

17/04533/APP– Land at Church Farm 4 Stratford Road Nash Buckinghamshire MK17 0ES. The erection of nine dwellings with associated parking and landscaping.

COMMENTS OF NASH PARISH COUNCIL ON THE APPLICATION

Summary

1. The Parish Council considers that the application does not satisfy a number of important requirements of the National Planning Policy Framework.
2. The application, provides no evidence of any assessment of local need, is not required for the purposes of meeting housing need and brings no benefit to Nash.
3. As the applicants state, this application is very similar to the applicants earlier application (17/00674/APP) which was rejected by the District Council. The Parish Council do not consider that there are any different material considerations that should lead to a different determination.
4. The application is very similar to another application for 9 houses in Nash on a site ¼ a mile away. That was rejected in 2013 by the Planning Inspector and her comments are relevant to the application.
5. The surface drainage proposals give rise to significant practical and legal problems, none of which are addressed in the application. As a result there is the likelihood that properties below the site on the High Street could be materially affected by surface water escaping from the site leading to flooding and harm to property fabric and values.
6. As a result of the above and also the fact that the site will remain private, and hence provide no rights of way over the same to other residents, the Parish Council does not consider that the development will add to social cohesion within the village but rather has the potential to be divisive.
7. Both the applicants Planning Statement and Design Access Statement need to be qualified and read in conjunction with the comments set out in this submission.
8. If the matter is to be heard before the Development Committee then the Parish Council would like the opportunity to appear and speak before the Committee.
9. In making this submission the Parish Council declares an interest, see 'Nash Parish Council's interest in the site' at the end.

1. Overview

The applicants state in their Planning Statement that the application is ‘a *slightly revised scheme that addresses the reasons for planning refusal*’, in their earlier application 17/00674/APP. As a result many of the comments made by the Parish Council apply to this application.

The earlier application was refused by the District Council’s Planning Officer who in making his decision commented, inter alia:

The development would make a contribution of 9 dwellings to the District’s housing land supply which is a benefit arising from the proposal, although having regard to the small number of dwellings it is considered that the benefit should be accorded moderate positive weight. In terms of economic benefit, the conclusion is that the weight to be accorded to this benefit is limited.

It is evident, however, that Nash is a location for development that performs poorly in respect of access local services and availability of non-car means of transport. The proposal cannot reasonably be considered small scale development, and that the proposed additional 9 dwellings in this location comprises development deficient in sustainability terms. This is a factor to which considerable negative weight should be assigned in the planning balance.

The proposal would have adverse impact in terms of the character of the village and its setting in the wider landscape and this is considered to represent harm to which moderate weight should be accorded in the planning balance.

The proposed development would result in unreasonable loss of residential amenity for occupants of existing dwellings adjacent to the site. Having regard to the efforts made by the agent to mitigate the impact of the development, the harm should be accorded moderate negative weight.

In the view of the Parish Council these comments apply equally to this application.

2. Unreasonable loss of residential amenity for occupants of existing dwellings adjacent to the site.

The applicants have changed the design of the houses for plots 4, 5 and 6 to reduce the visual impact on 19 and 17 High Street. While this is to be welcomed it does not change the fact that ~~both~~ all properties around the site, including those within All Saints Close, will suffer ‘*unreasonable loss of residential amenity*’ as a result of the development radically changing the outlook from such properties as well as adversely changing the character of Nash.

The proposed development is very close to a number of adjoining properties outside the site and the intrusive nature of the development is accentuated by the fact that the site is on the side of a hill and any development would therefore dominate the properties to its north.

3. An agricultural field in the heart of the village

Paragraph 17 of the NPPF states that one of the twelve core planning principles for decision making is to *'contribute to conserving and enhancing the natural environment and reducing pollution'*.

The site is an agricultural field adjacent to and abutting on the Nash Conservation Area. It is outside the existing built envelope of the village. Earlier maps of Nash show that there was a natural pond in the field and this takes on particular significance when considering surface drainage, see later.

Nash is set in an agricultural area and the field is in the heart of the village. It should be noted that almost all houses in Nash back onto open fields and the village, according to the Nash Conservation document has *'a feeling of openness'*. By in-filling in the manner proposed that outlook and feeling will be lost. As a result the ambience and character of the village will be changed to the detriment.

The land has been used over the years for horse grazing and more recently for the grazing of cattle. The Parish Council understand that there is a high demand locally for horse grazing land which will be lost by the development. This is not properly addressed in the application.

The proposed development will do nothing to conserve or enhance the natural environment and the whole site will be developed with no amenity land set aside. In addition as the site is on a hill it will dominate and overlook properties on the High Street to the north; this is still particularly the case with proposed plots 4, 5, 6 and 7.

4. The development is not sustainable and does not meet a number of material requirements of the National Planning Policy Framework (NPPF)

(A) Is Nash a sustainable location for a development of 9 houses¹?

The application is effectively the proposed second phase of an 18 house development. The first phase was completed in 2016 and is now known as 'All Saints Close'. At the time of that development there was no mention of there being a second phase.

Nash is a small village with no school, shop, pub or medical facilities. The only communal facilities are the Village Hall and the church. As a result any additional inhabitants in the village will be reliant on private transport and children will need to commute to adjacent towns and villages for education. Traffic from a development at the site would lead to an increase in associated greenhouse gas emissions.

