

16/00691/AOP



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16/00691/AOP

CA

22/02/16

(1) Full application for single storey front, side and rear extensions to existing PH and A1/A3/A4 use together with car parking & landscaping and (2) Outline application (with access and layout to be considered and all other matters reserved) for a residential development of 12 dwellings with parking, access and amenity space The Harrow PH and Land To Side and Rear, 27 Bishopstone HP17 8SF Langdon Estates Ltd

STONE BISHOPSTONE AND HARTWELL  
The Local Members for this area are:  
Councillor Brian Foster  
Councillor Mrs J Brandis  
Councillor Michael Edmonds

STREET ATLAS PAGE NO. 115

**1.0 The Key Issues in determining this application are:**

- a) The planning policy position and the approach to be taken in the determination of the application.**
- b) Whether the proposal would constitute a sustainable form of development.**
  - **Build a strong competitive economy**
  - **Deliver a wide choice of high quality homes**
  - **Promoting sustainable transport**
  - **Conserving and enhancing the natural environment**
  - **Conserving and enhancing the historic environment**
  - **Promoting healthy communities**
  - **Good Design**
  - **Meeting the challenge of climate change and flooding**
- c) Impact on residential amenities.**

The recommendation is that permission be **REFUSED**

**CONCLUSIONS – THE PLANNING BALANCE**

1.1 The application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the core planning principles of the NPPF and whether the proposals deliver sustainable development. Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

*Public House*

- 1.2 There would be economic and social benefits in terms of the re-opening and extension of the PH, to which significant positive weight should be attached. Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of preserving residential amenities, promoting healthy communities, conserving and enhancing the natural and historic environment and promoting sustainable transport and matters of good design are capable of being addressed. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally. There are no adverse impacts associated with this part of the development.
- 1.3 Weighing all the above factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 14 of the NPPF, it is considered that there are no adverse impacts to outweigh the benefits associated with the PH extension and refurbishment.

#### *Dwellings*

- 1.4 The residential development would make a contribution to the housing land supply which, in the context of the Council currently being unable to demonstrate the 5 year housing land supply, is a benefit to be attributed significant weight in the planning balance, although tempered to a moderate weight given the number of houses proposed. There would also be economic and social benefits in terms of the construction of the development itself and those associated with the resultant increase in population which is afforded moderate beneficial weight in the planning balance.
- 1.5 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of preserving residential amenities, promoting healthy communities, archaeology, biodiversity, trees and hedgerows, parking provision and access in terms of highway safety. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally.
- 1.6 The proposed dwellings would be on a greenfield site and it would unacceptably intrude into the open countryside, beyond the built up limits, representing development in depth in a linear settlement which would have a significant negative impact upon the character and appearance of the site and the surrounding area and the rural character and identity of the settlement. It would also be unreasonably prominent from the nearby footpath. The development would also result in the loss of BMV land which is assigned limited negative weight and would have a considerable adverse impact on the historic environment, causing harm to important settlement characteristics as well as causing harm to the character and appearance of the Conservation Area. The residential development, by virtue of its unsustainable location is assigned moderate negative weight in the balance. Additionally, design concerns have been raised which would afford a moderate negative weight in the planning balance.
- 1.7 Weighing all the above factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 14 of the NPPF, it is considered that the adverse impacts significantly and demonstrably outweigh the identifiable benefits of the proposed dwellings.

#### *Overall planning balance*

- 1.8 The two aspects of the proposal needs to be weighed up in the overall planning balance. The submission states that the proposal for 12 houses is required in order to bring about the viable refurbishment and re-use of the PH but the assessment below considers that

there still remains insufficient evidence that 12 houses is the minimum required number of units in order to secure the future of the PH and there are no guarantees that the provision of the dwellings would safeguard the pub in perpetuity. As assessed above, it is considered that there is significant harm associated with the development for 12 houses in an unsustainable location on the character and appearance of the settlement, the rural character of the area, the character of the conservation area, loss of BMV land and it would not follow good design principles. There are economic, social and housing benefits associated with the delivery of houses and also the refurbishment of the PH.

1.9 Weighing all the above factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 14 of the NPPF, it is considered that the adverse impacts significantly and demonstrably outweigh the identifiable benefits of the proposal as a whole and there are no evidenced special circumstances to justify the level of housing development proposed. Therefore it is recommended that the application is refused for the following reasons:

- 1) The proposed residential development would constitute an unsustainable and inappropriate form of development of a green field site in the open countryside which would result in the loss of best and most versatile agricultural land. It would comprise of development beyond the built up limits of Bishopstone which would represent an unacceptable intrusion into open countryside owing to the nature of the development in depth and would cause harm by the significant visual and landscape character impact on the area of the development site and its surroundings including the footpaths. It would be unacceptably harmful to the rural identity and settlement characteristics of Bishopstone. Further such harm to the landscape and the proposed design would also cause significant harm to the character and appearance of Bishopstone Conservation Area and the historic environment. There is no evidence to justify any special circumstances for such an inappropriate form of development and it would therefore be contrary to the core sustainability principles. Weighing all of the factors into the planning balance, and in applying paragraph 14 of the NPPF, it is considered that the adverse impacts resulting from the development would significantly and demonstrably outweigh the benefits of the proposal. The proposal would fail to comply with the core principles of the NPPF and would be contrary to policies GP35 and GP53 of AVDLP.
- 2) Had the above overarching reason for refusal not applied, it would have been necessary for the applicant and the Local Authority to enter into a Section 106 Agreement to secure the provision of financial contributions towards off site leisure and recreation facilities in accordance with policies GP86 and GP88 of AVDLP, and a financial contribution towards additional school facilities in accordance with GP94 of Aylesbury Vale District Local Plan and on-site maintenance and management of surface water drainage systems (SuDS). In the absence of a completed s106 agreement, the proposal will conflict with policies GP86, GP88, and GP94 of the Aylesbury Vale District Local Plan, the Council's adopted Supplementary Planning Guidance in respect of Sport and Leisure Facilities, Buckinghamshire County Council's Education's adopted s106 policy, and the objectives of the NPPF to achieve sustainable development.

## **WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, the applicant was advised that the proposal did not accord with the development plan, that no material considerations were apparent to outweigh these matters of principle and was provided with an opportunity to comment before the application was refused.

