

APP 04

Application Number: 12/01651/DISCON

Other

Details submitted pursuant to discharge of conditions 2 (materials), 7 (surface water disposal from vehicular access), 8 (highway works at junction of Church Road and London End Lane), 10 (surfacing of vehicle and pedestrian areas), 11 (details of earth mounding and contouring), 16 (landscaping scheme), 17 (works to trees) and 18 (boundary enclosure) attached to planning permission 08/01721/FUL allowed by appeal ref APP/Y0435/A/09/2104644

AT Land West of, 1 London End Lane, Bow Brickhill

FOR Mr And Mrs Edward Odufuwa

Target: 5th October 2012

Ward: Danesborough

Parish: Bow Brickhill Parish Council

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1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.1 The Site

The application site is located in the open countryside on the southern edge of the village of Bow Brickhill. The site is located on London End Lane which is accessed from the steeply graded Church Road. The location plan showing the site and its relationship to surrounding properties has been attached to this report.

1.2 The Proposal

Details submitted pursuant to discharge of conditions 2 (materials), 7 (surface water disposal from vehicular access), 8 (highway works at junction of Church Road and London End Lane), 10 (surfacing of vehicle and pedestrian areas), 11 (details of earth mounding and contouring), 16 (landscaping scheme), 17 (works to trees) and 18 (boundary enclosure) attached to planning permission 08/01721/FUL allowed by appeal ref APP/Y0435/A/09/2104644.

1.3 Previous Committee and Update

The details were previously assessed by the Development Control Committee on 8th November 2012. The Committee deferred the items (12/01154/DISCON and 12/01651/DISCON) to allow for further discussions regarding conditions 7

(surface water disposal from vehicular access), 8 (highway works at junction of Church Road and London End Lane) and 21 (construction method statement). The Committee asked that a letter of comfort be provided to the applicant to confirm that the Council considers the details submitted for the other conditions to be acceptable. The letter of comfort was issued on 21st November 2012. At this time the applicant asked if construction of the driveway sub-base would constitute development and the implementation of the planning permission (please see paragraph below regarding implementation). On 28th November the meeting was held between the applicant, representatives from the local residents, the Parish Council, the Ward Member and Officers. Following this meeting additional information has been submitted for Conditions 7, 8 and 21.

1.4 Implementation

The planning permission expired on 25th November 2012; however, the applicant has carried out works to the access which would be sufficient in scale and location to implement the planning permission. The Planning Permission is subject to a number of conditions that in many instances require approval of scheme details for works to be carried out before development commences; these are known as conditions precedent. A start of what would be an otherwise lawful development is unlawful if these planning conditions have not been discharged before commencement. However, there have been a number of cases that seek to draw distinctions about the lawfulness of commencement works in these situations the most famous of which is called Whitley which has given rise to certain judicial exceptions.

1.5 In Whitley, an applicant submitted details to satisfy conditions that would otherwise be acceptable but the LPA was not able to approve them within the three year period. However, the principle established in the case is that provided that the works were carried out in accordance with the submitted details and terms of the conditions which are then subsequently approved by the LPA, then the conditions can be considered to have been complied with and the commencement of works can be considered lawful.

1.6 The development is currently in a position similar to that in Whitley and therefore during the interim period before the conditions are discharged, the commencement of works can be considered lawful and the 2009 permission remains extant. As long as the details submitted for the conditions are found to be acceptable then the planning permission can be considered to have been lawfully implemented.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy Framework
Paragraph 14: Presumption in favour of sustainable development
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design

Section 11: Conserving and enhancing the natural environment

2.2 **Local Policy**

Core Strategy (emerging policy)

CS1: Milton Keynes Development Strategy

CS9: Strategy for the Rural Area

CS10: Housing

CS12: Developing Successful Neighbourhoods

CS13: Ensuring High Quality, Well Designed Places

CS19: Healthier and Safer Communities

CS20: The Historic and Natural Environment

Adopted Milton Keynes Local Plan 2001-2011

S1: General Principles

S10: Open Countryside

S11: Areas of Attractive Landscape

D1: Impact of Development Proposals on Locality

D2A: Urban Design Aspects of New Development

D2: Design of Buildings

D4: Sustainable Construction

D5: Renewable Energy

NE2: Protected Species

T10: Traffic

T15: Parking Provision

Supplementary Planning Guidance

Milton Keynes Adopted Parking Standards (2005) and Addendum (2009)

3.0 **MAIN ISSUES**

(The issues which have the greatest bearing on the decision)

