site, which is a single storey bungalow, timber clad structure. In footprint terms, each dwelling would be similar in size to those at neighbouring sites and are therefore considered to be generally reflective of the local surroundings. This is further established through the predominant two storey height which is also typical of this part of Bierton. The key difference in this instance is that the dwellings would each benefit from a substantially sized garden, unlike some of the neighbouring properties and therefore, the dwellings would lie within a spacious curtilage and sit comfortably within their respective plots; they would not appear to be cramped or constitute overdevelopment. The positioning of the dwellings towards the front of the site is acceptable and preferable because it maintains built form being contained within the built up limits of the settlement and therefore doesn't 'push-out' the settlement to such an extent. The positioning of the dwellings, particularly Plot 1, also means that T8 shown on the tree impact plan can be retained without too much undue harm to the tree's root protection area. The potential impact of the proposal upon neighbouring properties and trees is considered below in this report under the respective headings.

5.24 The dwellings would have a relatively simple linear form, although the elevations are broken up by the single storey additions as well as the two-storey rear elements, which add further design interest. The design and appearance of these dwellings is considered to be relatively typical of the surrounding area. The dwellings would not be readily visible in the street scene from Aylesbury Road and is considered to be acceptable. From the public footpaths and wider views such as those to the north, the two dwellings would be viewed in the context of the existing dwellings in Barnett Way as well as those that have a frontage onto Aylesbury Road. The submitted forms indicate that the dwellings will be brick built with plain concrete roof tiles and upvc windows and doors. Whilst these materials are acceptable in principle, specific details such as supplier, colour etc. have not been provided and therefore this should be secured by way of a planning condition.

5.25 As briefly mentioned above, the proposal would see the removal of the grass verge that currently runs the length of the access track. In its place would be a retaining feature/wall and the applicant has supplied two examples, being either a brick wall in brickwork to match the surrounding built form, or an example showing the use of timber 'sleepers' which would essentially hold the ground back at the boundary with No.13 Barnett Way. This latter option is considered preferable by the heritage officer because it would present a less stark appearance than a solid brick wall is likely to create. Final details to that effect should be secured by condition.

5.26 Whilst details such as the approximate boundaries of each site have been shown on the site plan, details such as the type and height of the boundary treatments have not been provided and in addition, the LPA will need to understand the ratio of hard-surfacing to soft landscaping and this is a matter that can be dealt with by way of condition. Policies GP35 and GP38 of the AVDLP as well as the emerging policies in the

VALP, require all development to achieve a satisfactory appearance in landscape terms and introduce new planting and soft landscaping where possible. This is further deliberated upon below. As such the proposal would accord with those policies in terms of the layout and design and would be acceptable, subject to suitable planning conditions and this absence of harm is a matter to be attributed neutral weight in the planning balance.

Diversion of a public right of way

AVDLP – GP84 (Public rights of way)

VALP T7 (Footpaths and cycle routes)

5.27 Policy GP84 states “where it is proposed to stop up or divert a public right of way to enable development to take place, permission will only be granted where there is an existing suitable alternative route, or provision is so made”. This is also reflected in emerging policy T7.

5.28 In this regard, the proposal is in close proximity to, or immediately effects, routes BWB/3/6 and BWB/4/2. Turning firstly to the matter of BWB/3/6, this currently passes diagonally through the site from north-west to south-east although ‘on the ground’ this route has already been partially diverted to follow the northern boundary for approximately half its length at which point it crosses the site diagonally. The council’s Strategic Access Officer has been consulted on the application and notes that a Section 257 application could be submitted to show the diversion the full length of the northern boundary, to then extend along the entire rear boundary of the site before meeting up with the other footpath. This is something that the Strategic Access Officer has indicated would likely receive officer support. This would also present an opportunity to remove the existing stiles and improve access for those less able.

5.29 In the case of BWB/4/2, which is currently open with limited boundary treatments, the Strategic Access Officer acknowledged that some form of fencing separating the public footpath from the occupiers of Plot 2’s garden, would be acceptable. The existing footpath would not need to be re-aligned although it should be a minimum of 2.75m wide for walkers.

5.30 In both cases, the proposal as discussed above, would need to be secured by way of suitable planning conditions requiring details such as boundary treatments, additional planting etc. which should also cover the requests of the Strategic Access Officer which are considered appropriate and reasonable to ensure a satisfactory appearance to the development, particularly when viewed from these public footpaths, but the additional planting/boundary treatments will also ensure a reasonable level of privacy to the occupiers of each dwelling.

5.31 As such the proposal is considered to be acceptable and would not significantly affect crime or risk to personal safety. In addition the footpaths would need to accord with Building Regulations in regard to safety and security. The proposal is therefore

considered to accord with policy GP84 of the AVDLP and the NPPF and this absence of harm is to be attributed neutral weight in the planning balance.

Amenity of existing and future residents

AVDLP - GP.8 (Protection of the amenity of residents)

Emerging VALP policy BE3 (Protection of the amenity of residents) carries *considerable weight*

- 5.32 Turning firstly to the impact upon neighbouring properties, the nearest neighbouring properties are in Barnett Way, and 104 Aylesbury Road. In the case of Plot 2, this has been amended slightly and positioned slightly farther back within the plot to accommodate a parking space in front of the garage. The dwelling to Plot 2 would therefore be approximately 13m away from the boundary with No.11 Barnett Way and approximately 24m away from the single storey element to this neighbour and 30m away from the nearest two-storey part of that neighbouring dwelling.
- 5.33 In the case of Plot 1, this measures to be approximately 11m away from the boundary with No.10 Barnett Way, 24m away from the single storey rear element and approximately 28m away from the nearest two-storey part of that same dwelling. In relation to No.9 Barnett Way, Plot 1 would be approximately 11m from the shared boundary, 21m from the nearest part of the single storey rear projection and 28.5m away from the nearest part of the two-storey dwelling. This complies with distances of 20m+ normally considered to be acceptable. As the relationship with the dwellings in Barnett Way already exceeds this separation distance, the proposal is considered to be acceptable. These distances are considered to be sufficient so as not to appear intrusive or overbearing to those neighbours, and is characteristic of other developments in the area. To the south, the proposal site shares a boundary with 104 Aylesbury Road, understood to be within the same ownership as the applicant for this application. There are no windows proposed at first floor level in the southern elevation and therefore there would be no undue impact in terms of overlooking to this neighbour. In addition, the proposed dwellings would be sited a sufficient distance away, and separated by the public right of way, so as not to result in any intrusive or overbearing forms of development. There are no neighbours to the north or east that would be affected by the proposals.
- 5.34 The intensification according to the Highway Officer would result in an increase of between 4-6 (two-way) vehicular movements, over and above the existing arrangement and single dwelling at this site. This increase in vehicular movements is not considered to result in any significant noise or nuisance to neighbouring properties.
- 5.35 Turning to the living conditions of the occupiers of each dwelling, these would benefit from substantially sized rear gardens and with the addition of suitable boundary treatments and additional planting already discussed above, these gardens would have an acceptable level of seclusion and privacy.