### **2.0 INTRODUCTION**

- 2.1 The Local Member has requested that the application be considered by the Committee as “there is tremendous support for the proposal and it would also bring the Harrow pub back into being the heart of the village as it is the only pub in the village. Apart from the village hall there is no other community space in Bishopstone.”
- 2.2 In addition the Parish Council has raised material planning support for the proposal but has not indicated that it would speak at the Committee meeting. The PC consider “this development would provide/re-invigorate a social centre to the village by the provision of a local shop and is a good plan for housing development.”
- 2.3 In respect of the PC comments, Officers note that the reinstatement of the PH would be a benefit to the village, although the minimum scale of extension necessary to deliver a viable business in the long term has not been satisfactorily proven and the siting of 12 dwellings in this location would be harmful contrary to policies GP35 and GP53 of the AVDLP, and the guidance set out in the NPPF. Weighing all of the factors into the planning balance, and in applying paragraph 14 of the NPPF, it is considered that the adverse impacts resulting from the development would significantly and demonstrably outweigh the benefits of the proposal. Therefore it has been recommended that the application is refused.

### **3.0 SITE LOCATION AND DESCRIPTION**

- 3.1 The application site relates to a rectangular area of land that extends to an area of 1.2ha sited north of the village of Bishopstone. The application site comprises two areas within it - The Harrow PH (which closed in 2012) and its curtilage representing one area and the second being fields which extend along the northern boundary and into open countryside to the rear.
- 3.2 The pub building is an attractive character building with a white painted render and a slate roof, which is sited fronting onto the road with a beer garden and car park alongside to the side and rear. The vehicular access to the pub is from the southern corner to the right of the building providing access to the car park at the rear. To the side and rear of the pub's grounds are fields which extend to the side of the pub and to the rear by 110m into open countryside. The fields are accessed by a gate immediately on the south western boundary.

- 3.3 The site is generally flat with vegetation around the site's boundary. To the north west and south east of the application site is residential properties.
- 3.4 The front of the site comprising The Harrow PH, is considered a Building of Local Note and a non-designated heritage asset, and the building, its associated land and the fields to the left of the pub lie within Bishopstone Conservation Area which has been extended in 2012 to extend north of the village to include more loose knit development as well as the more dense built up village environment to the south east.

#### **4.0 PROPOSAL**

- 4.1 The planning proposal is essentially in two parts and is a hybrid application with full planning permission sought for extension and alterations to The Harrow PH together with car parking and landscaping as well as outline permission sought, with matters of access and layout sought for determination, for the erection of 12 detached two storey houses along with parking, access and amenity space.
- 4.2 The detailed planning application for the works to the PH seek approval for extending the currently vacant building with a single storey extension to the sides and the rear of the pub. The extension to the side comprises the removal of an existing single storey element on the north western side and its replacement with an extension measuring 6.4m width x 13.2m depth to provide an open dining area to the restaurant. To the south east a further lean to extension is proposed measuring 2.85m (max.) x 8.1m for toilets. To the rear an existing single storey projection is proposed to be removed to accommodate a larger extension measuring a maximum depth of 6.2m to provide an improved kitchen, cellar and lobby.
- 4.3 Overall the Planning Statement indicates that the pub will cater for a total of 80 covers and provide a bar and coffee lounge providing a meeting place for the community, and a retail area akin to that of a small village shop, providing everyday items for residents of the village, would be created in part of the bar area.
- 4.4 The side extensions will be constructed using matching materials with a rendered elevation, slate roof and exposed rafter feet. The windows will also match the existing windows on the pub. The kitchen extension to the rear is shown built using a red brick.
- 4.5 To the rear the car parking will be laid out to provide 31 car parking spaces. The pub garden is also shown to be re-landscaped as well as to include a playground area.
- 4.6 To the left of the grounds of the pub is proposed a vehicular access which will provide access to the rear field behind The Harrow PH upon which 12 detached houses are proposed to be erected. Although submitted in outline only all 12 houses are indicated to be 2 storey and are arranged mainly fronting onto the access road or onto a private driveway. Parking is provided either off street on plot at surface level and/or within garages.
- 4.7 To the far northern corner of the site is an existing pond which will be retained with an ecological buffer around it.
- 4.8 A principal factor of this hybrid application is that the residential element is predicated in part on that the revenues from the sale of 12 houses will enable the extension and refurbishment of The Harrow, which has been vacant since 2012. The agent indicates in support of the application that the extensions are the minimum necessary to deliver a viable business in the long term and that without which the level of proposed extensions to The Harrow or funding, would mean that The Harrow would be unlikely to reopen.

- 4.9 The application is accompanied by a Planning Statement, Heritage Statement, Transport Statement, a Flood Risk Assessment, Ecology Report and Updates, Arboricultural Report, a Valuation and Feasibility Report and Harris Restaurant Consultants Report (and associated documentation).
- 4.10 This application follows a withdrawn application and it is stated that further work has been undertaken in respect of a) demonstrating that the proposed extensions and alterations are the minimum necessary to deliver a viable future for The Harrow b) evidencing that the scale of residential development is required to provide the necessary capital to deliver a sustainable future for The Harrow (as defined by a) and c) assessing the proposals in the context of designated and non-designated heritage assets.

## 5.0 RELEVANT PLANNING HISTORY

- **81/00994/AV** - Minor alterations to P.H. and extension to car park to provide adequate parking free of the highway – Approved
- **15/00827/AOP** - (1) Full application for single storey front, side and rear extensions to existing PH and A3/A4 use together with car parking & landscaping and (2) Outline application (with access and layout to be considered and all other matters reserved) for a residential development of 12 dwellings with parkings, access and amenity space – Withdrawn in order to submit further viability information

## 6.0 PARISH COUNCIL COMMENTS

- 6.1 The Parish Council **SUPPORT** this application and comment:
- 6.2 “It is felt this development would provide/re-invigorate a social centre to the village by the provision of a local shop and is a good plan for housing development.”

## 7.0 CONSULTATION RESPONSES

- **BCC Highways** – no objections to the proposals subject to the suggested conditions and informatives. Although make the following comments:
  - Public House
  - The application seeks to increase the size of the public house by 93m<sup>2</sup> from 228m<sup>2</sup> to 321m<sup>2</sup>. The issue is whether the access is adequate for the increase in the size of the public house, as this could lead to an increase in vehicular movement.
  - no floorspace figures has been provided to identify the part of the bar area that would effectively operates as a local village shop (Class A1 – Retail). It is therefore assumed that the retail element is ancillary to the main use as a A3/A4 use, and it is suggested that it would be appropriate to condition the retail as ancillary.
  - The proposal would slightly improve visibility from the existing access. Although improved the access does technical remain substandard. Whilst BCC does not agree that a 2m X distance is acceptable, the issue is, whether any increase in movements is a severe impact.
  - Given that the access for the pub is existing, recommending refusal on the grounds of an intensification of an existing access in this particular instance is not something that the highway authority considers it would have a strong case to defend at appeal. The reasons for this are as follows. The existing access is

being improved (albeit only marginally). The increase in trips identified in the TS is very much a worst case scenario, as some of the increase in floorspace will be kitchen and storage facilities which will not generate any vehicular movements. The pub could generate an increase in movement in their own right without any planning permission. Also given the advice in MfS2 regarding the relationship between visibility and collisions, it is considered on balance that the impact of the increase in the pub will not result in a severe impact as laid out in the NPPF. Therefore the access proposals for the pub are considered acceptable.