- 3.1 Planning permission has already been granted for the development. The period in which a legal challenge to the decision could be made has expired. The current applications are for the details required by conditions on the planning approval and therefore the submitted details are only considered in terms of whether they meet the requirements of the condition. The principle of the development cannot be revisited at this stage and also the requirements of the conditions cannot be expanded upon. If the submitted information meets the requirement of the condition then approval of the details must occur.
- 3.2 The Committee deferred the case for further discussions regarding conditions 7 and 8 (as well as condition 21 which is being considered under separate reference 12/01154/DISCON) and therefore the main body of this report discusses these conditions; all other conditions are as per the previous report to Committee and the details have been provided at section A2 of the Appendices of this report.
- 3.3 Taking into account the additional information provided for condition 7 (surface water disposal from vehicular access) and response from the Environment Agency, the details submitted for condition 7 are considered to be acceptable.

In addition, taking into account the findings of the stage 1 Safety Audit and extensive discussions (including a site inspection) with the Highways Engineers, the proposal for nil works to the junction of London End Lane and Church Road is considered acceptable.

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 It is recommended that the details submitted pursuant to the discharge of Conditions 2, 7, 8, 10, 11, 16, 17 and 18 attached to planning permission 08/01721/FUL are approved.

5.0 CONSIDERATIONS

(An explanation of the main issues that have lead to the officer Recommendation)

5.1 Condition 7

The development hereby permitted shall not commence before details of the means of disposal of surface water from the vehicular access to the dwelling have been submitted to and approved in writing by the local planning authority; thereafter the approved means of disposal shall be in place and shall be made effective before first occupation of the dwelling.

The Inspector's reasoning for imposing this condition is to ensure that surface water does not discharge onto a route likely to be used by the public. In addition, it should be noted that it is contrary to the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system.

- 5.2 There will be no more water flowing down the hill than there is now as no other source of water is proposed. All the surface areas to the driveway will be permeable and the water management plan includes the provision of a new balancing pond to attenuate peak flows from the site. Rainwater falling on the flat driveway area to the front of the house and the patio area to the rear will be directed via a drain into a storage tank installed in the ground. This water will be available for recycling into the house for domestic non-potable purposes after appropriate filtering and sterilisation. A pond will receive the treated sewage effluent from the reed-bed system and also rainwater run-off that falls on the driveway up to the catch drain. The pond will serve two main purposes: one to create a reservoir of water than can be recycled for irrigation of the garden and secondly as a balancing pond to attenuate and mitigated the rate of low of rainwater run-off draining off the driveway. This system will cater for the rain falling on the driveway above a point that corresponds with the water level in the pond. Below this a further series of cross drains will collect the rainwater into a secondary common drain which will discharge into a culvert that runs under and across the entrance to the Turning Head at the start of the driveway. The pond will also discharge into this culvert.

- 5.3 Details of the driveway run-off from the proposed permeable surface on the driveway have been submitted. As a result of the design and use of various water management techniques the water run-off from across the whole area of the site, once development has been completed, will not be greater than the existing green field run-off rates from the site calculated in line with Environment Agency guidance.
- 5.4 This proposal fits in with the approved 'Fresh Water Supply and Foul Water Treatment and Disposal' report which accompanied the planning application and was approved by the Planning Inspector. "Fresh Water Supply and Foul Water Treatment and Disposal" report Water management plan submitted with the application states that "At the lower boundary, a ditch collects surface water flowing from the site, preventing flooding of the lane. Water flows from the ditch through a culvert under the site entrance and the lane and eventually joins a stream some fields further downhill." Compliance with this report is required by Condition 5 of the permission. When consulted on the planning application the Internal Drainage Board made no comment on the proposal as they noted that the Environment Agency has approved the Water Management Scheme for the site.
- 5.5 It is not the purpose of the condition to control the treatment and disposal of foul water. The reed bed system forms part of the 'Fresh Water Supply and Foul Water Treatment and Disposal' report and Condition 5 of the planning permission requires the development to be carried out in accordance with the 'Fresh Water Supply and Foul Water Treatment and Disposal' report. Condition 5 does not require further details to be submitted for approval. Therefore, the reed bed system is not currently under consideration by the Council and an objection to the use of a reed bed system would not be a justifiable reason to refuse the details submitted for condition 7.
- 5.6 The applicant has provided further information including a plan showing the location of the drainage ditch along the boundary of the site. The works which have been carried out on site to create the access have affected this ditch; however, to comply with conditions 5 and 7 the ditch/culvert will need to be reinstated as shown on the submitted plan. The details have been discussed with the Council's Drainage Engineer and the Environment Agency. The Drainage Engineer has requested that an access manhole is installed where the culvert across the access joins the culvert under London End Lane and also that the proposed culvert should match the diameter of the existing culvert; this would go beyond the requirements of the condition and therefore could not be required as part of the condition but these details should be provided to the applicant in the form of an informative on any decision notice.
- 5.7 Whilst the acceptability of the approved foul water treatment and disposal details is not under consideration as part of this application it is important that the details submitted for condition 7 do not conflict with the approved details for foul water treatment and disposal. Concerns have been raised regarding the discharge consent issued by the Environment Agency. The Agency has provided details of how they consider applications for Consent to Discharge.

