



## Report to Strategic Planning Committee

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<b>Application Number:</b>	20/00510/APP
<b>Proposal:</b>	Erection of 130 dwellings, associated access and parking, landscaping and amenity space and the change of land from agriculture to use as sports pitches/recreational open space and informal open space.
<b>Site location:</b>	Land West of Moreton Road and Castlemilk, Buckingham, Buckinghamshire
<b>Applicant:</b>	Bellway Homes LTD and Avenue Farms LTD
<b>Case Officer:</b>	Mrs Nina Hewitt-Jones
<b>Ward affected:</b>	BUCKINGHAM EAST
<b>Parish-Town Council:</b>	BUCKINGHAM
<b>Date valid application received:</b>	11 February 2020
<b>Statutory determination date:</b>	Extension of time - 16 September 2022

**Recommendation:**        **The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report subject to the receipt of no new material representations, and the conditions as proposed and any others considered appropriate by Officers, or if this is not achieved for the application to be refused**

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### **1.0 Summary & Recommendation/Reason for Planning Committee Consideration**

- 1.1 This application is being reported to committee as 3 Parish/Town Councils have requested that it be considered by planning committee, Buckingham Town Council have confirmed that they will speak at the committee meeting. Councillor Stuchbury has requested that the application be referred to Committee on the grounds of the issues raised by Buckingham Town Council and his detailed comments are contained in Appendix A. Councillor Whyte has also requested that the application be referred to Committee and his detailed comments are contained in Appendix A.
- 1.2 The Site forms part of the strategic delivery of sites as defined in the adopted Vale of Aylesbury Local Plan (VALP) under policy D-BUC043 (Land west of AVDLP allocation BU1 Moreton Road, Buckingham) and is critical to the spatial strategy of the VALP, relevant to the Council's wider strategic development, and crucial to the implementation of an

adopted local plan. For these reasons the Director of Planning and Environment has considered this application appropriate for consideration at the Strategic Sites Committee.

- 1.3 The application seeks full planning permission for the erection of 130 dwellings, associated access and parking, landscaping and amenity space and the change of land from agriculture to use as sports pitches/recreational open space and informal open space.
- 1.4 The application site is VALP allocation site D-BUC043 which is one of two allocations for Buckingham which comprise the strategic allocation for the town in accordance with policy D2 of the VALP. The allocation which relates to this site of 14.9ha is allocated for 130 dwellings, sports pitches/recreation space, and green infrastructure with a number of criteria to be satisfied.
- 1.5 In terms of principle of residential development of this site Policy D2 (Delivering site allocations in the rest of Aylesbury Vale) and allocation D-BUC043 of the VALP are strategic policies and are now the most up to date policies of the development plan and takes precedence over the relevant policies of the Buckingham Neighbourhood Development Plan (BNDP) dated October 2015. Policy HP1 of the BNDP states that development will be supported within the Buckingham Settlement Area (BSA) for new housing at the sites set out in the accompanying table. This site is not identified within the Plan and is outside of the BSA and the proposed development would be contrary to BNDP policy HP1. However, this needs to be considered within the context of the adoption of VALP (September 2021) and policy D2 and the allocation D-BUC043 which are strategic policies in the Local Plan and are the most up to date. Policy HP1 conflicts with the VALP strategic policies and the guidance in the NPPF is clear that neighbourhood plans should not promote less development than set out in the strategic policies for that area or undermine those strategic policies (para 29 NPPF 2021). Neighbourhood plan policies when brought into force take precedence over existing non-strategic policies in a local plan covering the same area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently. In this case the VALP has been adopted subsequently and where there is conflict both the strategic and non-strategic policies of the VALP take precedence. The principle of the residential development of the site is therefore considered acceptable.
- 1.6 The proposal would deliver both market and affordable housing, with a good mix of size and type of dwellings, including Category M3 compliant wheelchair accessible and Category M2 accessible/adaptable units, being provided and overall would make a significant contribution to housing supply in the area. The Local Planning Authority can currently demonstrate a five-year supply of housing, albeit this site is relied on as part of that deliverable supply.
- 1.7 Furthermore, the proposed development would generate economic benefits in terms of those jobs associated with the construction works and longer term with the resultant increase in local population.
- 1.8 It is concluded that overall, the principle of the proposal would accord with the most up to date part of the development plan, that is VALP policy D-BUC043 which allocates the site for residential development.
- 1.9 Weighing all the relevant factors into the planning balance and having regard to the Development Plan and the NPPF as a whole, in applying paragraph 11 of the NPPF planning permission should be granted without delay, though it will be necessary to ensure that a satisfactory s106 agreement is completed first to satisfactorily mitigate the impact of the