5.36 As such, the proposal is considered to be acceptable and complies with policy GP8 of the AVDLP, emerging policy BE3 of the VALP and also accords with the NPPF. This absence of harm is to be attributed neutral weight in the planning balance.

Flooding and drainage

Emerging VALP policy I4 (Flooding) (*moderate weight*)

5.37 The Environment Agency flood maps shows that the application site is situated within the Flood Zone 1 and being a previously-developed site of 0.276ha it is likely to be at low risk of flooding from all sources. It is not therefore necessary to apply the Sequential Test to the proposal or for an FRA. Nevertheless, to ensure flood risk is not increased elsewhere from the outset, a scheme for both foul and surface water drainage shall be conditioned preventing use until an approved scheme is brought into first use.

5.38 For the reasons above, Officers find no conflict with policy I4 of the emerging VALP and the NPPF. This factor should therefore be afforded neutral weight.

Trees

AVDLP GP39 (Existing trees and hedgerows) and GP40 (Retention of existing trees and hedgerows)

Emerging AVDLP NE8 (Trees, hedgerows and woodlands) (*moderate weight*)

5.39 During the course of the application, discussions have taken place in relation to the existing trees on site. The tree officer considers that trees shown as T4 and T5 towards the front of the site are important trees, not least because these also help to line the public footpath. As such, the positioning of the two dwellings has been amended to bring the two dwellings closer together and closer towards the middle of the site, so as not to result in any undue harm to those trees. A single storey garage to the right hand side of Plot 2 is considered to be acceptable and would not require the same level of pruning etc. as two storey built form would. The impact upon T4 and T5 is therefore considered to be acceptable, subject to conditions.

5.40 Plot 1 has also been carefully designed and positioned so as not to unduly affect the root protection areas of the trees shown as T8 and T10. Notwithstanding this, the council's Tree Officer does note five trees are still intended to be removed, 3 of which are cat C and 2 of which are cat U. Whilst acceptable that these are of lower quality, the tree officer considers that they are still important features of the site and that the cumulative impact from removing these trees may have implications for biodiversity as well as in visual terms as they can be viewed from the public rights of way. The tree officer has therefore indicated that their removal would be acceptable, subject to commensurate replacements which can be secured by condition.

5.41 As such, the council's tree officer considers that the proposal would be acceptable however appropriate tree protection measures to protect the retained trees on site, as well as details of additional commensurate replacement trees should be

provided and secured by way of condition. As the proposal is considered acceptable subject to conditions, this is a matter to be attributed neutral weight in the planning balance.

Ecology

Emerging VALP NE1 (Biodiversity and geodiversity) (*moderate weight*)

- 5.42 Regard must be had as to how the proposed development contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. Emerging policy NE1 of the VALP is also reflective of the NPPF in requiring all development to deliver a biodiversity net gain.
- 5.43 As already mentioned above, the proposal would involve the removal of some trees to facilitate the development, and would result in an intensification of the site, increase in built form as well as increase in proximity to the ponds and SSSI located to the east, as a result of the above. In this regard, Natural England as the statutory body have been consulted and comment that the scheme has potential to cause pollution, dust, disturbance and other impacts and therefore measures should be put in place and secured by condition to minimise these impacts. This would include that no materials, machinery or work should encroach onto the SSSI either before, during or after demolition, construction or ongoing use; and furthermore no pollution from demolition or construction must adversely affect the SSSI and a Construction Method Statement demonstrating how best practice will be used must be submitted to and approved in writing by the LPA.
- 5.44 Subject to the above, the proposal would therefore raise no objection from Natural England and would be acceptable subject to condition.
- 5.45 Turning more generally to ecology on the whole, although a Preliminary Ecological Appraisal (PEA) was submitted, the ecologist indicated that the report needed updating to better reflect the specific site (not to be confused with development at 104 Aylesbury Road) and include specific regard to the nearby Biological Notification Site. It was also noted that the applicant would need to apply for a District Licence in relation to Great Crested Newts (GCN)(discussed below) and additional supporting information was required to demonstrate that the proposal would deliver a biodiversity net gain as required by the emerging VALP and the NPPF.
- 5.46 An accurate and up to date PEA and PRA document was submitted on 24th August 2020, which provides preliminary assessments of bats, designated sites (SSSI), notable habitats and plants, reptiles, birds, amphibians and other terrestrial mammals such as badgers and hedgehogs. The foreseen impacts set out in the report include potential pollution as a result of the building works which could impact neighbouring habitats, the loss of any nesting bird nests as a result of demolition of the existing dwelling, potential for amphibians to be injured or killed as a result of the works, and

the possibility that commuting hedgehogs will access the site during the course of the works and may be accidentally injured or killed as a result.