The Agency use online bespoke mapping systems to give a clear representation of what the geology is in the immediate area, and flood risk have their own detailed mapping system to confirm any risk a development may pose. The Agency determine an application according to their operation instruction; an in depth document which contains information on what must be assessed once an application is received. If the conditions on the discharge consent could not be complied with then the consent would not have been issued. The applicant must provide the data to evidence the discharge rate, and providing the amount is within the permitted discharge volume, then the consent is granted. The discharge of 1.5 cubic metres per day is given on the discharge consent; but it is unlikely that a domestic property will achieve this amount. The Agency has no objections to this application as it stands and considers there will be no risk to groundwater in the area.

5.8 Therefore, the Environment Agency has raised no concerns with the submitted details for condition 7 and that the details are satisfactory enough to deal with any excess surface water runoff in relation to the sewage arrangements for the property. The details submitted for condition 7 are acceptable in terms of the management of surface water runoff from the driveway and also with regards to the potential impact on the approved foul water treatment and disposal system.

5.9 **Condition 8**

The development hereby permitted shall not commence before details of highway works at the junction of Church Road and London End Lane, required to improve visibility, have been submitted to and approved in writing by the local planning authority; thereafter the dwelling shall not be first occupied until the approved works have been completed.

The Inspector's reasoning for imposing this condition is to improve visibility for drivers and pedestrians negotiating the junction of London End Lane with Church Road.

5.10 The applicant submitted details of build-outs at the junction which would improve visibility at the junction for users of London End Lane. Prior to any works being undertaken on the public highway a safety audit would be required. Given the concerns regarding the proposed works officers requested that a stage 1 safety audit of the proposed works be carried out prior to determining the current application to ensure that the proposed works could be implemented without causing safety concerns on Church Road.

5.11 The safety audit came to the following conclusion. The build-outs will prevent vehicles from being parked adjacent to the junction increasing the junction visibility splays. However, the London End Lane junction is located on a bend; from either direction, forward visibility along Church Road is limited due to property boundaries and planting. The proposed build-outs at the junction create several potential road safety implications. The addition of the build-outs will reduce the available carriageway width on Church Road. Opposing road users approaching the bend will be presented with less available road