Core planning principles are contained in paragraph 17 of the NPPF. One of these is that *'the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.'*

The nearest proper bus service is either in Winslow, Buckingham or Milton Keynes. The only bus service in Nash, such as it is, is that provided by the charity Winslow & District Country Bus. This is dependent on volunteer drivers and could be withdrawn at any time. The service that it provides consists of one bus service on Wednesdays

¹18 houses if added to the existing 9 houses in All Saints Close.

and then only from Nash to Westcroft in Milton Keynes with the return bus leaving Westcroft 1 hour 25 minutes after arriving. There is another bus service once a fortnight on a Thursday from Nash to Winslow but with no return. Nash therefore has no public transport to speak of and certainly not any that could be used for commuting.²

There are no cycle paths linking Nash and a resident who decided to cycle would need to use the roads and would be faced, depending on the destination, with using the busy A421 or A422 both of which are dangerous for cyclists.

In supporting sustainable transport paragraph 36 of the NPPF states that *'a key tool to facilitate this will be a Travel Plan. All developments which generate significant amounts of movement should be required to provide a Travel Plan.'* Taking into account the size of the development in relation to Nash and the fact that almost all journeys outside Nash are likely to be made by private transport one would have expected the applicants to have provided, assuming that were possible, more information on sustainable transport.

The proposed development cannot be viewed as sustainable from the perspective of both location and transport and it does nothing to promote sustainable transport.

It is noted that the applicants offer to provide a Travel Plan and this should be provided.

The development brings limited economic benefit, see 1. Overview.

(B) Planning Inspector's decision with regard to a proposed development also of 9 houses at Nicholls Wood Farm, Winslow Road, Nash

These issues have already been addressed for Nash in the decision on 2 December 2013 by the Planning Inspectorate relating to a proposed development also of 9 houses at Nicholls Wood Farm, Winslow Road, Nash, ref: PP/J0405/A/13/2193981. That site is approximately ¼ mile from the subject site.

The proposal at Nicholls Wood Farm also involved an intention to build on a green field site bordered by part of the Nash Conservation Area. At paragraph 21 the Inspector found that *'the introduction of built form into the appeal site would reduce the open space around these heritage assets and consequently diminish their settings to a noticeable extent.'* The site at Church Farm also borders the Nash Conservation Area.

At paragraph 23 the Inspector commented that *'the site does not have particularly good sustainability credentials in terms of its location.'* The same applies for the Church Farm site.

At paragraph 25 the Inspector drew attention to the need to facilitate *'the provision of significant additional affordable housing to meet local needs'*. The application provides no evidence of this other than passing reference to the proposed 3 bedroom houses and which the application suggests satisfies this.

² The position is unlikely to change as BCC have withdrawn funding for loss making bus services.

In the Nicholls Wood Farm application the applicant had actually proposed 4 affordable 1 and 2 bedroom apartments (way beyond anything offered in this application) but the Inspector did not regard this as 'significant' contribution without an analysis of local requirements. The applicants for Church Farm have provided no analysis of local requirements or contacted the Parish Council about the same.

At paragraph 26 the Inspector concluded:

'I consider that there should be no presumption in favour of this development under paragraph 49 of the Framework. It has not been demonstrated that there is a shortfall in the 5 year housing land supply for the area in which Nash is located, either in terms of the revoked SEP or the emerging Local Plan. Even if there was a shortfall, this would not necessarily indicate that planning permission for the scheme should be granted. The site is not in an inherently sustainable location and I have found that it would harm the character of the surrounding countryside, contrary to the requirements of paragraph 17 of the Framework which, among other things, notes that the development should take account of the character of the area.'

In its consultation on the new Vale of Aylesbury Local Plan, the District Council identified that large developments, such as the proposed development, are not sustainable in small villages such as Nash.

(C) The application does not accord with the principles set out in paragraphs 50 and 69 of NPPF.

To build a private estate in the heart of Nash and adjacent to the existing private All Saints Close does not achieve the NPPF objectives of 'facilitating social interaction and creating healthy, inclusive communities', paragraphs 50 and 69. This is because the development together with All Saints Close will both be private with no right of way over the road in the development (or indeed over All Saints Close) for other residents in Nash. A development of 18 houses will create, amongst other things, a private, separate estate in the heart of Nash.

The development at All Saints Close of 9 houses was only completed in 2016 and the process of its residents assimilating into the village has just begun. However, to then have another 9 houses built shortly after giving rise to a total of 18 houses with all of the new residents living on two private estates may mean that integration will never properly take place and with the private cul-de-sac giving an impression of exclusivity.

A further problem with integration arises from the fact that when the properties in All Saints were sold there was no mention of All Saints Close being used as an access way to another development. To now impose this creates a conflict situation both in the building phase and when any further houses in the proposed development are sold.

Therefore, rather than create an inclusive community it would be an exclusive community. See further comments on this later under the 'Applicants Planning Statement' at paragraph 7.2.7.

5. The applicants drainage proposals³

(A) Surface water

The Parish Council is of the view that the proposals for surface water drainage are flawed and problematic.

Paragraph 17 (one of the core planning principles of the NPPF) states that a development should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'* A drainage scheme which is inherently problematic and costly does not satisfy this requirement.