Residential

- The access as outlined in the TS is considered acceptable, the tracking indicates that a refuse vehicle can access the site, turn and leave in a forward gear.
  - There are concerns with regard to the sustainability of the site.
- **Environmental Health** – No objections subject to appropriate conditions and informatives.
  - **BCC Education** – require a financial contribution to provide additional dining facilities to support the expansion of Cottesloe School arising from the above development in accordance with BCC's adopted S106 policy.
  - **SAB** – Development shall not begin until a surface water drainage scheme has been submitted to and approved in writing by the LPA.  
That scheme shall include:
    - SuDS methods such as those mentioned in the Flood Risk Statement in Paragraph 6.2 & 6.3; permeable paving, attenuation pond.
    - Full consideration to be given to the inclusion of other source control measures, including (but not limited to): Blue/Green/Brown roofs, rainwater harvesting, rain gardens, soakaways, filter strips, swales, detention basins, wetlands, etc,
    - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site. These should be submitted as a MicroDrainage network file or report.
    - Discharge offsite should not exceed the equivalent Greenfield run-off rate for all rainfall events up to and including the 1 in 100 year storm plus allowance for climate change.
    - Details of any phasing of the construction.

Development shall not begin until a maintenance plan for the site has been submitted to and approved in writing by the local planning authority. The plan should set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) following construction with details of who is to be responsible for the maintenance.

Informative: As of 19th February 2016 the climate change allowances have changed, further information can be found on the gov.uk website here. The relevant section is Peak Rainfall Intensity allowance, and the "table of climate change allowances"

The applicant should, as part of the surface water strategy, demonstrate that the requirements of local surface water drainage policies have been met and the recommendations of the relevant Strategic Flood Risk Assessment (SFRA) and Surface Water Management Plan (SWMP) have been considered.

- **Biodiversity** – full comments awaited (to be reported at Committee)
- **Trees** – no response received
- **Waste Services** – no response received
- **CPDA** – no response received
- **Environment Agency** – If infiltration drainage is proposed then it must be demonstrated that it will not pose a risk to groundwater quality. Any infiltration SuDS greater than 3m below ground level to be a deep system and generally not acceptable. All infiltration SuDS require a minimum of 1 m clearance between the base and peak seasonal groundwater levels.
- **Heritage Officer** – The rehabilitation of the Harrow PH would be an enhancement to the CA. however there are some design concerns in relation to the toilet extension. Also the submitted Heritage Assessment identifies a number of concerns and in terms of the setting of the CA it is noted that the proposals respect existing/historic field boundaries. However, there are existing vistas and views into and across the site which contribute to the agricultural context of this part of the CA and these would be lost by the proposals. Additionally, the number of new houses proposed is large and designed to “fill” the site. The scale and layout of the proposals would be contrary to the historic form of the village. The proposal for 12 new dwellings breaks the typical character of the CA by filling the site/field to the rear and as such considered as causing harm to that character. In terms of NPPF this is less than substantial harm to the significance of the asset (CA) and that harm needs to be weighed in the overall planning balance. The proposal fails to preserve the special character or appearance of the Conservation Area. Some residential development could potentially be accommodated but significantly less than as proposed. Based on evidence elsewhere in the village it is considered that only 2 or 3 dwellings, well spaced and carefully located, retaining views through the site, would be more appropriate and may potentially sit happily without negative impact on the CA.
- **Landscape Officer** – serious concerns regarding the proposed residential development of the site including:
  - Impact of change on historic settlement character and impact of development on the character and setting of the adjoining Conservation Area, including proposed site access.
  - negative impact of development on rural views and views from local PROW
- **Leisure** – An off-site financial contribution in lieu of on-site sport and leisure facilities would be appropriate in this case.

## **8.0 REPRESENTATIONS**

8.1 41 letters have been received, all of which raise comments of support. The salient supporting comments raised are:

- Development will support the local economy such as the B&B next door, which has seen a negative impact on business since The Harrow closed.
- Will compliment the activities at Aylesbury Spa.
- Bishopstone has no bus service, no shops, no street lights and no footpaths don't deprive our village of such a valuable asset (the PH).
- The development, done sympathetically, will contribute towards an eclectic but attractive village that will bring more life to the village without negatively impacting life here.
- Refurbishment of the pub provides an integral centre / meeting place, where neighbours can socialise, plan events, celebrate occasions, support each other and make Bishopstone a better place to live. It will help towards providing a "beating heart" to the village, strengthening community spirit. Will not be intrusive.
- Pub was the pinnacle of the village, since being derelict it has actually become a detriment to the character of the area. A refurbishment will enhance the character of the street scene.
- Rare opportunity to build housing in the district, where it is actually welcomed by local residents.
- Housing will not alter the streetscape because they will be hidden from the road.
- New houses will be good for the village, potentially introducing young families and future-proofing the community.
- The village community have been consulted and involved in every design and discussion.
- Proposed car parking is very helpful for those with disabilities, as there are no pavements in the village, and the road can be hazardous for the less nimble.

## **9.0 EVALUATION**

### ***The policy position and the approach to be taken in the determination of the application***

9.1 The starting point for decision making is the development plan, i.e. the adopted Aylesbury Vale District Local Plan. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposals constitute sustainable development having regard to Development Plan policy and the NPPF as a whole.

9.2 However, the AVDLP is time-expired therefore it is accepted that for the purposes of decision making, the approach outlined in paragraph 14 of the NPPF needs to be followed which states that where the development plan is out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

- 9.3 A number of saved policies within the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP8, GP24, GP35, GP38 - GP40, GP45, GP59, GP84, GP86 - 88, GP90, and GP94. They all seek to ensure that development meets the three dimensions of sustainable development and are otherwise consistent with the core planning principles set out at paragraph 17 of the NPPF.
- 9.4 In respect of development plan policies for the supply of housing, these are now out of date as the AVDLP is time expired. In addition, the NPPF (at para 49) advises that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year housing land supply. At present, the Council accept that it is not able to demonstrate a five year supply against a fully NPPF-compliant figure (i.e. one that is based on a full, objective assessment of need for the wider housing market area) with the latest position statement published August 2016 reporting a 4.9 year supply of housing. As such, it is accepted that policy RA14 of the AVDLP is out of date as it is considered to be a housing supply policy.
- 9.5 Bishopstone does not have a made Neighbourhood Plan.