- 5.47 This being said, the report does also set out recommendations for preventing and mitigating any harm and includes for example, the storage of materials away from the SSSI and the prevention of any burning of waste, minimising of dust such as using wind breaks and use of dust extraction technology or water suppression, any external lighting to be controlled, any active birds nests to be kept until the young have fledged, the granting of a District Licence in relation to Great Crested Newts, and lastly trenches to be covered to prevent animals such as badgers and hedgehogs from falling in or otherwise provide planks placed in the trenches to act as ramps.
- 5.48 Having considered the revised submissions, the council's Ecologist confirmed that they would raise no objection subject to a planning condition requiring an Ecological Design Strategy to be submitted to the LPA. This is to ensure that the measures inferred in the submitted report are actually committed to and include the provision of bird boxes, bat boxes, refugia/hibernacula, fruit tree planting, hedgehog holes in boundary treatments and hedgehog houses. Subject to these details being secured and provided by the planning condition, the scheme would be considered to deliver an overall net gain to biodiversity and therefore would comply with emerging policy NE1 of the VALP and accord with the NPPF.
- 5.49 With more specific regard to Great Crested Newts, which are a protected species, the council's Protected Species Officer required the applicants to apply for a District Licence, due to the proximity of ponds to the east of the application site where GCN habitats are known to exist. In consultation with the NatureSpace Partnership, the district licencing scheme is a new approach to protecting GCN that moves away from the protection of individual animals and instead, towards protecting important local populations, delegating the ability to local authorities to authorise both species licencing and planning permission. The scheme allows developers to pay contributions into the scheme (calculated based on an impact matrix) which will be used to enhance/manage important GCN areas in the district. In this way mitigation for impacts upon GCN as a result of the scheme will have been provided in line with relevant wildlife legislation and planning policy. NatureSpace has assessed the scheme under the processes and protocols set out by the South Midlands District Licenses. NatureSpace has provided a certificate detailing how the proposed development can be dealt with under the relevant district licence and recommending planning conditions be applied to any planning consent. The condition links the planning consent to the licence and with the '102 Aylesbury Road, Bierton: Impact Plan for great crested newt district licensing'.
- 5.50 With the applicant obtaining the NEPS Licence, the LPA has to have regard to the three tests that must be satisfied before Natural England can issue such a licence and these tests are:

1. A licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment;
2. The appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”;
3. The appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

5.51 In addressing these tests, the local planning authority has worked proactively with the council’s Protected Species Officer and with NatureSpace to evaluate the application, understand the likely impacts as a result of the development and therefore discern that a licence would be the appropriate way forward in this instance. Through collaborative working with consultees, it has been established that the licence can be granted in this instance, as there is no satisfactory alternative and in respect of the third test, the proposal would not be detrimental to the maintenance of the population of Great Crested Newts. Based on the assessment provided by NatureSpace, the Council Protected Species Officer is satisfied that a licence can be issued. The licence has been prepared, in accordance with the recommendations by NatureSpace, and will be issued alongside the planning decision (assuming permission is forthcoming), ensuring the development is not detrimental to the maintenance of the population of GCNs on and around the site.

5.52 Therefore having regard to ecology on the whole, it is considered that, subject to suitable planning conditions, the proposal would not have a significantly detrimental impact and such impacts can be mitigated and compensated for and as such, this is a matter to be attributed neutral weight in the planning balance.

Historic environment (or Conservation Area or Listed Building Issues)

AVDLP policy GP53 (New development in and adjacent to Conservation Areas)

Emerging VALP policies BE1 (Heritage Assets) (*moderate weight*)

5.53 In this instance, there are no nearby or adjacent listed buildings, however the south-east corner of the site, public footpath BWB/4/2 and part of footpath BWB/3/6, do fall within the Bierton Conservation Area. At the time of the Bierton Conservation Area Character Appraisal (2008), the boundary of the CA was amended to include 104 Aylesbury Road, the above footpaths as well as the Bierton Clay Pit SSSI and ponds to the east (please see Appendix C at the end of this report).

5.54 The council’s maps and the Bierton Conservation Area Map shows that the access track to the application site falls within the conservation area boundary, although it is arguable as to whether the grass verge to the side of the track does in its entirety fall

within this defined straight line conservation area boundary, as the site boundary is varied, not straight. The council's Heritage Officer has been consulted on the application and considers that the grass verge does have some historic value, in that it likely would have been the boundary to the agricultural fields, prior to the Barnett Way development being constructed.

- 5.55 Section 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 or enhancing the character or appearance of Conservation Areas. This is generally reflective of policy GP53 of the AVDLP and policy BE1 which make more specific references to individual characteristics which should be preserved and include, for example, views into or out of conservation areas. However, saved policy GP53 of the AVDLP is not entirely consistent with the 'language' of the NPPF set out in paragraphs 193 and 196 as they apply in this instance, because it doesn't go on to comment on a heritage assets 'significance', how this harm should be quantified, and the balancing of harm against public benefits. It is therefore considered that policy GP53 can only be given limited weight.
- 5.56 Whilst the Heritage Officer has identified that the grass verge in this instance, and the potential loss thereof, would change the spatial quality of this narrow access lane which represents the local pattern of historical development, details of which are outlined within the CA appraisal document, the verge is not identified as an important feature or green space in the conservation area appraisal document, where other green verges are defined. The Heritage Officer indicates that the proposed loss of the grass verge would result in a negative impact upon the heritage asset's significance and would not therefore preserve the special character of the Conservation Area, to which great weight is given. However, there are limited views of this verge along this narrow access lane from Aylesbury Road and the public footpath and it is the contribution that this small portion of green verge makes to the understanding of the character of the conservation area which must be considered, and this should be weighed against the public benefits.
- 5.57 In an attempt to address these concerns, the applicant did suggest the partial retention of the grass verge, in an attempt to satisfy both the Highway Officer and the Heritage Officer, however the Highway Officer made clear that the grass verge would need to be removed in its entirety in order for the proposal to be acceptable from a highways perspective. Upon further discussions with the council's heritage officer, it was confirmed that the proposal would be considered to amount to 'less than substantial harm' in NPPF terms albeit this is at the lower end of the spectrum of less than substantial harm to the significance of the Bierton Conservation Area in National Planning Policy Framework (NPPF) terms to which great weight is given.
- 5.58 Paragraph 196 of the NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where

appropriate, securing its optimum viable use. The proposal is not required to secure the optimum viable use of the conservation area, however there are public benefits of the scheme which would need to be considered as to whether these outweigh this harm.

5.59 Notwithstanding the above, the proposal to remove the grass verge would require some form of retaining wall given the height of gardens to dwellings in Barnett Way, which sit higher than the access track. Two options were presented, either a brick retaining wall or one constructed of timber 'sleepers'. The Heritage Officer indicated that brick may appear more attractive; however this would also likely appear stark, given the length of wall that is likely to be required. Therefore it was concluded that the use of some form of timber retaining wall would have a softer visual impact and would therefore appear more acceptable.

5.60 The local authority has regard to the statutory duty to pay special regard and attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty.

Other matters raised in representations

5.61 Queries have been raised over the ownership of the grass verge/bank and therefore whether Highways comments have been adequately addressed and indeed whether the proposed width of the track can be achieved. This is a matter that has been repeatedly reviewed during the processing of the application as, although the LPA does not get involved in boundary disputes, it does need to ensure that the correct notices have been served on neighbours and that the correct certificate on the application form has been signed in order for the planning permission to remain valid. Both the applicant and the objectors have submitted information claiming to own the grass verge in question, such as land registry plans. It is understood that party wall surveyors have now been engaged. If it should be found as a result of the surveyor involvement that the land in question is not within the ownership of the applicant, then it is unlikely the development will be able to go ahead as permission from the neighbour would be required. However until such a time as this information becomes available, the LPA has exhausted its duty to clarify this matter. Conditions can be imposed to require the access to be widened before the development is occupied.