proposal. Having regard to s38(6) of the PCPA, it is concluded that there are no material considerations that indicate a decision other than in accordance with the Development Plan.

- 1.10 Therefore, it is recommended that Members grant a resolution to approve, subject to the satisfactory prior completion of a s106 agreement to secure the matters set out in this report, and with appropriate conditions as proposed or should the s106 not be satisfactorily completed for the application to be refused by officers under delegated authority.

## 2.0 Description of Proposed Development

### *Site Description*

- 2.1 The site is located in north Buckinghamshire, approximately 1.2km northeast of Buckingham town centre. The village of Maids Moreton is located to the northeast of the site.
- 2.2 The red edge site comprises approximately 11ha of farmed land and lies immediately to the west of the existing Phases 1 and 2 of the wider development along Moreton Road to the northwest edge of Buckingham.
- 2.3 The site comprises two large agricultural fields to the west of manor farm, an access track to the north, and residential development to the east. The southern boundary of the site is bordered by the rear gardens of existing residential dwellings fronting Bradfield Avenue. The application site forms an extension to existing residential development (Phase 1 and Phase 2), with access proposed off two existing roads from the Phase 1 scheme.



- 2.4 This application relates to the third phase of development at the wider site. Adjacent to the eastern boundary lies phase 1 of development (application ref: 06/01809/APP) comprising 200 dwellings, from which access to the site is to be obtained. To the north of this is phase 2 (application ref: 13/01325/APP), comprising 80 dwellings. Both earlier phases are now fully complete.
- 2.5 The adjoining built environment is characterised by relatively modern residential development, with properties along Bradfield Avenue and Gilbert Scott Road adjoining the

site to the south and the recently completed housing development to the east.

- 2.6 Immediately to the north of the site is a private road/track beyond which to the north-east is Buckingham Rugby Club. The village of Maids Moreton lies further north. On the eastern side of Duck Lane, beyond the Rugby Club is the Maids Moreton Conservation Area.
- 2.7 The site itself is not located within a Conservation Area, nor does it contain any listed buildings nor any in the near vicinity. Some distance to the south is the Buckingham Conservation Area, while further to the northwest of the site lies the Chackmore Conservation Area and beyond that Stowe Conservation Area and the Grade I Stowe House and its associated Registered Park and Garden.
- 2.8 The site is located in Flood Zone 1 and there are no existing structures within the site.
- 2.9 There is a public right of way (BUC/33/1) which runs northwards through the existing residential development to the east of this site and then continues northwards (MMT/4/1) towards Maids Moreton.

#### *Proposal*

- 2.10 The application seeks full planning permission for the erection of 130 dwellings, associated access and parking, landscaping and amenity space and the change of land from agriculture to use as sports pitches/recreational open space and informal open space.
- 2.11 The application is accompanied by a full suite of drawings (Appendix C) and the following documents:
- a) Design and Access Statement prepared by Barton Willmore;
  - b) Transport Assessment and Travel Plan prepared by WSP;
  - c) Heritage Statement prepared by RPS;
  - d) Archaeological Written Scheme of Investigation prepared by Archaeologica;
  - e) Flood Risk Assessment prepared by HAC Consulting Ltd;
  - f) Landscape Visual Impact Assessment prepared by Aspect;
  - g) Arboricultural Impact Assessment prepared by Aspect;
  - h) Ecological Assessment prepared by Aspect;
  - i) Sustainability Statement prepared by Turley
- 2.12 Following negotiations in November 2021 amended plans were submitted in February 2022. The updated plans include the following changes:

#### *Design/Layout Changes*

- A review of allocated on-plot parking has been undertaken with a reduction in on-plot parking and the provision of unallocated on-street spaces as advocated by officers.
- Garages have been pulled forward to reduce driveway lengths.
- Disabled parking spaces have been relocated adjacent to the properties they serve.
- A rear parking court introduced at the rear of plots 117 and 118
- Amended parking court to the rear of no. 82 to provide wider spaces and incorporate green space into garden of plot 80.
- Parking to plots 128-130 rearranged.