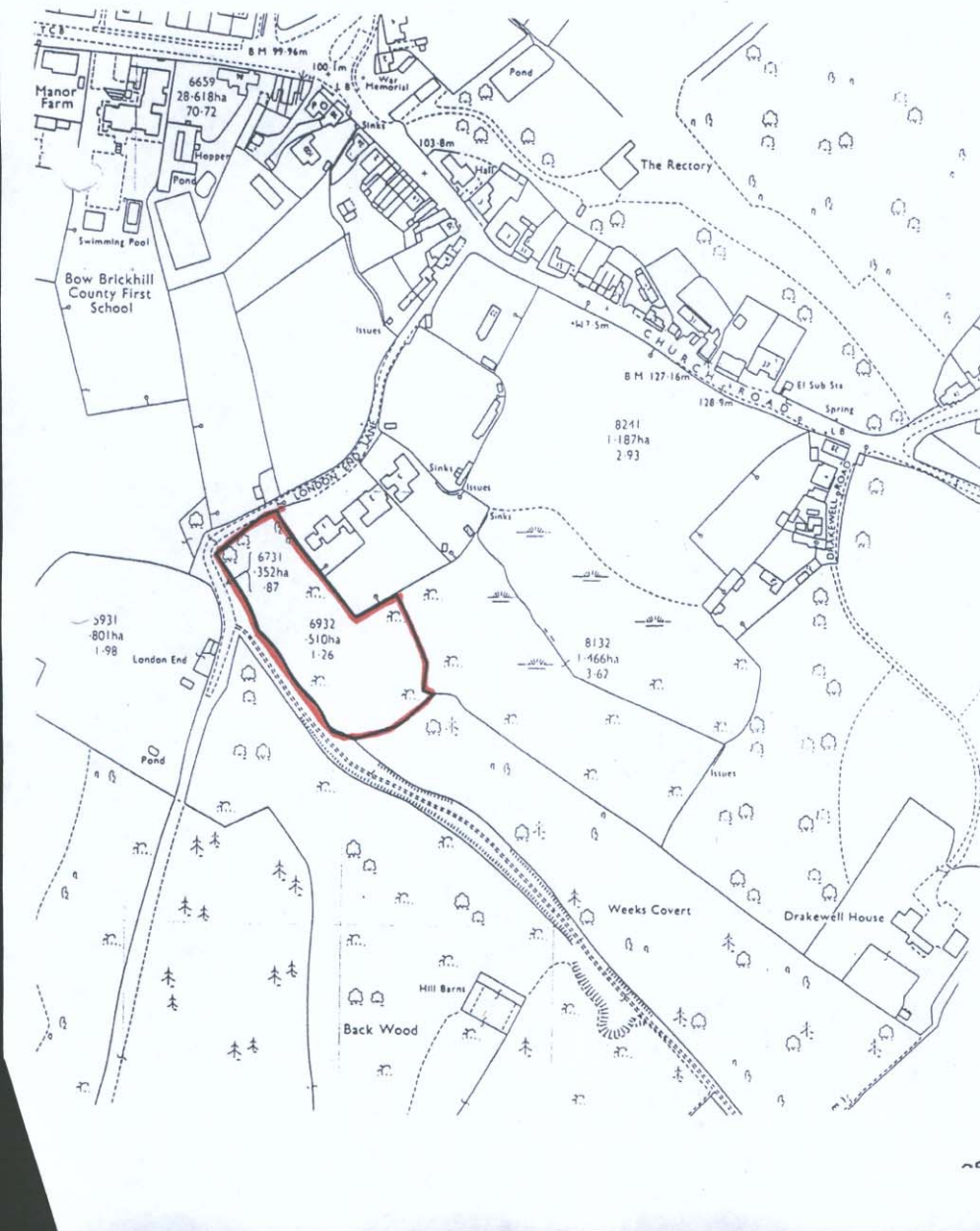
space in the vicinity of the junction within which to manoeuvre to avoid conflict and collision. Road users on Church Road travelling down the hill will be forced towards the centre of the road to pass the build-outs; this will further reduce the available intervisibility between opposing road users, increasing the risk of conflict and collision. Church Road is a popular route for non motorised users accessing Aspley Woods for recreational pursuits. Pedestrians, cyclists and equestrians on Church Road will also face increased risk from oncoming or passing vehicles, particularly those who will be forced further into the carriageway to pass the build-outs. The build-outs themselves present a hazard to approaching road users who may collide with the features, particularly those travelling down the hill and during darkness or adverse weather conditions. Therefore, the addition of the build-outs potentially creates more serious problems for road users on Church Road and as such they should not be provided.

- 5.12 In response to the concerns raised in the safety audit the applicant now proposes to carry out no works to the junction. The outcome of the safety audit, the implication in terms of condition 8 and other possible solutions have been discussed in substantial detail with the Council's highways engineers, planning officers and legal team including a site inspection. The conclusion is that the most appropriate solution would be to retain the status quo at the junction and therefore that no works to the junction are undertaken. The impact of one additional dwelling on the junction without any improvement in visibility has been considered by the highways engineers as not having a significant impact on highway safety. Therefore, whilst this is not the ideal situation; it is recommended that the proposed 'no works' be accepted with regards to condition 8.