Further, paragraph 50 of NPPF provides that *'local planning authorities should ensure flood risk is not increased elsewhere'*, here the flood risk for adjacent properties downhill from the site may well be increased.

At present the site is a green-field, sloping down towards the High Street. Water percolates naturally down the hill. With the replacement of much of the field with built surfaces the run-off will have to be collected to avoid it cascading down the hill. The applicants' proposal is to collect the surface water in a large storage tank and then pump the surface water back up the hill into the private sewer in the likewise private roadway, All Saints Close. The water will then be stored there in another storage tank and will be periodically pumped from the All Saints Storage tank into the public sewer.

The surface water drainage scheme on the site will remain private and will not be adopted by Anglian Water, which of itself indicates the uncertainty concerning the future of the arrangement. It is also clear that the management committee of All Saints Close, when it is allowed to form, (and which is a subject of separate legal proceedings) for the existing private system will not permit this use of its tanks. It is the understanding of the Parish Council that this permission has not and will not be granted by the existing residents of All Saints Close to the applicants making the drainage proposals completely impossible to implement.

Paragraph 2.5.2 of the Drainage Report states that *'Public surface and foul water sewers exist within the phase 1 development.'* The surface and foul water sewers at All Saints Close are private and not public.

As it is proposed that the surface water is disposed of via the private and public sewer network serving the phase 1 development the applicants state at paragraph 3.1.4 of the Drainage Report *'Therefore, it is considered that surface water run-off from the development be discharged into the existing public surface water sewer in the phase 1 development, at a restricted discharge rate of 2l/s. The low discharge rate will require significant onsite attenuation. The surface water runoff will be directed via gravity to a package pumping station, which will pump at a peak flow of 2l/s to an adopted discharge chamber in phase 1.'*

³ On the detail of the drainage report it should be noted that the 7 pages of Appendix D are irrelevant as they pertain to phase 1 which was a brownfield site and was subject to levelling and building works.

What then happens if the discharge rate from the development needs to be higher than 2l/s or the *significant onsite attenuation* does not work? The result it would seem is likely that the removal of surface water from the site will not be effective.

It should also be noted that the excess water from All Saints only travels, by gravity, to the brook to the south of the site if it reaches a set level. This will happen more frequently if more water is put in from the proposed development.

It should be noted that the location of the proposed pumping station would appear to be within the tree canopy of one of the adjacent properties as identified on the applicants Tree Constraints Plan.

Comment from Buckingham County Council (BCC): *Surface water pumping station is the last resort where guaranteed maintenance of the pumps can be ensured.*

The applicants have commented that *'The proposed surface water pumping station is easily accessible from the road. A maintenance agreement will be put in place with a private maintenance company prior to construction. The agreement will be passed onto Buckinghamshire County Council for approval. This agreement cannot be put in place until the detailed design stage, where the pumping manufacturer is ascertained.'*

Are the applicants able to guarantee that the maintenance of the pumps can be ensured for the life of the development and surrounding properties? This is surely impossible, and as previously mentioned relies upon the consent of the existing residents of All Saints Close.

Moreover, in a severe storm situation the power supply is more likely to fail when not only could the pump stop but also the monitoring to the 24 hour maintenance response would then be delayed. Nash has only one mains power feed.

A scheme such as this should be sustainable in that it should be able to address the issue of surface water run-off indefinitely. As it is the proposal gives rise to a combination of practical, logistical and legal issues, none of which are considered in the application. The following points illustrate some of these:

- 1) For the surface drainage proposals to work they need to be robust enough to last indefinitely as they will need to service the site, the houses on it and the houses down-hill from the site for as long as these all exist. Yet the drainage proposals are dependent on two private schemes (one in the development and one in All Saints Close) operating effectively and indefinitely. Both private schemes will be financed by the respective property owners on each 'estate'.
- 2) The proposal involves the construction of a large concrete holding tank in which the run-off water will be stored. A surface water pump will then have to pump the water back up the hill to the drain in All Saints Close. All Saints Close is a private road, as is the sewer within it, so this arrangement is dependent upon there being the right to connect to and drain via this sewer. Does such a right exist? It is not known.
- 3) If such a right does exist what happens if the sewer in All Saints Close becomes blocked? Have the owners of All Saints Close agreed with the

future owners of this site to maintain the sewer in All Saints Close? It is the Parish Council's understanding that no such agreement has been granted.

- 4) Will the site owners of the development have the right to go on to All Saints Close to remedy this should the owners of All Saints Close not do so? Again, this is unclear but if such right does not exist then the scheme is legally defective as it would be dependent on the use of a drain of limited life and with no right to repair the same.
- 5) The permeable surfaces will suffer silting which increases the direct runoff bypassing the storage systems.
- 6) How long will it take until the storage tank silts up and has to be cleaned out?
- 7) How will the pumping station be maintained, repaired and in due course replaced?
- 8) How much will all of this cost?
- 9) It is noted that it is proposed to set up a management contract for the maintenance of the pumps. However, is not addressed is who is to manage the maintenance contract and how adequate management of the same can be guaranteed for the life of the proposed development and adjoining properties.
- 10) If the intention is to set up a management scheme made up of the occupants of the site what happens if they do not manage the scheme and it falls into abeyance?
- 11) Dealing with the on-going maintenance, repair and replacement of the scheme is going to require technical knowledge beyond the average householder with the result professional engineers may need to be employed by any management company. That will add further to the costs of the scheme.
- 12) Will all occupants in the site be interested in ensuring the scheme works efficiently, particularly if this is costing them a large amount of money? Those at the top of the site may be less interested than those further down the site. Indeed, it will not be the occupants of the site who will be at most risk from any failure in the scheme.
- 13) Property owners outside the site, and down-hill, will certainly be very keen to ensure that the scheme works properly. However, they will be powerless to influence these matters and yet they will be the property owners most affected as and when the scheme fails. If and when the scheme does fail then the likelihood is that the storage facility tank will overflow and water will run into those properties near the storage facility and then onto the High Street.