5.62 Several objections have suggested that the application needs to be considered in conjunction with the application at 104 Aylesbury Road (which has now been determined). This is because the development at the neighbouring site to the south shares the same access and the conversion of outbuildings into living accommodation will likely result in an increase in traffic generation. The Highway Officer commented that applications must be determined on their own merits, and raised no objection to the proposed extensions and conversion of outbuildings at 104 as no additional highway impact would arise and permission has been granted. The highway officer has requested that the access and track be widened in order to facilitate the increase in traffic generation arising for the proposal at No102. The Highway Officer has

considered that the increase in the number of dwellings proposed under this application is likely to have a greater impact than the proposal at No.104 which would remain as a single family dwellinghouse. Therefore the appropriate considerations have been afforded this application.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 6.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless 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 the Framework taken as a whole.
- 6.3 The proposal is not fully in accordance with the development plan in respect of policy GP53 of AVDLP and it is appropriate in this instance to apply paragraph 11(d) of the NPPF. There are relevant development plan policies that apply to this application. Those policies which are most important for determining this application are RA14, GP35 and GP53, of which RA14 is not consistent with the NPPF for the reasons given above. RA14 is therefore regarded as out of date and afforded very limited weight. Policy GP53 is not wholly consistent with the NPPF, is out of date and thus is given limited weight. Policy G35 is however in full compliance with the NPPF. It is considered that given 2 out of these 3 policies are out of date taken as a whole are regarded in this instance as being out of date in relation to paragraph 11(d).
- 6.4 As set out above it is considered that the proposed development would accord with most of the development plan policies, except for policy GP53, to which limited weight is applied for the reasons set out above. Special regard has been given to the statutory test of preserving or enhancing the character or appearance of the conservation area. Whilst concern has been raised on the loss of this narrow grass verge , given the large

extent of the Conservation Area, it must be noted that the affected area is relatively small in the context of the both the localised and the whole conservation area, and so it is the contribution that this small portion makes to the understanding of the character of the conservation area which must be considered. The level of harm would be at the lower end of the spectrum of less than substantial harm to the significance of the Berton Conservation Area in National Planning Policy Framework (NPPF) terms to which great weight is given.

- 6.5 It is therefore necessary to consider whether the public benefits of the scheme would outweigh the great weight given to the limited harm to the conservation area arising. There would be public benefits to the limited contribution to housing land supply and the proposal would also provide economic benefits from the construction of the development itself and the subsequent occupation of the dwellings. The view of officers is that the potential benefits of the scheme set out above would outweigh the limited harm identified. Having regard to this, it is considered that there is no clear reason for refusal on this ground.
- 6.6 The proposal would accord with AVDLP policy RA14 and emerging policy D3 as representing small scale development consolidating the settlement pattern, and not intruding into the open countryside. It would provide economic benefits from the construction of the two dwellings and the subsequent occupancy of the dwellings whose occupants would contribute to the local economy. The scheme would also deliver one additional dwelling thereby adding to the Aylesbury Area's housing supply. These are matters to be attributed positive weight in the planning balance.
- 6.7 The scheme has also been considered acceptable in terms of its impact to residential amenity, achieving well-designed places, parking and access, promoting sustainable transport, meeting the challenge of climate change and flooding, and conserving and enhancing the natural environment, however these do not represent benefits of the scheme but rather demonstrate an absence of harm to which weight should be attributed neutrally.
- 6.8 In the terms of applying paragraph 11(d) of the Framework it is concluded that there are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed, and the adverse effects of the proposal would not significantly and demonstrably outweigh the benefits.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

7.3 In this instance:

- The applicant was provided the opportunity to submit amendments and additional information to the scheme/address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

8.0 Recommendation

8.1 The officer recommendation is that the application be **DEFERRED AND DELEGATED to officers for APPROVAL**, subject to the receipt of accurate amended plans relating to the access and subject to the following planning conditions and informatives:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No site clearance works or the development itself shall be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall identify how the construction of the development will be carried out in a manner that protects the SSSI from dust, noise, light pollution, disturbance and other associated impacts. The development shall only be constructed in accordance with the approved details.

Reason: To mitigate adverse effects of the development on the special Bierton Clay Pit SSSI; to accord with the Conservation of Habitats and Species Regulations 2017, emerging Vale of Aylesbury Local Plan policy NE1 and to accord with the National Planning Policy Framework.

3. No site clearance works or development shall take place until there has been submitted to the Local Planning Authority for their approval a tree protection plan showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise 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.

No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective

fencing shall remain undisturbed during the course of the works, and in particular in these areas:

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 nor within 20 metres of any retained tree; 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, emerging policy NE8 of the Vale of Aylesbury 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

4. Works on site shall not commence until details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved scheme of drainage.

Reason: In order to ensure that the development is adequately drained and to comply with emerging policies I4 and I5 of the Vale of Aylesbury Local Plan and to accord with the National Planning Policy Framework.

5. No development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority, with reference to fixed datum point. The building(s) shall be constructed with the approved slab levels.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development and to comply with policies GP8 and GP35 of the Aylesbury Vale District Local Plan, policies BE2 and BE3 of the emerging Vale of Aylesbury Local Plan and the National Planning Policy Framework.

6. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR22-2020-1) and with the proposals detailed on NatureSpace Partnership Limited plan "102 Aylesbury Road, Bierton: Impact Plan for great crested newt district licensing", dated 6th August 2020.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance

with the organisational licence WML-OR22-2020-1 and to comply with emerging policy NE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

7. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR22-2020-1), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts and to accord with emerging policy NE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

8. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR22-2020-1 and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

Reason: In order to adequately compensate for negative impacts to great crested newts and to accord with emerging policy NE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

9. No development shall take place above slab level until an ecological design strategy (EDS) addressing the provision of bird boxes, bat boxes, refugia/hibernacula, fruit tree planting, hedgehog holes in boundary treatments and hedgehog houses has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.

- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

Prior to occupation the EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of improving biodiversity in Aylesbury Vale and in order to deliver a biodiversity net gain in accordance with emerging policy NE1 of the Vale of Aylesbury Local Plan and to accord with the National Planning Policy Framework.