*Whether the proposal would constitute a sustainable form of development*

- 9.6 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 18 to 219 of the NPPF, taken as a whole (paragraph 6). The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development which should be seen as a golden thread running through plan-making and decision-making.
- 9.7 The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.
- 9.8 The NPPF promotes sustainable development and encourages consolidation of smaller rural settlements where it will enhance or maintain the vitality of rural communities. In terms of its broader location, Bishopstone is identified in AVDLP as an Appendix 4 settlement implying that may be appropriate to allow limited small-scale development within the settlement. The Council's Settlement Hierarchy Assessment 2013 identifies Bishopstone as one of the District's 'smaller villages'. These are less sustainable settlements which have poor access to services and facilities, although it is expected that some small scale development could be accommodated without causing any environmental harm and that this level of growth is also likely to help maintain existing communities. The May 2106 settlement hierarchy confirms Bishopstone as a 'small village'. The only key services identified in the village are a village hall and the PH which is the subject of this application and has been closed since 2012.
- 9.9 The Council's Housing and Economic Land Availability Assessment (HELAA) identifies this site as unsuitable for housing or economic development as *"Development of this site would constitute an inappropriate form of development on a green field site, building at the rear of the public house would be out of character with the street scene, result in an unacceptable intrusion into the open countryside and constitute harm to the significance of the heritage assets and would fail to preserve the character and appearance of the Conservation Area or the setting of the listed building"*

- 9.10 Given the limited range of facilities and amenities within Bishopstone and limited access to public transport in the village, while Bishopstone could have the capacity to accommodate new housing development, consideration needs to be given not only to the proposal to re-open and improve the facilities of the PH but also the appropriateness of the scale of residential development and its impact on the localised site and surroundings as well as the capacity of the settlement to accept further population growth having regard to the impact on infrastructure and local services and the community itself which is considered in more detail under the headings below.

### **Building a strong competitive economy**

- 9.11 The Government is committed to securing and supporting sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

#### *Public House*

- 9.12 The application comprises extensions to The Harrow PH. The Viability and Feasibility Report states that in order to establish a viable PH, it will be necessary to compete with successful nearby food led operations and that the property needs to be extended and the Harris Restaurant Consultants Report has investigated scenarios for the number of customers needing to be served and opting on the extensions required to provide for up to 80 covers (an additional 60 covers) to be accommodated as the optimum amount of accommodation to achieve viability. A fully fitted catering kitchen is to be provided and public areas refurbished and fitted out to a high standard with good quality WC accommodation as well as a car park extension and external landscaping. The plans also show that the ground floor area will be retained primarily as a bar area although a retail area akin to that of a small village shop is also to be created. The costings of refurbishing and extending the PH and the revenue that could be accrued is provided in the Viability and Feasibility Report and helps to demonstrate that the works to the PH are necessary.
- 9.13 The reinstatement of the pub would bring about social and economic benefits through becoming a focal point for the community providing a place to meet socially as well as a food outlet and would create employment opportunities through the running of the pub and the construction of the building, which would have a positive impact for residents of Bishopstone, which can be afforded significant weight in the planning balance.

#### *Dwellings*

- 9.14 There would be economic benefits derived from this development in terms of the construction of the dwellings and the resultant increase in population contributing to the local economy. It is therefore considered that the proposal would give rise to some economic benefit, and that the economic benefit of the scheme should be afforded moderate weight in the overall planning balance.
- 9.15 The agent considers that the evidence submitted fully justifies that the scale and form of the proposed residential development is the minimum necessary to provide sufficient revenue to 'enable' the works to The Harrow and to deliver such in a form that is viable in the long term as it is advised that the strain of having to repay such an investment in the extensions would be too great if the money were to be borrowed and thus the business in debt in the early years. The Valuation and Feasibility Report provides information on the residential development value and what is termed as a reliable indication of the broad level of development value to be realised on the development of the land to the rear. However, this report does not go so far as to categorically demonstrate and evidence that a

development of 12 houses is the minimum required development to support the PH and its ongoing future. It provides costings for the two elements and which appear to mis-match. Moreover, residential development would not guarantee the long term future of The Harrow and the report does not provide any details on this or other options that could safeguard the longevity of The Harrow. As such, it is still considered that there is a deficiency in the information provided and principle concerns that the level of development proposed does not represent the minimum possible and therefore, this does not constitute enabling development. The level of information provided is insufficient and also means that it has not been considered feasible to acquire an independently analysis by a Chartered Surveyor or the District Valuer. Therefore, in considering the acceptability of the housing, it is considered that it remains the case that no weight can be given to this and moreover, as a matter of policy, there is no policy support for 'enabling' development in either the AVDLP or the NPPF. Therefore no weight can be given to this as a benefit in the planning balance.

### **Delivering a wide choice of high quality homes**

#### *Dwellings*

- 9.16 With regards to housing supply, as discussed above, the LPA cannot currently demonstrate a five year housing land supply. In the latest five year housing land supply position statement, August 2016, this shows that the District have a 4.9 year supply this year and 4.7 next year. On this basis and having regard to the contribution that the proposal would make to the housing supply of the District, it is considered that this is a significant benefit but the weight to be attached to this benefit should be tempered given the number of houses proposed such that moderate positive weight should be given to this matter. Although this is an outline scheme for 12 dwellings, the applicant has indicated that 5no. 3 bed dwelling and 7no. 4 bed dwellings would be provided. The scheme would not provide any affordable dwellings. There is no reason to consider that the site is not deliverable in the short term and that there are any technical constraints to the site's delivery and any permission would need to secure the delivery of the site requiring submission of reserved matters within 18 months and implementation within a further 18 months.

### **Promoting sustainable transport**

- 9.17 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF. Development should only be refused on highway grounds where the residual cumulative impacts of development are severe. The promotion of sustainable transport is a core principle of the NPPF and patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling and to focus development in locations which are or can be made sustainable.