Houses have been on the High Street for at least 40 years and during this time with a heavy down-pour water has flooded the land below the site. This in turn has led to flooding on the High Street. BCC have in the past installed extra drainage in the High Street in an attempt to alleviate the problem. However, the area is still susceptible to flooding as it silts up more often than it is cleared.

The applicants' proposal is to collect the surface water in a large storage tank and then pump the surface water back up the hill into the private sewer in the likewise private roadway, All Saints Close. The water will then be stored there in another storage tank which empties by percolation and with an overflow, limited to 5l/s, into the public sewer. The drainage report states that the surface water drainage from phase 1, with an outflow to the south of 5l/s, is more than adequate to take an additional 2l/s from phase 2. This should be checked because the drainage in phase 1 has, the Parish Council understands, already encountered problems. If, as seems likely, once in say 10 or 20 or 50 years the tanks in phase 1 overflow with 2l/s going in from phase 2, then the 2l/s, or 1600 gallons per hour, will roll back through phase 2, and back onto properties further down and on to the High Street. As and when the pump fails this will happen anyway.

The proposed drainage scheme fails to satisfy the requirements of the NPPF which states that one should seek *'to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities.'* The drainage scheme is neither sustainable nor inclusive. It introduces to the village a serious flooding risk as well as the risk of future conflict over the management of the drainage scheme between those on the development and those on the High Street.

(B) Foul Water

It is noted that it is proposed to connect into the foul sewer in the High Street. The Parish Council understands that the foul sewer is only a 150mm pipe and already carries at least a third of the village waste. As a result a number of residents in the High Street have experienced problems with over-flowing from this sewer owing to it being near or at capacity.

The consideration of foul water is one for Anglian Water but as the applicants provide no evidence of discussions with Anglian Water then the Parish Council would ask that Anglian Water's views on the proposal be sought prior to the determination of the application.

6. The applicants Planning Statement (PS) Rev A November 2017 needs to be qualified and read in conjunction with the following:

Overview

The applicants argument on planning terms is based in part around the absence of a final up to date Local Plan with the result the applicants argue that given the national need for more housing there is a presumption in favour of development so long as the development satisfies the requirements for sustainable development as defined by the National Planning Policy Framework (NPPF). However, as the applicants are unable to show that the development meets these requirements their argument fails.

The detail

Looking at the detail of the PS the following points arise:

In 1.3, it states that the development '*will make a positive contribution to the local character*'. It does not say how the development will do this and in fact the reverse is the case. The development will make a detrimental contribution to the local character replacing a field for grazing with an intensively developed housing estate.

In 1.4, it states '*The development is proposed as a classic in-fill scheme which utilises a small area of land that does not form part of a larger, more usable agricultural field.*'

This is incorrect. The field in question is adjacent and borders on fields on two of its sides and could easily be used in conjunction with them.

It goes on to state that '*The scheme will result in a well-designed, inclusive and high quality residential development which will make a positive contribution to local character.*'

For reasons stated elsewhere the Parish Council do not consider the proposed development to be '*inclusive*'. Nor is it clear what the applicants mean by the suggestion that it will make a '*positive contribution to local character*'. The Parish Council consider that the position is the reverse. The development, if it went ahead, would have a negative effect on the character of the village.

In 2.2 it states '*The site is framed on two sides by new and existing development.*' What it does not say, and as mentioned above, is that on the other two sides it is framed by fields used for agricultural purpose.

In 2.3, in describing the village it omits to mention that Nash is linear in design and the majority of the properties have an open outlook on to countryside and with few houses overlooked at the rear by other properties. This is an important characteristic of Nash and which would be lost in part by the proposed development.

In 3.3, it states that '*this housing mix has been designed to meet the needs of the village and provides for larger families, and smaller homes that will allow for existing residents of the village to downsize, or provide accommodation for younger residents to get onto the housing ladder without moving out of the village.*'

The applicants have not contacted the Parish Council to discuss these matters so it is unclear how the applicants have come, other than through speculation, as to what '*meets the needs of the village*'. The Parish Council are of the view that the proposed development does not meet the needs of the village.

In 3.6, it states '*The proposed access to the site is through the existing development site to the south utilising the existing access from Stratford Road. This allows for safe access and egress to the site for pedestrians, cyclists and motor vehicles.*'

The applicants omit to mention that the access they refer to from Stratford Road is a private road known as 'All Saints Close' which does not have a pavement. So pedestrians would have to walk on the road to get to the proposed development and traffic to and from the site will present a hazard to pedestrians, particularly children, using All Saints Close. As a result those living in All Saints Close, which includes families with young children, have to use the road for pedestrian access. The Parish

Council does not consider All Saints Close provides an adequate and safe means of access to the proposed development.