LAND REGISTRY

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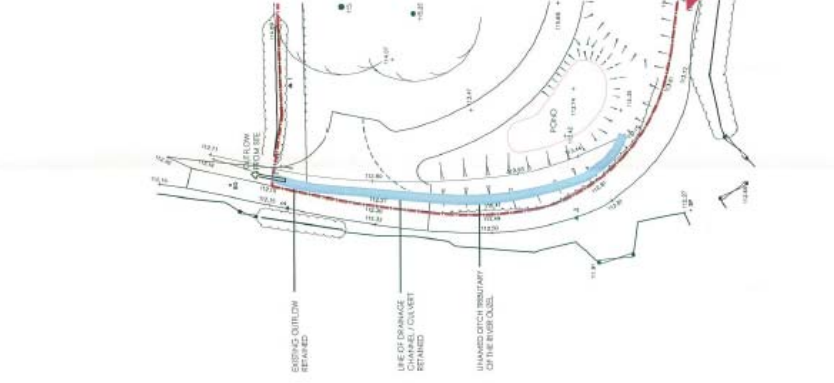
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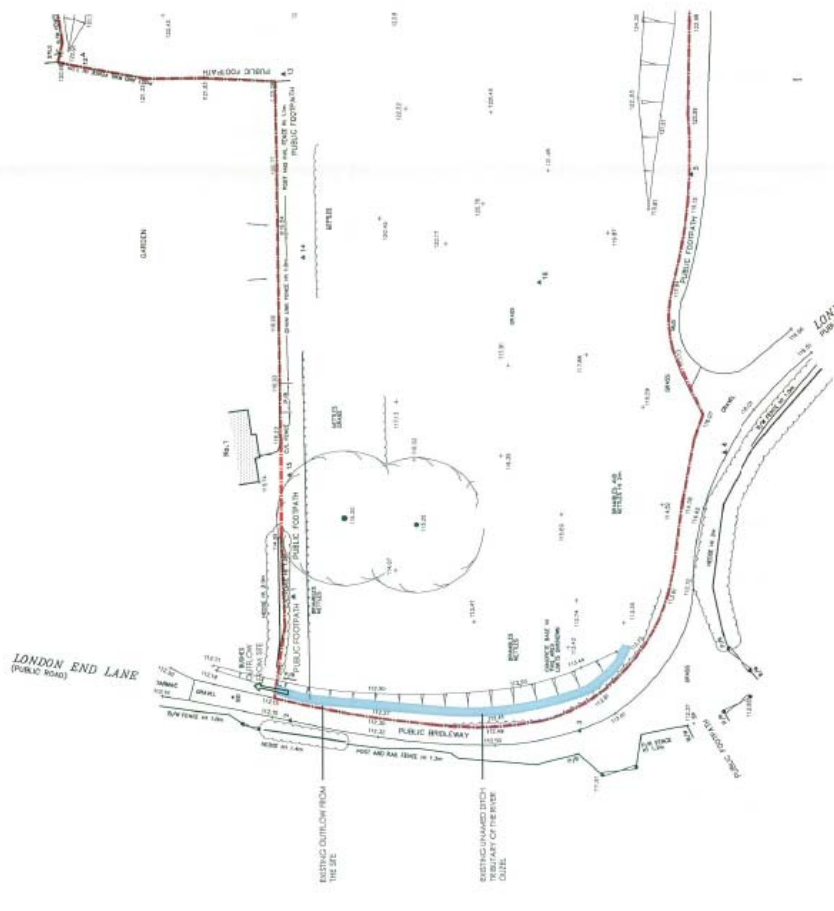
Project: **LONDON END LANE
BOW BRIDLE
MIDDELTONS**

Drawing: **SITE PLAN
INTERNAL DEED BOUNDARY
OF THE PUTE QUILL**

Purposes: **Date: 13/04/12**
Scale: **1:2000(A)** Drawn: **SPA**
Dwg. No: **W2000/1/29** Revision:



PROPOSED SITE PLAN



EXISTING SITE SURVEY

Appendix to 12/01651/DISCON

A1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

A1.1 08/01721/FUL

Erection of low impact dwelling with parking and ancillary officer; refused 09.12.2008. Granted at appeal on 25th November 2009.

12/01154/DISCON

Details submitted pursuant to discharge of conditions 3 (archaeological investigation), 4 (ground assessment), 12 (site waste management plan), 13 (green roof construction), 15 (finished floor levels), 19 (reptile mitigation plan), 20 (reptile mitigation strategy) and 21 (construction method statement) attached to planning permission 08/01721/FUL allowed on appeal ref APP/Y0435/A/09/2104644; pending decision.

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 Condition 2

Details of materials to be used on all external surfaces of the building, together with samples – if requested by the local planning authority, shall be submitted to and approved by the local planning authority in writing before the development is commenced; thereafter the development shall not proceed other than in accordance with the details approved.

The application form submitted for the approved planning permission includes details of the proposed materials including the structure, the buried and exposed walls, the retaining walls, the roof (including the supporting structure for the PV panels and steel flues and cowls), the windows and doors (timber framed, triple glazed argon filled windows and patio doors and solid timber front door and doors to store and plant room), the lighting, areas of hardstanding, the atrium, and the walkway and bridge. In addition, the approved plans include details of the proposed materials. The details submitted for Condition 2 detail the criblock walling to the front which is to be a timber crib retaining system with in built geo-textile planters. To the rear ThermoWood pre-treated external cladding and glazed curtain walling with timber frame stained to match the timber cladding as well as sand coloured render panels to the upper floors. The details of the proposed materials (including colour) submitted for the condition when assessed in relation to the details included within the application form and plans for the approved planning permission are considered acceptable with regards to Condition 2.