#### *Public House*

- 9.18 The application is accompanied by a Transport Statement that shows the increase in floor space of the PH could result in an increase in vehicular movements yet points out that the existing PH access is proposed to be amended slightly thus improving the visibility from this access a little. BCC Highways do not agree that the proposed visibility distances would be acceptable, but as there is an existing access to the PH which could be re-opened at any time without amendment, the issue here is whether the increase in

movements associated with the proposed addition of 93m<sup>2</sup> of floorspace to the PH would have a serve impact. The submitted TS indicates there is likely to be an increase of 29 movements across the whole day as a result of the proposal, and as some of the proposed extensions would provide kitchen and storage facilities, which would not generate any further movements than existing, this is considered to be a worst case scenario.

- 9.19 Mindful that the existing access would be improved (albeit it only marginally), the likely increase in trips identified in the TS is a worst case scenario, and taking into account that the existing PH could generate an increase in movements in its own right without any planning permission, and given the advice relating to the relationship between visibility and collisions in the MfS2, it is considered that on balance the impact of the extension of the existing PH would not result in a severe impact as set out in the NPPF and would also be able to achieve a safe and suitable access. As such, subject to appropriate conditions to secure the access improvements and that the retail element of the PH scheme be conditioned to remain ancillary to the use of the PH in order to limit the level of traffic visiting the site for retail purposes alone, it is considered that the access proposal serving the PH would be acceptable.
- 9.20 The parking provision to serve the extended PH would be located to the north east of the PH and would provide 31 spaces, which would be in accordance with the maximum requirement set out in the Council's adopted parking standards SPG and would therefore, be acceptable with regard to NPPF advice and should be assigned neutral weight in the planning balance.

#### *Dwellings*

- 9.21 In terms of locational sustainability, it is not considered that Bishopstone is particularly sustainable given it is only a small settlement with very little access to services and facilities nearby. In relation to the proposed development of 12 dwellings on the field to the rear of the PH, it is observed that the site is not within reasonable walking distances of any local facilities available within any nearby villages; and in Bishopstone itself there is only a village hall and a PH (The Harrow, which is currently closed and is the subject of this application).
- 9.22 Moreover, Bishopstone has no street lighting or footways throughout the village, thus the proposals would not be safely or accessibly connected to an existing pedestrian network and in any case there are only very limited facilities within walking distance, or that could be reliably reached by public transport. As such, visitors to the site and the future occupants of the proposed dwellings would be wholly reliant on the use of the private motor vehicle to go about their daily lives, for example undertaking a weekly shop, or accessing employment and/or education.
- 9.23 BCC Highways advise that the application provides for a suitable vehicular access with adequate visibility splays onto the carriageway. Further, refuse vehicles can enter and exit and turn within the site as demonstrated by the tracking diagrams in the accompanying Transport Statement. Previous concerns regarding traffic calming within the site can be dealt with at the reserved matters stage.
- 9.24 The proposed access does however raise design and heritage issues and those concerns are set out within the relevant sections of this report.
- 9.25 The parking provided to serve the proposed dwelling is shown as being on plot at surface level and/or within garages and it would therefore appear that the plan indicates the

maximum parking requirement can be met and in this respect the proposals would accord with policy GP24 of the AVDLP and the NPPF advice.

9.26 The access to the residential proposal is considered acceptable on highway grounds, and it is considered that adequate off-street car parking could be provided within the site, such that these elements would accord with the AVDLP and the NPPF and are afforded neutral weight in the planning balance.

9.27 However, it remains that the site is located within an unsustainable location with little nearby access to key facilities, and it is considered that the proposed residential scheme would not represent a safe and accessible environment and that the future occupants of the proposed dwellings would be reliant on the use of the private motor car to meet their needs for the likes of education, shopping and jobs, and this factor is assigned moderate negative weight in the planning balance.

### **Conserving and enhancing the natural environment**

9.28 In terms of the impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Permission will not be granted for development that impairs the character or identity of the settlement or the adjoining rural area. Regard must be had to how the development proposed 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.

#### *Public House*

9.29 The PH is an existing building with small scale extension proposed and therefore, it is considered that there is a negligible impact on this matter and which is to be assigned neutral weight in the planning balance.

#### *Dwellings*

#### *Landscape*

9.30 Policy GP35 states that the design of new development proposals should respect and complement a range of criterion including the physical characteristics of the site and the surroundings and the context of the setting.

9.31 Bishopstone is a former agricultural settlement of linear ribbon form and to the north of the village the settlement pattern clearly indicates more loose knit development with fields interspersing residential development with more dense building form to the south east towards the junction of Moreton Lane and Main Street. It is the more loose knit building form displayed to the north, which is used as a means to assess the built up settlement limits and it is considered that The Harrow PH represents the edge of the village with land south of the building within the village. It is not considered that land north of the pub building itself could be identified as being within the village due to the loose knit building form and that this part of the application site is undeveloped agricultural grazing land extending into open countryside beyond. This open countryside lies between the grounds of the pub and a pair of isolated dwellings to the north. Neither can the grounds of The Harrow be considered to be built up or developed. Para 10.48 of the adopted Local Plan clarifies the built up area and refers to land within the settlement framework principally occupied by permanent buildings and would not normally include recreation or amenity land, playing fields, allotments or similar open or wooded areas that contribute to the settlement form or "large grounds and gardens within the rural margins of settlements".

- 9.32 The NPPF sets out that the overarching objective of the planning system is of sustainable development which should be concentrated in sustainable locations and on previously developed land. The proposal here does not comply with this objective and is considered to not form a sustainable form of development.
- 9.33 In terms of local and wider landscape views, the existing village development, especially to the northeast of Bishopstone and including the application site, is well contained in the characterful linear format set back from the wider rural landscape to the north/ north east which consists of an open vale landscape beyond smaller pastoral fields. The amenity value of the local countryside is represented by the number of public footpaths which create a well connected network of through and around Bishopstone including the North Buckinghamshire Way, which runs parallel to the south of the application site and continues to the north, and local footpath (SBH/18/2) which runs along the northeast site boundary.
- 9.34 The details submitted with the application make no reference to the rich rural landscape setting to Bishopstone and the application site, and views to the site from the surrounding countryside and the public footpath are not illustrated or impact of change assessed – especially views in winter time and night time.
- 9.35 It is considered that views to development including roof-scapes and lighting from the wider rural countryside to the north / northeast would be highly detrimental.
- 9.36 A development of 12 houses outside of the built up edge of the settlement extending some 110m into surrounding open countryside exposed on three sides will have a significant impact on the settlement characteristics of Bishopstone and its identity as small agricultural settlement. Looking at the prevailing pattern of development in Bishopstone is of linear built form, with limited infill. A development of 12 houses arranged around a cul-de-sac is not considered to respect the pattern of development and will represent development in depth. This would be significantly and harmfully out of character and historic form with the majority of development both in the vicinity of the site and within Bishopstone generally. A similar issue with identified for a proposal for 59 dwelling South of Oving Road in Whitchurch and which was recently dismissed at appeal for this reason (APP/J0405/W/16/3152177). It is considered the proposal would have a significant impact in the context of the village of Bishopstone and would harm its rural identity. It would change its character to domestic with additional hardstanding and building and would fail to make a positive contribution to the local character and distinctiveness of the conservation area which is assessed in more detail in the relevant section of the report. There is no development of such a depth and density in Bishopstone so the proposals would appear significantly at odds with the linear dimension and limited scale of the village.
- 9.37 Furthermore, the proposals would extend into open countryside appearing as an alien addition. This would be apparent on the approach to the village which the Conservation Area Document notes is important. The proposals would be harsh and unacceptably urbanising in this sensitive edge of village location. This would be readily apparent from footpaths that surround the site. There is a footpath immediately to the south east of the site adjacent to the rear boundary. This connects with many other footpaths to the south east, north east and north west meaning that the impact would be wider than just the local area. While there is an element of screening, this is outside of the application site and the applicant's control so cannot be relied upon. The landscape in this area is flat and therefore views would be far reaching of the two storey, urbanising residential development that would be significantly different and harmful to this rural village and landscape.