10. No development shall take place above slab level on the building(s) hereby permitted until samples/details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out using the approved materials.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of Aylesbury Vale District Local Plan, emerging policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

11. No development shall take place above slab level on the building(s) hereby permitted until details of the materials proposed to be used on the surfaces of the roads, footpaths, driveways have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out using the approved materials.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of the Aylesbury Vale District Local Plan, emerging policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

12. No development shall take place above slab level on the building(s) hereby permitted until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; where relevant. For soft landscape works, these details shall include new trees to be planted showing their species, spread and maturity, 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. These works

shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

Reason: To ensure a satisfactory appearance to the development and to comply with policies GP35 and GP38 of the Aylesbury Vale District Local Plan, emerging policies BE2 and NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

13. Prior to the occupation of the development minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from both sides of the existing access onto Aylesbury Road shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access and to accord with policy T5 of the emerging Vale of Aylesbury Local Plan and the National Planning Policy Framework.

14. No other part of the development shall be occupied until the access has been widened and built in accordance with the approved drawing AYL 007/PA and constructed in accordance with Buckinghamshire County Council's guide note 'Private Vehicular Access Within Highway Limits' 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to accord with policy T5 of the emerging Vale of Aylesbury Local Plan and the National Planning Policy Framework.

15. The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway and access track, to minimise danger, obstruction and inconvenience to users of the highway and to accord with policy GP24 of the Aylesbury Vale District Local Plan, emerging policy T6 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

16. Prior to occupation of the dwellings hereby approved, details of the surface material and width improvements along Footpaths BWB/3/6 and BWB/4/2 shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority and then laid out and constructed in accordance with the approved details and thereafter retained as approved.

Reason: In order to minimise danger, obstruction and inconvenience to users of the public rights of way and of the development and to accord with the National Planning Policy Framework.

17. Prior to the occupation of either dwelling hereby permitted, a charging point for electric vehicles shall be constructed/erected within the garage or on or adjacent to the driveway and shall comprise of a minimum of a 3.7KW 16A or higher Type 2 electric vehicle dedicated charger. The electric charging point shall be constructed/erected prior to occupation of the dwelling and retained thereafter.

Reason: In order to support the growing electric mode of transport, encourage continued growth and support existing and future users of electric vehicles and to accord with policy T8 of the emerging Vale of Aylesbury Local Plan and the National Planning Policy Framework.

18. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies GP35 and GP38 of the Aylesbury Vale District Local Plan, emerging policies BE2 and NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

19. The development hereby permitted shall only be carried out in accordance with drawing No.s 2296-01 REV C, AYL 001-2/PA, AYL 001a/PA, AYL 002-2/PA, AYL 002a/PA and Site plan (untitled) received by the local planning authority on 26th August 2020 and drawing no. AYL 007/PA received by the local planning authority on 13th January 2020.

Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the National Planning Policy Framework.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of any dwelling nor the erection of any garage shall be carried out within the curtilage of any dwelling the subject of this permission, no windows, dormer windows, no buildings, structures or means of enclosure shall be erected on the site which is the subject of this permission other than those expressly authorised by this permission.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of the dwelling or erection of a garage, windows, buildings, structures or means of enclosure having regard for the particular layout and design of the development, the impact upon trees and other biological features including the Berton Clay Pit SSSI and to ensure appropriate boundary treatments along the length of the public footpaths in the interests of crime prevention and to accord

with policies GP8, GP35 and GP45 of the Aylesbury Vale District Local Plan, emerging policies BE2, BE3, NE1, NE8 and I4 of the Vale of Aylesbury Local Plan.

Informatives:

1. Conditions – Before Commencement

Your attention is drawn to the requirements of conditions on the decision notice. Conditions nos. 2, 3, 4, 5, 6, 7 and 8 impose requirements which must be met PRIOR TO COMMENCEMENT.

Failure to observe these requirements could result in the Council taking enforcement action OR MAY INVALIDATE THE PLANNING PERMISSION.

2. Conditions – Before commencement above slab level

Your attention is drawn to the requirements of conditions on the decision notice. Condition nos. 9, 10, 11 and 12 impose requirements which must be met PRIOR TO THE DEVELOPMENT COMMENCING ABOVE SLAB LEVEL.

Failure to observe these requirements could result in the Council taking enforcement action.

3. Conditions – Before Occupation

Your attention is drawn to the requirements of conditions on the decision notice. Condition nos. 13, 14, 15, 16 and 17 impose requirements which must be met PRIOR TO THE OCCUPATION OF THE DEVELOPMENT.

Failure to observe these requirements could result in the Council taking enforcement action.

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. This permission shall not be deemed to confer any right to obstruct the public footpath crossing the site which shall remain open and available unless legally stopped up or diverted under Section 257 of the Town and Country Planning Act 1990, or temporarily closed by Traffic Regulation Order under Section 14 Road Traffic Regulation Act 1984.

7. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

8. It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

9. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR22-2020-1) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow.
10. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 3 above would give rise to separate criminal liability under District Licence condition 9 (requiring authorised developers to comply with the District Licence) and condition 21 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

Appendix C: Conservation Area Plan

APPENDIX A: Consultation Responses and Representations

Councillor Comments

On 15th May 2020, Councillor Julie Ward commented –

“In light of the new council constitution since this application was made, PC objection trigger to committee no longer in operation, I think that given the comments this would benefit from committee consideration.”

On 24th June 2020, Councillor Carole Paternoster commented –

“I am the ward Councillor for the Aston Clinton & Bierton ward and am calling in this application for decision by committee. I have concerns about the harm to heritage in terms of the removal of the verge and am of the opinion that the application would benefit from Councillors looking at whether the benefits outweigh the harm.

Additionally I have concerns regarding the residential amenity of the properties in Barnet Way which will experience a greater degree of overlooking. The application may benefit from moving the position of the proposed dwellings so that they are set back further from the properties in Barnet Way. I am also concerned about matters raised with regard to land ownership and whether the applicant has demonstrated that all the land is under their ownership and control. This application would benefit from being debated by Members in Committee and therefore I am calling it in.”