A2.2 **Condition 10**

The development hereby permitted shall not commence before details of the construction and surfacing of all areas within the site intended for use by vehicles and pedestrians have been submitted to and approved by the local planning authority in writing, thereafter the development shall not be undertaken other than in accordance with the details approved.

The proposal is for the driveway/vehicle hard standing to be constructed of a permeable layer of resin bound gravel on binder course on geotextile membrane sub base. The hard standing to the rear of the property is to be timber decking. These details are considered acceptable with regards to Condition 10.

A2.3 **Condition 11**

The development hereby permitted shall not commence before details of earth mounding and contouring, including profiles and levels in relation to a fixed datum, have been submitted to and approved in writing by the local planning authority; thereafter the development shall not be undertaken other than in accordance with the details approved.

Site sections have been provided showing the proposed ground level in relation to the existing ground level on the site. The drawings show how mounding and contouring will be used to screen the development from view including views from the public footpath and the bridleway which border the site. The details submitted are considered acceptable with regards to Condition 11.

A2.4 **Condition 16**

The development hereby permitted shall not commence before details of a landscaping scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority; the scheme shall include numbers, types and sizes of trees and shrubs to be planted and their location in relation to the building, to the site boundary, to surfaced areas and to underground services; thereafter, the landscaping scheme shall be implemented in accordance with the details approved; any tree or shrub that is removed, dies or becomes severely damaged or diseased within two years of completion of the scheme of landscaping shall be replaced in the next planting season with a tree or shrub of similar size and species or as may otherwise be approved in writing by the local planning authority.

Landscape proposals have been submitted showing the numbers and locations of new trees, trees to be retained, the protection and retention of areas of existing ground vegetation at the upper side of the site and areas of new wildflower planting. The proposal also includes an area of general purpose grass mix for the domestic garden area which is to be located to the rear of the dwelling in an area screened by the proposed mounding and

contouring. The proposed tree planting to the lower, western end of the site is of native forest trees whilst within the site orchard there would be apple, pear, cherry and plum to provide fruit and biodiversity. The proposal also includes shrub planting consisting of mixed soft fruit species including currants and gooseberries and some semi-ornamental thicket planting. The areas to the upper end of the site would be seeded with a wildflower mix suitable for acid sandy soils and a general purpose meadow mixture for the lower half of the site. The proposed landscaping scheme is considered suitable to comply with requirements for Condition 16. The applicant has confirmed that the landscaping scheme will be implemented prior to occupation or practical completion whichever is sooner. Given the constraints of the site during the construction phase this timeframe is considered acceptable.

A2.5 Condition 17

The development hereby permitted shall not commence before details of trees which are to be retained and those that are proposed to be removed, lopped or pruned shall be submitted to and approved by the local planning authority in writing; thereafter no tree shown to be retained shall be felled, lopped or pruned without the written consent of the local planning authority.

A tree protection plan has been submitted which includes details of the trees to be retained as well as details of the proposed works to some of the retained trees. The submitted information has been assessed by the Council's tree officer and is considered acceptable subject to the removal of a small amount of mounding located within the root protection area of oak T8 and tree protection fencing and ground protection fencing to retained trees T17A to T19. The details have now been amended to remove the small area of mounding from the root protection area of T8 and also confirmation that there is no requirement for any excavation to the root area of T17A to T19 as this is beyond the proposed reptile fence area. The proposed details are now considered acceptable with regards to Condition 17.

A2.6 Condition 18

The development hereby permitted shall not commence before details of any boundary enclosure have been submitted to and approved in writing by the local planning authority; thereafter the development shall not be undertaken other than in accordance with the details approved.

The submitted information for the boundary treatment includes a naturally treated timber post and rail fence with a pair of 5-bar entrance gates at the vehicular entrance and the existing hedging retained (to be woven). To the rear of the site the existing bracken, wildflowers and vegetation will form the boundary. The retention of the existing hedging is considered to be an appropriate boundary treatment and the proposed length of timber post and rail fence at the vehicular entrance is also considered acceptable for this rural location. The proposed boundary treatment is therefore considered acceptable with regards to Condition 18.