In 4.1, it mentions that planning permission *'has been granted for 9 dwellings to the south of the existing site which is a material planning consideration in the determination of the application on land to the north.'* What it fails to mention is that the site to the north was brownfield land and was within the built envelope of Nash. The site here is a green-field site and is outside the built envelope.

In 4.2, it states that it is a material planning consideration that planning permission has been granted for 9 dwellings to the south of the site.

It is also a material planning consideration that the two sites are different. The developed All Saints Close site formed part of the 'developed part' of Church Farm (which was brownfield and partially replacing a large barn) and the development was within the building line of the village. In contrast, the subject site is greenfield, is outside the building line of the village and contributes to the open aspect of the village.

5.3, the District Council have made clear that they do consider they have a land supply in excess of five years.

In 6.2.2, it states *'Within this document Nash is referred to as a 'smaller village' and the site is considered to be suitable for development'*

At the very least this is wholly misleading.

The draft Local Plan states at paragraph 4.164 that *'Smaller villages have relatively poor access to services and facilities and are therefore only suited to accommodating small-scale development. As such, no specific allocations are made at smaller villages in this plan.'*

At paragraph 4.165 it states that *'The housing requirement for smaller villages will be met through a combination of sites allocated in neighbourhood plans and sites coming forward as part of the development management process. At smaller villages particular emphasis is given to the role of local communities in identifying how best to meet their own development needs through neighbourhood plans.'*

Nash is currently developing its own neighbourhood plan but as such does not have one in place.

While it is noted that the site has been identified in the HELAA that does not mean that any development on such a site should be permitted.

The following part of the draft Local Plan states:

'D3 Where there is no made neighbourhood plan in place, new housing development at smaller villages will be supported where it contributes to the sustainability of that village and is in accordance with all applicable policies in the Local Plan, provided that the proposed development fulfils all of the following criteria:

a. is located within the existing developed footprint of the village or is substantially enclosed by existing built development*

- b. would not lead to coalescence with any neighbouring settlement*
- c. is of a small scale (normally five dwellings or fewer) (net) and in a location that is in keeping with the existing form of the settlement and would not adversely affect its character and appearance*
- d. respects and retains natural boundaries and features such as trees, hedgerows, embankments and drainage ditches*
- e. would not have any significant adverse impact on environmental assets such as landscape, historic environment, biodiversity, waterways, open space and green infrastructure, and*
- f. can be served by existing infrastructure.*

**the existing developed footprint is defined as the continuous built form of the village, and excludes individual buildings and groups of dispersed buildings. This includes former agricultural barns that have been converted, agricultural buildings and associated land on the edge of the village and gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the village*

The proposed development does not satisfy criteria (a), (c), (e) and (f) above and is therefore unsuitable for the development of the site even assuming the site was considered suitable for development.

The Planning Statement then incorrectly states the number of new homes for the draft Local Plan, *'It is important to note that it is planning for a total of 33,300+ new homes to be constructed over the plan period (2013-2-33).'*

This is incorrect and is based on out of date information. The current position is set out on the District Council's website (www.aylesburyvaledc.gov.uk/section/vale-aylesbury-local-plan-valp-2013-2033) and accessed on 18/12/2017) which states:

'The Plan will help to accommodate national housing growth demand and bring more investment, employment and opportunity, thus helping the district to thrive. It meets the need for over 27,000 new homes in the Vale by 2033, half of which are either already built or have planning permission.'

In 6.3.5, it refers to paragraph 17 of the NPPF. This includes that development should *'empower local people to shape their surroundings'* and *'focus significant development in locations which are or can be made sustainable'*.

Whether the total development is regarded as one of nine or eighteen houses it certainly should be regarded, in the context of Nash, as a *'significant development'*, a development which is not sustainable (see earlier comments), a development to which there has been no local contribution or input and a development which is rejected by all of the residents that the Parish Council has heard from.

In 6.3.7, it makes reference to transport.

NPPF paragraph 4.30 states that *'encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.'*

The application incorporates no sustainable transport.

NPPF paragraph 4.32 states that *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*

In a village the size of Nash where there is no public transport of any note the addition of a further nine houses with 2-3 cars per house the impact, and particularly on the residents of All Saints Close, may well be severe.

The applicants lay great stress on paragraph 17 of NPPF. In particular they state at paragraph 6.3.7 that *'Transport plays a central role in facilitating sustainable development and section 4 of the NPPF seeks to promote sustainable transport'*. However, the applicants provide no evidence to show that the development is sustainable. Nor do the applicants provide any evidence that the development will be supported by or will contribute to sustainable transport. Their comments on transport are misleading as will be commented upon elsewhere.

Paragraph 17 of NPPF provides that development should be *'genuinely plan led and empower local people to shape their surroundings.'* It is appropriate to ask why the applicants have not consulted anyone in Nash concerning their proposal? This is very much in contrast to the applicants' earlier development in Nash, the adjacent development in All Saints Close, where the applicants did consult residents and their proposals were broadly supported. In that case the Parish Council saw the need for the development and did not consider it detracted from the village.