Parish/Town Council Comments

Bierton with Broughton Parish Council (received 19th November 2019) –

“Bierton with Broughton Parish Council OBJECTS

Applications 19/03773 and 19/03891 (Nos 104 and 102 Aylesbury Road respectively) should be considered together; they refer to adjacent sites, both being set back from the main road, at the edge of the built development, traversed by a public footpath, and they share a common access drive. Whilst accepting that the existing dwellings do need significant work to improve their condition, the Parish Council considers that the proposal to replace the existing buildings with 4 new detached dwellings represents overdevelopment and is not in keeping with the nature of the site on the edge of one of Bierton’s Conservation Areas.

Note that with this development, there would be significantly more vehicular movements in and out, than at present. It is not clear that the traffic implications have been adequately assessed.

Notwithstanding BCC Highways comments, BwB PC remains concerned about road safety aspects.

It is essential that a vehicle attempting to enter the site must be able to pull off the main road (A418 Aylesbury Road) clear of the footway even if another vehicle is coming down the drive to leave the property. BwB PC questions whether the assurance in the Design & Access Statement

that “the Driveway will be widened WHERE POSSIBLE is sufficient to ensure the safe movement of vehicles onto and off the highway, and considers that, if the Committee are minded to Approve the application, ensuring adequate safe two-way access into/out of the property should be a CONDITION.

There could be visibility problems for vehicles emerging from the site from cars parked on the footway at the Barnett Way Junction obstructing the view of approaching eastbound traffic.

Rubbish bins are also often placed on the footway immediately to the right of the access which also reduces visibility.

BwB PC accepts the proposal to alter the route of the footpaths as agreed with the Footpaths Officer. However, there is no information on how the design and construction will respect the Conservation Area, nor is there reference to the need to protect the adjacent SSSI”

On 26th November 2019, Councillor Brian Robson commented –

“CORRECTION

In line 5 of the comments submitted by Bierton PC, “4 new detached dwellings” should be replaced with “3 new detached dwellings”.

Apologies for the typing error.

On 26th November 2019, Councillor Brian Robson commented –

“Applications 19/03773 & 19/03891 (Nos 104 and 102 Aylesbury Road, Bierton, respectively)

Bierton with Broughton Parish Council (BwB PC) notes the comments made by Mr James Craft for BCC Highways Development Management on 21 November in connection with Application 19/03891 (102 Aylesbury Road), who expresses concerns about the adequacy of the access track to the site to cater for the increased use that the proposed dwellings would generate. This supports one of BwB PC’s objections to the Application.

However, in comments by Mr Christopher Luty (also for Highways Development Management) in connection with Application 19/03773 (104 Aylesbury Road), the drive is considered to be suitable (this repeats Mr Luty’s opinion in his comments on 19/02444, now withdrawn, for the same site). BwB PC emphasises that Nos 102 and 104 Aylesbury Road share a common access drive, with a minimum width of “approximately 2.5m” (Mr Craft’s measurement). It is the one of the reasons why BwB PC, in its recent comments, recommended that the two Applications be considered together.

Note that BwB PC questioned the adequacy of the drive in its comments on all 3 Applications for the same reasons as put forward by Mr Craft and therefore supports his analysis of the situation. However, the PC would point out that the Design & Access statement does not say “that the existing driveway will be retained and widened” but will be “.....widened where possible”; the PC has suggested that widening the drive to ensure adequate clearance for two vehicles to pass should be made a condition if the Application(s) are approved.

The PC also agrees with the other reservations Mr Craft has expressed on 19/03891, but points out that these apply equally to 19/03773. It should also be noted that the waste bins are placed to the right of the driveway entrance while awaiting collection. Their presence, together with the fact that cars are very often parked on the footway at the corner of Barnett Way, could potentially reduce visibility of eastbound traffic to an emerging vehicle.

BwB PC supports Mr Craft's request for more information, but emphasises its opinion that both Applications, 19/03773 & 19/03891, should be assessed together, not only for Highways reasons but also for the other matters upon which the PC (and Mr Craft) has commented.

On 3rd March 2020, Councillor Sheila Cotton commented –

"We notice an amendment to the original plan was submitted on 10/2/2020. It is simply a drawing with no explanation and doesn't denote which are existing and proposed layouts. The Parish Council did not receive notification of this and it was brought to our attention by a parishioner. Also why has this not also been submitted against 104 Aylesbury Road which shares the same access? Highways have already made their comments and this does not alter anything in our view.

This access affects no.13 Barnett Way and it needs to be established who this strip of land belongs to – the application or no. 13. What is going to be done to preserve the boundary of no.13?. As previously stated, and photos were sent, the area of footway next to this is used for parking of vehicles from Star Alley and also storage of waste bins on collection days as refuse vehicles cannot get up the access road. Both of these obscure the views on existing the access road to 102 and 104. We would like to add these to our original objections."

Consultation Responses

Buckingham and River Ouzel Drainage Board –

No comment to make

Natural England –

As submitted the application would damage or destroy the interest features for which the Berton Clay Pit SSSI has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

The construction of a development so close to the SSSI boundary could cause pollution, dust, disturbance and other impacts upon the site. The following measures must be assured for future developments to ensure the impact is minimised:

- No materials, machinery or work should encroach onto the SSSI either before, during or after demolition or construction or ongoing use; and*
- No pollution from demolition or construction of the development must adversely affect the SSSI and a Construction Method Statement demonstrating how best practise will be used to*

minimise dust etc. must be submitted to, and approved in writing by the Local Planning Authority. All works must then proceed in accordance with the approved statement with any amendments agreed in writing.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Strategic Access Officer –

A Section 257 application under the TCP Act 1990 should be submitted to divert public footpath BWB/3/6 and the new route, as suggested by the Strategic Access Officer, would be acceptable. Regarding the second footpath BWB/4/2, this should be separated from the site by a new fence but the width of the path must remain at least 2.75m wide for walkers. On receipt of an amended plan illustrating the diversion route, there is no objection.

Protected Species Officer – Initially objected as further information was required due to the potential for bats and great crested newts to be present.

Ecology -

A Preliminary Ecological Appraisal (PEA) has been provided in support of this application (ARBTech Consulting, January 2020). In producing the report the Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC) should be contacted to provide the most up to date environmental records, within an appropriate scale from the development in order to provide context and the potential presence or distribution of protected sites, habitats or species. There are Local Wildlife Sites/Biological Notification Sites in the Berton area which need to be considered as part of the PEA - these data will be provided as part of the required data search.

The PEA states that a district licence will be obtained to cover impacts to great crested newts. An enquiry to Nature Space Partnership is required prior to determination of the application. Further advice can be provided by the AVDC Protected Species Officer.