- 9.38 It is therefore considered the development would cause harm to the sensitive and historic rural landscape on entrance into the village and harm to the character and appearance of the conservation area and the general area owing to the nature of the development in depth on the site contrary to policies GP35 and GP53 of AVDLP, and the NPPF guidance. Such incongruous visual, landscape and settlement identity impacts has significant impact and is therefore afforded significant weight against the proposal in the overall planning balance.

#### *Agricultural Land*

- 9.39 Paragraph 112 of the NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land (BMV) and, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. There is no definition as to what comprises 'significant development' in this context but the threshold above which Natural England are required to be consulted has been set at 20 hectares so the site (1.2ha overall) falls well below this threshold. However, in the context of the village of Bishopstone, the development of this site would be significant and therefore development on lower grade land should be used in preference.
- 9.40 The application site is a field located outside of the built up area of the settlement, it is currently grassed as rough pasture land. The proposed residential development would result in the permanent loss of around 0.7ha of grade 2 agricultural land (the total site area is 1.2ha but this includes the PH and its existing curtilage). The protection of grade 2 best and most versatile agricultural land is promoted in the NPPF.

This land falls within the grade 2 classification which is best and most versatile land which would be lost but given the small area of this land, this is a factor which is given limited negative weight in the planning balance.

#### *Trees and hedgerows*

- 9.41 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 9.42 It is disappointing that a significant portion of the existing internal treed hedgerow would be removed to facilitate the residential element of the development and the creation of the new access would require the removal of part of the frontage hedge. However, these hedgerows are not considered to be significantly important in amenity, landscape or wildlife value terms, and if the proposed residential development was considered otherwise acceptable, a detailed landscaping scheme including the retention/planting of some trees and hedgerows could be secured by condition and considered at the reserved matters stage.
- 9.43 It is therefore considered that the proposal would not have an unacceptable impact on trees and hedgerows in accordance with GP39 and GP40 and relevant NPPF advice and this factor should therefore be afforded neutral weight in the planning balance.

#### *Biodiversity*

- 9.44 Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 9.45 The application is accompanied by an ecological survey dated July 2014 as well as a Biodiversity Enhancement Scheme dated April 2015 and a Great Crested Newt Mitigation

Plan dated October 2014. No protected species were found on site, other than bats foraging although the report noted there is a potential for great crested newts to be disturbed when they are in their terrestrial habitat. Mitigation measures are set out in the report in case any are found and proposals to enhance biodiversity are also proposed in the accompanying report. Full comments on this position are awaited and will be updated at Committee.

9.46 There is a possibility that a Natural England Protected Species Licence to protect the Great Crested Newt Population may be required. With the requirement for the applicant to obtain a licence, the Local Planning Authority has to have regard to the three tests that have to be satisfied before Natural England can issue a licence. These are that:

- 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 or economic nature and beneficial consequences of primary importance for the environment.
- the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
- 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.”

Natural England (NE) have been consulted and their comments are awaited. In terms of the tests officers comment:

- It is considered that there is an overriding public interest in that there is a need to provide additional housing in the district and which has been identified as a matter that has moderate positive weight in the planning balance
- The site has been assessed as having an adverse impact and not appropriate for this scale of housing and there is likely to be more appropriate alternative sites available.
- The Council’s Biodiversity Officer is satisfied that the mitigation measures proposed by the applicant will ensure that the development is not detrimental to the maintenance of the population of Great Crested Newts on and around the site.

9.47 It is acknowledged that any mitigation measures could be secured through the imposition of appropriate conditions. Overall it is considered that the proposal would not have a detrimental impact on biodiversity and with the mitigation measures in place, it would accord with the NPPF and subject to satisfactory comments from NE and biodiversity, this factor should therefore be afforded neutral weight in the planning balance.

#### **Conserving and enhancing the historic environment**

9.48 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 132 states that there should be great weight given to the conservation of designated heritage assets whilst paragraph 139 extends this provision to non-designated heritage assets with an archaeological interest.

9.49 The application site adjoins the Bishopstone Conservation Area and forms the immediate

setting to the northwest and southwest site boundaries; the site access is within the Conservation Area and forms part of the street scene and historic frontages. Policy GP53 is therefore relevant which seeks to safeguard the character or appearance of the Conservation Area.

- 9.50 Bishopstone Conservation Area was appraised and approved in October 2012 and extends northwards to include the grounds of The Harrow PH and fields and green spaces further north. The whole of the southern corner of the application site is therefore within the Conservation Area.

#### *Public House*

- 9.51 The Conservation Area Document 2012 refers to the character of Bishopstone and identifies the prevailing agricultural undeveloped character of the settlement and the loose knit prevailing nature of the area. The Conservation Area Document notes that "This is a visually attractive area which forms one of the entrances to Bishopstone. It includes a number of listed buildings and buildings which make a positive contribution to the character and appearance of the village. It is also important because it is one of the few parts of the village where the sporadic nature of historic development remains relatively unaffected by modern infill development". The Harrow is also a building of Local Note and thus regarded as non-designated heritage asset.
- 9.52 The Council's Heritage officer concluded that the proposed rehabilitation of the Harrow PH would be an enhancement to the CA and thus attributed positive weight.