A3.0 CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)

Comments

Officer Response

A3.1 Highways

A stage 1 safety audit of the proposed works to the junction of London End Lane and Church Road has been carried out. The build-outs will prevent vehicles from being parked adjacent to the junction increasing the junction visibility splays. However, the addition of the build-outs potentially creates more serious problems for road users on Church Road and as such they should not be provided. The impact of one additional dwelling on the junction without any improvement in visibility would not have a significant impact on highway safety.

No works are now proposed for the junction. Please see paragraphs 5.9 to 5.12 above.

A3.2 Senior Landscape Architect

Condition 16: Landscape Scheme (Drawing no SJA 143.01.0) is acceptable. Noted. Please see paragraph A2.4.

Condition 11: Earth Mounding is acceptable.

Condition 17: Work to trees (SJA.143.02.0). Tree protection accords with BS 5837 2012. Please consult the Council's Tree Officer on specific tree works.

A3.3 **Landscape Services**

The submitted information is acceptable with two queries; the Oak T8 has a small amount of mounding located within the root protection area, can this be relocated elsewhere so that the root-zone is not compromised and so the two retained Oaks here do not have to have their protective fencing taken down during the construction phase? The small retained trees T17A to T19 should benefit from tree protection fencing and the ground protection fencing to the ecological areas runs through their root protection areas close to the trunks of several; this can only be done if the fencing involves no excavation. If it does the ecological fencing should be re-located to outside the root protection areas.

An amended plan has been submitted which addresses these concerns.

A3.4 **Urban Design**

I have looked at the proposals for the junction of London End Lane and Church Road and cannot see a conflict with the conceptual work Urban Design has completed for Bow Brickhill so long as the materials are in keeping with the existing context.

No works are now proposed for the junction. Please see paragraphs 5.9 to 5.12 above.

A3.5 **Environment Agency**

Happy that the conditions outlined were satisfactory enough to deal with any excess surface water runoff in relation to the sewage arrangements for the property.

Please see paragraphs 5.1 to 5.8 above.

A3.6 Cllr David Hopkins

Requests that the details go to Development Control Committee for determination. Noted

A3.7 Bow Brickhill Parish Council

Bow Brickhill Parish Council has been approached by residents concerned about the discharging of conditions. Residents have made a number of pertinent points. We would particularly like to add our voice to the concerns raised over the water flow problems and traffic safety relating to the build-out from London End Lane into Church Road. Noted.

A3.8 Water flow is a persistent problem on the hill and careful management is required of any development proposed which impacts on the delicate local water balance. Several residents have commented to you on the discharge of condition 7 relating to surface water, expressing scepticism that the proposals would work as described, and the Parish Council shares these doubts. Please see paragraphs 5.1 to 5.8 above.

A3.9 Concerns about the proposal to drain surface water into the ditch as the 'culvert' is no more than an unmaintained ditch which peters out causing local water logging. The method of fresh water supply and foul water treatment and disposal has already been granted consent and is not currently under consideration. The information submitted for Condition 7 details how the surface water from the vehicular access will be dealt with; all the surface areas to the driveway are to be permeable. The proposals would attenuate the rate of surface water runoff from the site.

A3.10 The build-out from London End Lane into Church Road is supposed to ensure that vehicles turning right into Church Road drive out further, to ensure adequate vision. The Parish Council is concerned that this will increase rather than decrease road safety, by making vehicles project further into a narrow road. Narrowing the road will increase the risk of a head on collision. Also, the proposed changes to the junction do not take into account that Church Road is a very steep hill with flash floods in heavy rain. The new surface is likely to interfere with the flow of water down the hill, adding to the water flow problems. To push the deluge into the road would surely be a traffic hazard? The changes to the junction of London End Lane and Church Road would decrease parking opportunities on Church Road. Please see paragraphs 5.9 to 5.12 above.

A3.11 **Public Representations**

Objections have been received from 17 local residents of London End Lane, Church Road, Drakewell Road, Woburn Sands Road and Station Road and also from the Head Teacher of Bow Brickhill Primary School. Noted

A3.12 Condition 2 (materials)

The developer has submitted no details of the solar equipment, chimneys, windows, doors, other cladding or structural elements, exposed pipework, fascias, walkways, decking or paving materials. Please see paragraph A2.1 above.