In 6.3.13, it refers to paragraph 197 of the NPPF which provides that *'in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'*

The applicants have provided no evidence that the development is *'sustainable development'*.

In 6.5.1 & 7.2.3, it refers to the District Council's HELAA and the site (Ref NSH003). The Parish Council understands that this document was prepared for the purposes of identifying further sites for development in the event that the District Council did not have a five year supply of deliverable housing land.

In 6.6.2, the Parish Council understand that the District Council are satisfied that they have a 5.8 supply of deliverable land.

In 7.2.6, it states *'the proposed development provides support for both the local and national economies [...] the proposal will provide significant benefits to the local economy as a result of the ongoing construction work'*. It is not clear how the development supports the local economy. Indeed, the only contribution the development will make whether local or national is through the building of houses (for occupants who will then have to commute outside the locality for employment). No evidence is provided that *'the proposal will provide significant benefits to the local economy as a result of the ongoing construction work'*. Will there be some form of discrimination in favour of local contractors?

In 7.2.7, it states *'The development also provides for opportunities to be provided in terms of linking parts of the village to existing amenities including the village hall, nursery, church and bus stops.'*

This is misleading. By this it is presumably being suggested that residents can walk through the development and All Saints Close to and from the High Street and Stratford Road. All Saints Close is a private road as will be the road in the proposed development. There will not therefore be any public right of way. The only people who would be able to walk through the development and along All Saints Close (assuming that they have a right of way over All Saints Close) would be the residents of the development. Other residents in Nash (including the residents in All Saints Close) would have no such right over the private road in the development. Moreover, the applicants give the wrong impression by reference to 'bus stops' that there is a viable bus service to the village. This is not the case. It is also incorrect to state there is a nursery in the village, there is just an 18th Century grade 2 listed village hall with limited facility / amenity.

In 7.2.8, it states *'The scheme will promote the vitality of the village [...] will promote the development of new facilities and amenities that will bring about social benefits for all existing and proposed residents.'*

How will the scheme promote the vitality of the village? What new facilities and amenities is it bringing? The answer in each case is none-

The proposal will also meet an established need locally and nationally.'

What is the local need? What has the applicant done to establish this local need? The answer would appear little, if anything.

In 7.2.10, it states *'The location of the site is such that there are available alternatives to the use of the private motor vehicle. There are a number of towns and more major conurbations that are easily accessible by cycle, a bus service is also provided by the Winslow Community bus.'*

Again, this is misleading. See earlier comments on lack of public transport in Nash. The very limited bus service is not sufficient to constitute *'available alternatives'*. There are no alternatives to the use of private motor vehicles for public transport on a regular basis. The Winslow Community bus is a charitable bus service which provides two limited trips a week to and from Nash, one to Westcroft on the western edge of Milton Keynes (and some miles from the railway station) and one to Winslow. It is not a facility that one could use for commuting. Cycling would be on roads as there are no dedicated cycle paths to Nash linking Milton Keynes, Winslow or Buckingham.

In 7.2.11, it states *'The development is of a very small scale and will not detract from the character of the village [...] the scheme will therefore have minimal visual impact in the locality.'*

There are 170 properties in Nash including those properties outside the village such as farms and outlying developments. A development of 9 houses would therefore amount to an increase of 5%. If one takes into account the applicants previous development at All Saints Close of 9 houses that amounts to an 11% increase on the housing stock in the village before the first development.

The visual impact will be considerable bearing in mind in particular that the site is at the top of the village and any development would dominate the houses below it.

In 7.2.14, it states *'the site [...] has only been used for occasional grazing'*. That is through the choice of the applicants. The site is ideally suited to agricultural use or for the grazing of horses for which there is more demand than supply in the village.

In 7.3.5, it states *'In relation to wider views of the development the site is bound on 2 sides by residential development'*. This statement is repeated several times by the applicants but they omit to mention that on the other two sides of the site it is bounded by agricultural fields and the site would lend itself to extension to those fields (or could be used as a self-contained paddock for the grazing of horses).

It also states that the site *'is adjoined by existing vegetation which will be retained which protects longer views of the site from adjoining countryside'*. Such vegetation is not on the site and does not therefore belong to the applicants. They cannot provide the assurance above.

7.4, it suggests that *'the provision of access from Stratford Road is acceptable in highway safety terms'*. Stratford Road is a busy road and it is unclear what if any assessment has been made to substantiate this statement. Indeed, the Parish Council would take the view that further access onto Stratford Road via All Saints Close is not acceptable in highway safety terms owing to the speed and volume of traffic already using Stratford Road and the parking on the road outside the Village Hall.

7.5.3, *'It is therefore considered that sufficient separation between new and existing properties is provided to ensure that no unacceptable overlooking occurs to neighbouring properties'*. This is not supported by the proposed Site Plan. This shows that plots 4, 5 and 6 are all near to and overlooking adjacent existing residents in the High Street. Whether they are over or under the 21 metre threshold is difficult to tell but it is close. Plots 1 & 7 are both much closer to existing properties in All Saints Close albeit there may not be principal windows involved.

What is not mentioned is the extent to which the development will dominate properties further down the hill.