#### *Dwellings*

- 9.53 The proposed development breaks the historic settlement pattern by extending built form outside the linear pattern and beyond the line of existing development including farm buildings. The proposals would take built form up to the Conservation Area boundaries, whilst including no offset or landscape buffer, and the dwellings would not be integrated in terms of layout and landscape nor would they be sympathetic to the setting of the Conservation Area.
- 9.54 The submitted Heritage Assessment identifies a number of concerns and in terms of the setting of the CA it is noted that the proposals respect existing/historic field boundaries. However, there are existing vistas and views into and across the site which contribute to the agricultural context of this part of the CA and these would be lost by the proposals.
- 9.55 The number of new dwellings proposed is large and designed to "fill" the site. The CA appraisal, demonstrates the character of the CA as an "irregular row"; the scale and layout of the proposed dwellings would be contrary to this form. The proposal for 12 new dwellings breaks the typical character of the CA by filling the field to the rear of the PH and as such considered as causing harm to that character.
- 9.56 The Council's Heritage officer concluded that the proposed dwellings to the rear of the site would have a detrimental impact upon the character and appearance of the CA, and would be harmful in NPPF terms.
- 9.57 In terms of the NPPF this is considered to cause less than substantial harm to the significance of the asset (CA), nonetheless there is harm, and that harm needs to be weighed in the overall planning balance. It is also considered that the proposal would fail to preserve or enhance the special character or appearance of the Conservation Area, contrary to policy GP53 of the AVDLP, and the guidance set out in the NPPF. The public benefits delivered by the scheme are not considered to outweigh this level of harm, and as

such the proposal fails to accord with guidance contained within the NPPF. Therefore, it is considered that this matter is attributed considerable harm in the planning balance.

- 9.58 Furthermore, special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. While the general principle of extensions would not be harmful to the undesignated heritage asset of the Harrow, it has been concluded that the proposed residential development to the rear, by virtue of its extension and intrusion into open countryside and development of a green field site which are important to the setting of the village would fail to preserve the character and appearance of the CA which is a designated heritage asset, and so is not in accordance with section 72 of the Act.

#### *Archaeology*

- 9.59 The site is not designated as an archaeological notification site and therefore a formal consultation with BCC Archaeology has not been undertaken. This factor is therefore attributed neutral weight in the overall planning balance.

#### **Promoting healthy communities**

- 9.60 The NPPF seeks to promote healthy communities by facilitating social interaction and creating healthy, inclusive communities. Policies GP86-88 and GP94 seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities etc.) and financial contributions would be required to meet the needs of the development.
- 9.61 The residential element of the proposed development would comprise of 12 dwellings with a total floor space of over 1000sqm and therefore falls above the threshold for developer contributions.

#### *Recreation facilities*

- 9.62 Given the scale of the proposed development there is no requirement for on-site provision of open space. However the developer would be required to make a contribution towards off-site leisure provision through a S106 agreement in accordance with AVDLP policies and specific schemes will be identified by the Parish Council (Members will be updated if this information is available prior to the Committee meeting). However, on the basis the scheme is fundamentally contrary to policy, a S106 has not been sought or entered into, although it is assumed that a S106 has been secured in making the planning balance and this factor attracts neutral weight in the overall planning balance.

#### *Affordable Housing*

- 9.63 The total site area (1.2ha) exceeds the Council's threshold for the provision of affordable housing within the scheme. However, given the large proportion of land required for the PH development, garden and car parking area (compared to the total site area) which would result in the amount of developable land being under the 1ha threshold it is considered unreasonable to require affordable housing as part of the development on this basis. As such it is considered this factor should be afforded neutral weight in the planning balance.

#### *Education provision*

- 9.64 This is a development which triggers a requirement for the developer to enter into a S106 agreement in accordance with policy GP94 of the AVDLP and a specific scheme has been identified at Cottesloe School in Wing.
- 9.65 However, again on the basis the scheme is fundamentally contrary to policy, a S106 has not been sought or entered into, although it is assumed that a S106 has been secured in making the planning balance and this factor attracts neutral weight in the overall planning balance.

#### *Community Infrastructure Levy*

- 9.66 There have been legislative changes under the Community Infrastructure Levy (CIL) Regulations 2010 which came into force on 6th April 2010. Regulation 122 places into law for the first time the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account when determining a planning application for a development that is capable of being charged CIL if the obligation does not meet all of the following tests; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 9.67 In the context of this application the development is in a category that is capable of being charged CIL and the application therefore has to be determined in the light of Regulation 122. The requirement for a financial contribution towards off site recreation and education, if the proposals were to be supported, would need to be secured through a Planning Obligation Agreement. This is a proportionate obligation that is considered to comply with the regulation and for which there is a clear policy basis either in the form of development plan policy or supplementary planning guidance.
- 9.68 The specific scheme identified by the County Council Education Officer would see the potential financial contribution generated by this development put towards a Secondary School some distance from the site. However, this is considered acceptable as to recognise the complexities of parental preference as well as capacity constraints at some schools it is important to plan provision at wider planning area level as stated within BCCDs adopted S106 policy. The planning areas for secondary schools are much larger than those for primary schools as parental choice is exercised to a greater degree at secondary level. Forecasting at planning area level also has the effect of cancelling out the effect of changes in parental preference (and ensuring uniform trends in pupil numbers) which allows local authorities to make more effective decisions about adding and removing capacity in line with Audit Commission best practice guidance.
- 9.69 In line with the CIL test there is a functional link between the development and the infrastructure i.e. increased capacity at Cottesloe School will create capacity in Aylesbury to accommodate increased demand generated by the development. While Mandeville School may be the nearest school to this proposed development BCC need to pool contributions towards a particular scheme that will accommodate demand across the wider area i.e. BCC cannot just expand each catchment school by a few places as schools increase their intake in steps of around 30.

#### **Good design**

- 9.70 The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Development should function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development and provide for an appropriate mix of

uses, respond to local character and history, create safe and accessible environments which are visually attractive.

- 9.71 In para 60 the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 9.72 Policy GP35 is also relevant and which requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting; the natural qualities and features of the area; the effect on important public views and skylines.