A3.13 Condition 7 (surface water disposal from vehicular access)

The supposed 'ditch tributary of the River Ouzel' has been destroyed during the enabling works and water now runs from the site, over the bridleway and down into the fields where it then puddles at the bottom of the hill. The adjacent landowner, onto whose land water from the site drains believes that a previous landowner laid a load of old bricks under the lane to aid drainage rather than a culvert. The details do not take into account the possibility of extra water from the roof of the building or from disturbed springs. The run-off is uphill which is unrealistic. The ditch does not connect with any main water way or drainage and is not "an unnamed ditch tributary of the River Ouzel". None of the maps identify the actual route of the proposed effluent flow. The Internal Drainage Boards' watercourse map for the area confirms that there are no watercourses in the position claimed in the original application. No one raised the actual route of the so-called ditch with the Environment Agency at the time that it was approved in 2005. The site map makes it clear that there is no known exit for the effluent. The pond cannot cope with the potential volumes of rainwater runoff particularly when considering climate change. As the site is sitting on clay it does not matter how absorbent the driveway is, when it is saturated it will flow right off it.

Please see paragraphs 5.1 to 5.8 above.

A3.14 Discharging treated sewage from a reed bed system will not work; following a period of freezing untreated sewage will be discharged into the common drain. This is not a suitable place for a reed bed sewage system. Excess water draining down from the hill currently runs onto the school playing field and playground; there are concerns that this water

Please see paragraphs 5.1 to 5.8 above.

could contain untreated effluence if the proposed ponds and red bed overflows.

- A3.15 The condition should not just relate to driveway runoff but should require a complete site water strategy. The Environment Agency has not approved the water management plan. There is not enough information or detail to enable the EA or the Council to assess the situation property with regards to effluent and the destination and quality of the surplus water at this point in time. Please see paragraphs 5.1 to 5.8 above.

A3.16 Condition 8 (highway works at junction of Church Road and London End Lane)

Local residents are concerned that the proposed build outs would make the junction extremely dangerous for pedestrians, cyclists, horse riders and vehicles and more dangerous than at present. That the proposed build outs would reduce the available space for parking on street, that they will worsen the existing flooding situation on Church Road, that details of drainage are not sufficient, that the works would damage the nearby residential properties which have no foundations, that the bollards should be steel and not stainless steel or oak, that the bollards will have a major impact on the visual values of the area but without them there would be increased risk of damage to houses, that the build outs won't be in keeping with the proposed improvements to Church Road, that the works seem excessive merely to make the junction safe as the eco-house is being built. Please see paragraphs 5.9 to 5.12 above.

- A3.17 The build outs should be constructed prior to construction starting as this will offer some protection to homes. The condition requires works to be carried out prior to first occupation of the dwelling and therefore it would not be possible to require the works to be carried out before this point.
- A3.18 Condition 10 (surfacing of vehicle and pedestrian areas)
The proposed hardstanding will require massive amounts of material to be brought onto the site which isn't ecofriendly. The use of permeable self-bind gravel was specified on the application form for 08/01721/FUL and therefore was granted planning approval.
- A3.19 Condition 11 (details of earth mounding and contouring)
The plans for mounding seem to include earthworks outside the site and that is not acceptable (the plans have 'new mounding to kept away from existing planting' written on the footpaths). The new mounding is shown within the site boundary and not on the footpath.
- A3.20 Condition 16 (landscaping scheme)
What guarantees are there that the developer will construct exactly to the proposed standard and that the existing wild flowers, ferns and very dense undergrowth will be retained and undisturbed. The landscaping scheme is far more than the site can reasonably hold without making a sudden break with all the surrounding areas of ancient woodland. It is axiomatic that if the trees are planted as shown and allowed to grow fully that the house will not have a view. Please see paragraph A2.4 above.
- A3.21 Condition 18 (boundary enclosure)
The gates and fence are too wide and will materially affect the appearance of the lane. I thought the turning area would be for public use. What height will the woven hedges Please see paragraph A2.6 above. There is no restriction on the height of the hedge.

be maintained to because the house should not be seen from any part of the boundary. Protecting the site in terms of security and preventing the building being seen are at odds with connectivity to the wood and surrounding wild areas and will affect wildlife access to this area.

A3.22 Other comments received

Object to a 15m high wind turbine shown on the landscape plan.

The planning permission does not extend to a wind turbine on the site. Approving the landscape details shown on the submitted plans would not grant planning permission for the wind turbine. An informative should be included on the decision notice clarifying that a wind turbine does not have planning permission.

A3.23 Concerns are raised that with the change in ownership many of the Inspectors reasons to grant are now questionable.

Planning permission runs with the land and was not granted on a personal basis; therefore, the change of ownership is not a material consideration.

A3.24 What redress do we have to overturn the entire proposal as I cannot see how the Inspector could have made the detailed assumptions to lead to a grant of planning permission on this site and therefore the approval has to be deemed 'unsafe'.

The period in which a legal challenge to the decision could be made has expired.