This section on transport is also at variance to what the applicants say in their Design Access Statement which is misleading and states at paragraph 4.5 that *'The site is located within walking distance of bus stops linking the site to Winslow, Buckingham, Milton Keynes and other nearby towns and villages, which provide employment opportunities, and access to the national rail network.'* The impression given is that there is an adequate bus service to these areas. There is not, only the very limited Winslow Community bus.

The Planning Statement also fails to say how the development would enable residents to utilise alternative modes of transport to the private car. Residents would not be able to as such alternatives do not exist. There may be other towns in the locality but none are accessible by bus as there is no proper bus service from Nash other than the one a week.

7. The applicants Design and Access Statement (DAS) needs to be qualified and read in conjunction with the following:

No reference to the planning matters in the DA statement are commented upon as these are addressed in the comments on the Planning Statement.

In 1.2, it states *'the scheme [...] is of a scale that is proportionate to the size of the settlement, and will not have any adverse affects in terms of character and appearance of the settlement, the amenity of neighbours, flood risk or ecology. The proposed scheme has been sensitively designed so it appears contextually appropriate to its surroundings, including the Conservation Area.'*

The Parish Council consider:

- The scheme is disproportionate to the size of Nash it represents a 5% increase in the housing stock or 11% if included with the adjacent All Saints Close development which involved the applicants, see comments elsewhere.
- The scheme will adversely affect the character and appearance of Nash by introducing an 'estate' development in contrast to the linear form of development of the rest of Nash with existing houses looking onto open countryside.
- The surface water drainage proposals do not adequately deal with the disposal of surface water such that the scheme does provide a flood risk.
- The scheme is neither appropriate to Nash and detracts from the Conservation Area.

In 3.1 it states *'The existing site is agricultural land, surrounded on three sides by residential development'*. This is incorrect. It is bounded on two sides by residential development (the applicants planning statement states this to be the case) and on the other two sides by agricultural land.

In 3.2 it states *'The proposed new access to the development will be from Stratford Road via the adjacent housing scheme. The road width will be a minimum of 4.8m wide and constructed to an adoptable standard. The turning head within the development will allow refuse vehicles to enter and turn within the site.'*

It does not mention that the access road over which access to the development would be obtained, All Saints Close, is a private road. Therefore, the road within the development will remain private and will not be adopted. That is unless the applicants are proposing to seek to alter All Saints Close in order to procure its adoption. It is unclear.

Comments on transport are made under the Planning Statement.

In 3.4 is both misleading and incorrect. The whole of the northern boundary of the site borders on part of the Nash Conservation Area. Parts of the Conservation Area can clearly be seen from the site and depending upon which part of the site one makes the observation. The site viewed from Stratford Road and along All Saints Close is clearly visible and shows an open aspect of agricultural land beyond All

Saints Close and beyond. This open aspect is a key characteristic of Nash and the Conservation Area. If the development were to proceed this would change significantly both the character and aspect of Nash by introducing an intensively built-up area in the heart of the village.

In 3.5 it states that *'Therefore, it is considered that surface water run-off from the development is discharged into the existing public surface water sewer.'* It makes no mention of the fact that for this to happen the surface water will be collected at the bottom of the site and then pumped up into the private sewer in All Saints Close and from there it will then be discharged into the local public sewer. More detailed comments on the drainage proposals are set out under Drainage Strategy Report.

In 4.1 it is said that *'The siting of the units on plots 4,5 and 6 has been revised to address the concerns raised in the planning refusal, of the proximity of these dwellings to existing adjacent properties. These units are now set back further from the site's eastern boundary, to allow for an increased back to back separation distance between the dwellings.'*

A comparison with the applicants site plan (drawing number 3134 01) for their earlier application 17/00674/APP and their current site plan reveals only nominal variations if at all. Indeed, plot 6 under the current application would appear to be nearer to the eastern site boundary than under the earlier application.

Scale & appearance in paragraph 4. A new development should conform to the established style of the settlement, the DAS suggests that the proposed development conforms to the local style and density.

In contrast the proposed development does not conform to the style and density of the rest of Nash. The development of Nash has been organic and linear where connections have grown between the three original hamlets along the connecting roads. The development contravenes the normal style of the village. The only similarity of the development is with the adjacent development of 9 properties in All Saints Close which was completed in 2016. That development of 9 houses was the largest single development in Nash since 1972 when 12 houses were erected along the High Street.

In 4.5 the comments regarding accessibility, highways and transport are incorrect. See comments on the same under Planning Statement.

8. Phase 2

The application should also be considered in conjunction with the recent development (on land previously owned by the applicants and which was completed in 2016) at the adjacent All Saints Close where 9 houses were also built. Indeed, the application is referred to throughout in the applicants Drainage Strategy Report as *'Proposed Phase 2 Housing Development'*. That Report also indicates that the drainage proposals for Phase 1 may have taken into account the needs of this development, Phase 2, although this is not clear. It is appropriate to mention that at the time of the approval of Nash Ridings (now All Saints Close) there was no mention of that being phase 1 of a 2 phase project.

9. The District Council's pre-submission advice letter of 27 July 2015

It is noted that the applicants were advised *'to contact the Parish Council at an early stage with regards to community needs in terms of size and type of housing.'* It should be noted that the applicants have not made any contact with the Parish Council in respect of these issues either in respect of this application or their earlier application 17/00674/APP.