Biodiversity Net Gain (BNG) is an approach to development that leaves biodiversity in a better state than before. BNG protects existing habitats and ensures lost or degraded habitats are compensated for by restoring or creating habitats that are of greater value. All development needs to demonstrate measurable net gains for biodiversity via the use of an established biodiversity metric. Aylesbury Vale District Council is in the process of developing its own biodiversity metric and more information will be provided within the Biodiversity Supplementary Planning Document (SPD). Prior to the SPD being adopted, or a Buckinghamshire Biometric Calculator being formally agreed between Buckinghamshire Councils, Warwickshire's current Biometric Calculator should be used to determine the quantitative ecological impact of any development. The most up-to-date version of the 'Warwickshire, Coventry & Solihull – Habitat Impact Assessment Calculator' is available online. In line with the government's Environment Bill a minimum of 10% BNG should be demonstrated for the development proposals to be deemed acceptable. A summary report and

copy of the metric calculations must be provided. The report needs to be submitted and approved by the AVDC Ecologist prior to determination of the application.

24th August 2020 –

Previous comments made by email on 21st July 2020 have been largely addressed. However, please could the applicant arrange for the report to be updated. Unfortunately the report includes that appendices for the adjacent 104 Aylesbury Road application and therefore the habitats plan and proposals do not relate to the correct development.

Once the report is updated correctly there is no objection subject to conditions

Highway Officer –

21st November 2019

When considering trip generation, highways would expect a residential dwelling to generate approximately 4-6 daily vehicular movements (two-way). Therefore in terms of trip generation from the site, the two dwellings would have the potential to generate approximately 8-12 daily vehicular movements (two-way). As the site is to be subject to intensification in use, the access point serving the development will need to be assessed in order to determine its suitability to accommodate the additional vehicular movements.

The existing access measures approximately 50m in length and at its narrowest is approximately 2.5m in width which would not allow for two way vehicle movements. This has the potential to result in vehicles waiting on Aylesbury Road whilst a vehicle is exiting.

The A418 is a road of strategic importance, carrying a large number of vehicle movements. The Highway Authority would look to object any proposals that would impede the free flow of traffic on this road.

The Design and Access Statement submitted as part of this application states that the existing driveway will be retained and widened to accommodate vehicles to pull clear of Aylesbury road. No evidence demonstrating the ability for two cars to simultaneously pass each other at the entrance the access drive has been submitted as part of the application. This information is therefore required prior to the Highway Authorities final comments to ensure the proposed access design offers sufficient mitigation for the degree of intensification.

In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions commensurate with a speed limit of 30mph. Having reviewed the submitted plans, highways are satisfied that sufficient visibility splays can be achieved within the publicly maintained highway or land owned by the applicant.

The application form states there will be 6 parking spaces to serve the two dwellings. Although the spaces are not demonstrated on the plans, the site has sufficient space to accommodate these spaces and would allow vehicles to park, turn and leave the site in a forward gear. With regards to refuse collection, MfS guidance states that residents should not be required to carry waste more

than 30m to the storage point, and waste collection vehicles should be able to get to within 25m of the storage point. The proposed site plan does not accord with these requirements, and residents will therefore have to carry their waste bins in excess of this distance to enable roadside collection from Aylesbury Road. Whilst this is not ideal, as the access road will not be adopted by the Highway Authority, this would not be a justified reason to refuse this application on highways grounds.

Mindful of the above, the Highway officer requests additional information demonstrating the widening of the existing access where possible to provide passing spaces to ensure vehicles are able to pull clear of Aylesbury Road and enter the site should an opposing vehicle be attempting to exit the site simultaneously.

6th January 2020 –

Drawing number AYL 007/PA has been submitted following the Highway Authority's response.

Public comments submitted on the planning portal have been noted regarding the assessment of this application alongside the submission of application no. 19/03773/APP for 104 Aylesbury Road, which uses the same shared access. It should be noted that the Highway Authority must assess each application on a case-by-case basis and their individual impact upon the safety and convenience of the highway network. The application submitted for the aforementioned neighbouring property is not considered an intensification of the site as whilst the proposals would result in an increase in habitable accommodation, the principle of the site serving one dwelling remains. As a result, it would be unreasonable for the Highway Authority to require the widening of the access/justify a reason for refusal on this alone.

The drawing number AYL 007/PA does not fulfil the requests of the Highway Authority. Whilst this demonstrates the width of the first 13m of the access, no information has been submitted to demonstrate how the remainder of the access would accommodate the additional vehicles generated by the proposals. In addition, highways would question how the additional plans submitted are able to demonstrate an access measuring 5m, with the assumption that the existing verge is included in this measurement. Having carried out a site assessment, the total width of this access, including the verge, would measure no more than 4m. As such, plans should be submitted showing the comparison between the existing access and the proposed widened access in its entirety in order to fully assess whether the access is considered appropriate by the Highway Authority.

Moreover, the grass verge adjacent to the existing access has not been included within the red edge of the development, although it appears to have been included within drawing number AYL 007/PA. In order to widen the carriageway of the existing access, parts of the verge would need to be removed as the access is bordered by third party land throughout. As such, the highway officer questions whether the widening demonstrated on the plan is achievable as there does not appear sufficient land within the applicants red edge.

Mindful of the above, the Highway Authority requests for additional information to be submitted in line with the above concerns. Should this information not be forthcoming, the Highway Authority will be minded to recommend this application for refusal.

23rd January 2020 –

From a Highways perspective the highways officer is satisfied that if the access track is widened as per the drawing's specification, this will overcome the concerns previously raised.

However, highway officers are aware that the widening of the access track as set out in drawing AYL007/PA is not necessarily supported by Conservation and Heritage Colleagues because of potential impact upon the Heritage Asset. If the access cannot be widened to the required width, the Highway Authority would continue to raise objection to the proposal and have no option but to recommend refusal on highway grounds.

As determining authority, highways trust the council will assess the balance between Conservation and Highway impacts when determining this application.

Mindful of the above, if the widening of the access is deemed acceptable by the LPA the Highway Authority raises no objection to the proposed development subject to 2 planning conditions/informatives.

5th March 2020 –

The applicant has submitted a new plan showing the proposed entrance and verge. In this plan, the access road has been narrowed considerably to accommodate the grass verge on the left hand side. Whilst some of the hedgerow has been removed along the first 4m of the access road to allow for a road width of 2m, the road narrows significantly after this length reducing the road width to only 1.4m at it's narrowest. This width would not allow for simultaneous two way flow of traffic and would represent a highways safety issue.