#### *Public House*

- 9.73 The proposal to extend the PH is considered acceptable in principle, and in design terms the re-use of the arched brace as a design detail on the proposed side extension would help to integrate the new with the old, and as such would not adversely harm the character and appearance of the building, or its CA setting. However the toilet block to the right side elevation (South) as proposed should have more interest and be made to look less functional as it would be located in a very prominent location alongside the access to the PH.
- 9.74 The building has been somewhat unsympathetically extended in the past and the proposed extensions would replace these. The extensions would have pitched roofs and be constructed of in keeping materials. They would only be single storey in height and in overall size and scale terms would be subservient to the existing building and would not overwhelm it.
- 9.75 However, as mentioned above the proposed toilet extension would be highly visible within public views from the streetscene such it is considered that this element of the scheme would represent poor design and would have an adverse impact upon the character and appearance of the original PH and its CA setting. Had the fundamental objection to the residential element of the proposed development not applied then officers would have entered into discussion with the applicants to amend the design of the toilet extension. Although the proposed extensions to the PH are considered acceptable in principle, there are design concerns relating to elements of the PH scheme but it is assumed a satisfactory design can be achieved when carrying out the balancing exercise and as such, this factor attracts neutral weight in the planning balance.

#### *Dwellings*

- 9.76 The residential element is submitted in outline form only and the detailed design of the dwellings would be a matter for consideration at the reserved matters stage. However, the access and layout of the proposed development is for current consideration.
- 9.77 With regard to the density of the development, the proposed scheme would be fairly low at 15 dwellings per hectare, and in that respect would not be entirely out of keeping with the character of the surrounding area with properties. However, The proposed layout is a modern cul-de-sac design, which as set out in the previous sections of this report would be inherently out of character with the historic local settlement pattern of Bishopstone.
- 9.78 Furthermore the proposed residential units are shown backing on to or orientated at 90 degrees on to the landscaped site boundaries which represents a poor layout of dwellings

and one which often results in poor management/damage to the important treed and hedgerow boundaries of the wider site.

- 9.79 The existing pond is also poorly integrated within the site layout and landscaping, and there is no indication how SuDS will be incorporated in to the layout of the development.
- 9.80 The proposed site access is currently a simple discreet field gate enclosed within a native gappy hedgerow adjoining the northwest site boundary with The Harrow PH. The Bishopstone road, site access and PH, including the pub frontage, are within the Bishopstone Conservation Area with the road retains a simple rural character consisting of soft verges, low level granite/small 'countryside' conservation kerbs, minimal road lines and no street lighting.
- 9.81 To facilitate access to the proposed dwellings the proposed access is shown as requiring the removal of existing hedgerow to the field access and result in further urbanising of this important edge.
- 9.82 The introduction of an access of a scale to facilitate 12 family dwellings and service vehicles and to a modern design specification/materials and potential impact on the historic setting is of serious concern, and the introduction of street lighting would be unacceptable in this location, and it is considered that this would amount to inappropriate design in this setting.
- 9.83 It is considered that the proposed residential element of the development would not represent an appropriate form of design in the context of the site and its surroundings, the proposal would therefore fail to accord with policies GP35 and GP53 of AVDLP, and the guidance set out in the NPPF. As such, this is a factor which would weigh against the proposal and it is considered that this factor should be afforded moderate negative weight in the planning balance.

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

#### *Dwellings*

- 9.84 The site is located within Flood Zone 1 and the application is accompanied by a Flood Risk Assessment.
- 9.85 There are some trees and hedgerows along the boundaries, and the pub and car park are located in the south-west corner, with a drainage ditch separating this area from a field to the north-east. This ditch would appear to drain in a south-westerly direction. There is also a small dry ditch in the north-east corner of the site.
- 9.86 It is noted that from the British Geological Survey Maps the assumption has been made that the site is of low permeability and infiltration techniques will not be suitable to manage surface water, although no site specific ground investigation has been undertaken. It is therefore proposed to discharge surface water run-off to the ditch in the southeast of the site, with attenuation provided within a porous paved tanked sub-base system or suitable alternative.
- 9.87 This strategy appears particularly limited in its use of SuDS techniques, and the BCC Strategic Flood Management Team have requested that on-site infiltration rate testing (to BRE 365), together with groundwater level monitoring is carried out at the earliest opportunity. This will enable an assessment of the full range of SuDS systems to be made to determine which methods are suitable for inclusion in the final drainage design, with justification provided for those that have been excluded. The inclusion of additional SuDS components within the Surface Water Drainage Strategy would increase the number of

treatment stages to limit pollutants entering the receiving watercourse, and could also enhance the overall amenity, ecological and bio-diversity benefits of the development.

- 9.88 The submitted Flood Risk Statement does not provide any details of the type of maintenance activities to be carried out on the proposed drainage infrastructure, or who will be responsible for managing the required maintenance activities. These details are required to ensure the drainage infrastructure will be adequately maintained for the lifetime of the development and would need to be secured in a S106 agreement.
- 9.89 There is no indication how SuDS will be incorporated in to the development and compliment the site landscaping, although further details would be considered at the reserved matters stage. There is no reason that the issues identified above could not be appropriately dealt with by conditions and the SuDS Officer at BCC has no objections to the proposal subject to the imposition of such conditions and securing of maintenance arrangements in the S106.
- 9.90 The proposed dwellings would be required to be constructed to modern standards of design and sustainability to accord with current building regulations.
- 9.91 Overall, subject to the imposition of planning conditions to secure appropriate drainage details, it is considered that the proposed development would be resilient to climate change and flooding and this factor should therefore be afforded neutral weight in the planning balance.

#### ***Impact on residential amenity***

- 9.92 Policy GP8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. Where planning permission is granted, the Council will use conditions or planning obligations to ensure that any potential adverse impacts are eliminated or appropriately controlled. The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings.

#### *Public House*

- 9.93 In respect of the extensions to The Harrow, the principal extensions proposed are to be sited on the north western elevation which is more than 50m from 23 Bishopstone Road and therefore is not considered to cause unreasonable harm. In respect of residential properties sited across the road from the application site, the extensions are to serve a dining area and are not considered to cause more harm to the amenities of these residents than a functioning PH. Therefore the extensions to the building, the reinstatement and refurbishment of the pub and the intensification of the access is not considered to cause unreasonable harm to the amenities of adjoining properties and this is attributed neutral weight in the planning balance.

#### *Dwellings*

- 9.94 In respect of the development of 12 houses, whilst this is an outline application and therefore no elevational treatment detailing the position of windows has been submitted, it is considered an acceptable level of amenity can be provided for all residents within the development through the reserved matters application. Further it is considered the development is satisfactorily positioned away from existing residents on Bishopstone Road that their amenity is not unreasonably harmed.

9.95 The erection of 12 houses would have the capacity to provide for an appropriate level of residential amenity to all proposed dwellings and neighbouring properties to the site. The proposal therefore accords with GP8 of AVDLP and the relevant NPPF advice in this regard. This is afforded neutral weight in the planning balance.

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