The applicants were also advised that *'The proposal would be a significant development in the context of the village of Nash and would be constructed on a greenfield site. It is therefore likely to have significant visual, landscape and settlement identify impacts which are likely to weigh against the proposal. Any formal scheme would need to be supported by a full LVIA to identify these impacts and the scheme should seek to address these matters and suggest appropriate mitigation measures as far as possible.'*

The Parish Council agrees that the development is *'a significant development in the context of the village of Nash'*. It does not appear that a full Landscape and Visual Impact Assessment has been provided by the applicants.

10. The impact on the Nash Conservation Area

The DAS simply states that the contribution the site makes to the Conservation Area's *'character and appearance is determined to be neutral'*. It goes on to say that *'there is no view of the conservation area itself across the site, instead a glimpsed view of the modern development outside the conservation area boundary is gained.'*

This is incorrect as the site is adjacent to part of the Conservation Area. This is where the remaining part of Church Farm (where the listed building is awaiting reinstatement) abuts the site. Furthermore, the site may be viewed from the Conservation Area on Stratford Road and the Rectory and which provides a rural ambience looking north.

The Nash Conservation Area document published by the District Council on 25th April 2007 states at page 4, states *'Nash village as a whole is very open and green. There are a number of mature trees and hedges in the area, and areas of open grassland and field systems surround the village. Long-distance views into the countryside from the village create a feeling of openness'*.

That openness would be lost by removing a green space from the heart of Nash and thereby creating an 'estate' effect with houses running from the Conservation Area on Stratford Road all the way down to the High Street. The harm from the development needs to be weighed against the public benefit. There is no public benefit from the development.

11. Access to the site

It is noted that the proposed vehicular access to the site will be over the recently completed private road, All Saints Close, which is not adopted. All Saints Close has no pedestrian pavements and is wide enough only for two cars.

The Parish Council have consulted two Health and Safety experts⁴ regarding the health and safety aspects arising from the use of All Saints Close for (a) construction work and (b) increased use.

Mr Williams:

'Access via an adjacent field would be more appropriate however I understand this land would not be made available by the land owner leaving only the current residential road which would be inappropriate in my opinion and generate a much higher risk of injury caused by a construction vehicle impacting on a pedestrian, moreover with a population of 9 (nine) children under 5 years old and the absence of a footway on the close, the likelihood of one of them being struck fatally is greatly increased to a point where it would be considered intolerable.

In addition, as the verges of the road are not paved there is also a high risk that utilities and services buried under them may be damaged by the passing of HGV's that over step the road edge when passing other vehicles.'

Mr Harker:

'I have some genuine concerns for the ongoing safety for all residents of the Close and the greater community, if the development goes ahead.

- 1. There would be a considerable increase in the amount of traffic passing along this narrow residential road. This would include not only heavy construction vehicles on a daily basis, but the parked vehicles of those workers there to build the dwellings.*
- 2. If those workers were not allowed for whatever reason to park in All Saint's Close, i.e. because their vehicles would restrict access to heavy plant etc., then they would have to find alternative parking. Stratford Road would be a dangerous option. It was noted during the recent construction of the 9 dwellings previously mentioned, that the parked construction vehicles and those turning in and out of the Close presented a serious risk of harm to pedestrians and other road users.*

⁴ The chairman of the Parish Council is the Managing Director of Safesmart Ltd, a company specializing in health and safety compliance and risk management. The Parish Council commissioned 2 reports from Safesmart, both of which were provided on 5 April 2017. One report was provided by Mr Paul J Williams, Tech IOSH, GIFireE, Health & Safety Manager, Risk Assessor, and the other by Mr E W Harker DipSM MIIRSM. Mr Harker is a resident of Nash.

Along that part of Stratford Road are the entrances to the Village Hall where a day nursery is open between 09:00 and 15:00 Monday to Thursday, the church where services are held on Sundays and the village recreation field. It must also be noted that two separate school busses pick up and drop off students directly opposite the entrance to the Close, as well as passengers for the community bus.

- 3. If the development project were to proceed, there would be an increase in the number of private vehicle entering, leaving and parking. A total of 18 properties could arguably mean at least a minimum of 36 cars. Where there is only parking for 1 vehicle per property in this restricted area, it is clear that there would be a number of vehicles parked in the road. The existing access route to the Close is going to be the only one, there is no other place where a suitable road can be routed. Parked vehicles on this narrow road would severely restrict access for emergency vehicle, especially large fire-fighting appliances. This would of course also apply during the construction period.'*

Conclusion

For all of the reasons set out before the Parish Council strongly opposes this planning application.

Nash Parish Council's interest in the site

As is apparent the site is in the heart of Nash and makes a valued contribution to the ambience and character of the village. The Parish Council have in the past previously expressed an interest to the applicants in purchasing the property for recreational purposes for the benefit of the village although the applicants make no mention of this and have not discussed their proposals with the Parish Council.

The Parish Council consider that the site could be put to better use as a recreational facility and play-area for residents. As a result the Parish Council have resolved to investigate the possibility of acquiring the site for such purposes, subject to valuation and contract.

**Nash Parish Council
2 January 2018**