As the applicant cannot achieve a satisfactory road width whilst retaining the hedgerow, highways recommend this application for refusal for the following reason:

- *The proposed means of access to the site is inadequate by reasons of its width to serve the proposed development with safety and convenience. The development is contrary to the National Planning Policy Framework and the aims of Buckinghamshire's Local Transport Plan 4.*

8th September 2020 –

Subsequent to the case officer visiting the site and calculating the measurements of the access, it appears that sufficient width can be achieved with the erection of the proposed retaining wall. Whilst it is noted there may be a minimum width of 4.5m for a small section of the access, the Highway Officer is satisfied that sufficient width is present at the start of the access to allow a vehicle to pull clear of the highway to wait for another vehicle to pass. Therefore, the highway officer would be unable to substantiate a reason for refusal on this alone.

Mindful of the above, the Highway Authority has no objection to the proposed development, subject to the provision of accurate plans showing the widening of the access, and subject to 3 conditions and 2 informatives

Tree Officer –

Following the submission of additional information the tree officer has no objection – subject to conditions.

The revised layout allows retention of significant trees and has a better relationship with other retained trees. Proposed mitigation for RPA encroachment is considered feasible, although further information is required.

Proposed tree losses are of low individual quality, but are considered significant in terms of ecosystems services and visual impact- commensurate replacement planting is required.

Accordingly it would be appropriate to attach conditions to any permission to secure:

- Details of tree protection and mitigation measures, including fencing, ground protection and special engineering works, as well as measures to improve the soil environment. Such details shall accord with guidance set out in BS5837:2012.*
- Details of new planting, including full specifications for planting and aftercare, in accordance with guidance set out in BS8545:2014.*

Heritage Officer –

Widening of the access road – There are concerns over this element of the proposal, due to the loss of green verges and changes in the spatial quality of this narrow access lane which represents the local pattern of historical development, details of which are outlined within the CA Appraisal document. Its loss would result in a negative impact on significance and would therefore not preserve the special character of the Conservation Area.

The narrow access lanes and grass verges are a characteristic of the Conservation Area, and its loss would be resisted due to the resultant harm to the special character of the area.

Additionally, it is understood that the footpath which straddles the boundary between the application site and 104 Aylesbury Rd, is now proposed to be separated from the application site with a newly introduced fence providing a 2.75m wide pathway for walkers. Please note that the fence should be relatively low in order to allow views across the open land, and should be of a sympathetic design fitting with characteristic boundary treatments throughout the CA.

Please also note that if the proposal is approved and gets to design detailing/ mass etc. of the new properties, as the site falls within and on the edge of the CA there will be setting issues to consider. Any future proposal should seek to make use of sympathetic materials and reflect / interpret aspects of the local character in order complement and enhance this setting rather than detract from it.

Further comments on 19th June 2020 –

The heritage asset being assessed in this instance is the Conservation Area. It is clearly a large scale asset and the green verges within it are just one of the elements which contribute to its special character. The loss of one area of verge in a non-prominent location would not be considered to amount to substantial harm to the CA as a whole, although it would be regrettable as it does contribute to this special character (as described in my emailed comments dated 4th March 2020) and would therefore be considered to be ‘less than substantial harm’.

If minded to approve the application, it is requested that consideration is given to what retaining measures are being proposed by the applicant to ensure that the higher ground of properties adjoining the length of the verge is suitably stabilised and their fences don't slide into the access lane.

Further comments 1st July 2020 regarding the retaining wall –

It would be difficult to stipulate a historic treatment for the following reasons:

- *That side of the lane already demonstrates a modern close boarded fence treatment with panels fitted into concrete posts.*
- *The lane marks the edge of the CA*
- *There is no old wall there currently, or as far as we are aware historically, that would enable us to specify a replacement in an old brick and lime mortar.*
- *A new wall in modern brick would probably create more of a stark contrast to the old wall on the opposite side of the lane and would therefore appear aesthetically jarring.*
- *The proposal using sleepers would probably therefore represent the least harm to the CA assuming that removal of the verge is permitted.*

Representations

Comments have been received objecting to the proposal by 19 separate persons, with the majority commenting several times on the grounds (as summarised):

- The brick wall at the access point belonging to 106 Aylesbury Road restricts vision to the east, concerns about users of the footpath as a result
- The track is inaccessible to refuse trucks, delivery trucks etc.
- The removal of the grass verge would not preserve the special character of the conservation area
- The site is in close proximity to ponds which have been identified as being a very suitable habitat for Great Crested Newts

- Proposal is overdevelopment and not in keeping with the nature of the site on the edge of one of Bierton's Conservation Areas
- Parked cars and rubbish bins at the front of the site also restricts visibility to the west
- Overlooking to No.12 Barnett Way and loss of outlook
- Loss of privacy to No.9 Barnett Way
- Overlooking and loss of privacy to No.11 Barnett Way
- The proposal has not appropriately considered the impact to the Conservation Area
- Loss of natural light to the garden of No.11 Barnett Way
- The resultant density of development is out of keeping and will adversely impact views in and out of the nearby conservation area
- Loss of trees
- Scale and bulk of the dwellings results in an unacceptable reduction in the openness of the countryside
- The dwellings do not benefit from front gardens and appear cramped
- No details of materials have been provided
- Additional planting should be provided to provide privacy to affected neighbours
- Amendment bringing the two dwellings closer together is more out of keeping with the conservation area
- Noise resulting from the increase in traffic movements
- Lack of detail regarding the retaining wall and whether this would be in keeping with the character of the village
- The proposal must be conditioned in accordance with Highway Officer comments
- Plans aren't clear on the parking layout nor does there appear to be cycle storage
- Impact on geological SSSI and possible need for EA approval of foundations
- Light pollution to neighbouring properties
- Light pollution to countryside and wildlife of former brickworks site
- Noise pollution
- Proposal should be considered together with the application at 104 Aylesbury Road
- Inaccuracies in the plans/submitted information
- Impact on the ditch and increased flood risk
- Loss of the bungalow which is accessible to elderly/less firm
- Lack of detail about what landscaping is proposed

- There's been no attempt to overcome the concerns of neighbours
- Queries over the ownership of the grass verge/bank and therefore whether Highways comments have been addressed

APPENDIX B: Site Location Plan



APPENDIX C: Conservation Area Plan