#### *House Type/Finishes*

- Roof pitches amended according to roof material as requested to introduce variety. 35 degrees for slate, with 40-45 degrees for other tiled roofs.
- A reduction in the amount of slate roof proposed as requested with greater use of plain tile.
- Chimneys added to larger house types.
- Amended mix of elevation materials with less use of light stock brick as requested.

*VALP Policy/Allocation*

- EVC charging points will be provided in accordance with prevailing standards.
- Cycle parking is provided by garages or sheds/cycle stores where no garage is provided.
- Contours added showing depths of ponds to demonstrate they will appear as naturalistic features as requested.

2.13 A Landscape and Visual Technical Note was also submitted in February 2022 which responds to the November 2021 comments from The Gardens Trust.

2.14 Following positive discussions between the Applicant and Highways and the LLFA, a note on highways and an updated FRA has been submitted in March 2022.

2.15 A minor amendment was made on 28 April 2022 with the submission of an updated Affordable Housing Layout plan which identifies the requisite 7no. wheelchair user dwellings as plots 25, 30, 120, 122, 124, 128 and 130 (all be ground floor units). The revision plan also shows car spaces for those plots at the required dimensions. In addition, the Applicant has confirmed that wet rooms will be provided instead of bathrooms for the proposed M4(3) wheelchair units.

2.16 Following discussion with officers on 5th May 2022, Aspect Landscape on behalf of the Applicants have prepared potential wireframe viewpoint montages of the site which have been submitted as minor additional information on 31 May 2022.

2.17 Minor revisions to the proposed materials were submitted on 17 May 2022. The updated materials proposed are:

*Walls –*

- Ibstock Lambourne Orange Multi
- Ibstock Leicester Multi Cream Stock
- Ibstock Leicester Red Stock
- Ivory Render

*Roofs –*

- Forticrete SLB Slate Grey
- Forticrete Gemini Mixed Russet
- Marley Etermit Clay Plain Tile mixed brindle

### **3.0 Relevant Planning History**

Reference: 06/01809/APP

Development: Residential development comprising 200 flats and houses with associated parking and public open space

Decision: Approved

Decision Date: 23 May 2007

Reference: 09/02306/APP

Development: Erection No.5 dwellings with garages and ancillary works

Decision: Approved                      Decision Date: 15 June 2010

Reference: 10/00409/APP

Development: Erection of No.16 dwellings, garages, road and ancillary works (amended proposal)

Decision: Approved                      Decision Date: 13 May 2010

Reference: 11/02724/APP

Development: Erection of 80 No. dwelling units with associated parking, landscaping and open space provision

Decision: Refused                      Decision Date: 20 March 2012

Reference: 10/A0409/NON

Development: Non-material amendment to planning approval 10/00409/APP - Removal of ground floor bay window from flank wall of plot 104

Decision: Approved                      Decision Date: 10 January 2012

Reference: 06/A1809/NON

Development: Non material amendment to planning approval 06/01809/APP

Decision: Approved                      Decision Date: 28 March 2012

Reference: 13/01325/APP

Development: Erection of 80 dwellings with associated parking, landscaping and open space provision.

Decision: Approved                      Decision Date: 21 August 2013

Reference: 14/02601/AOP

Development: Outline application with access to be considered at this stage for the erection of up to 130 dwellings and full planning permission for the change of use from agricultural land to sports pitches/recreational open space and informal open space.

Decision: Called-in and refused by SoS                      Decision Date: 19 July 2017

This application (14/02601/AOP) was reported to the AVDC Strategic Development Management Committee (SDMC) on 3 occasions. On 11<sup>th</sup> March 2015 Members agreed for the proposal to be deferred and delegated with a view to approval subject to the satisfactory completion of a s106 and appropriate conditions. During the processing of the s106 there was a material change in circumstances in that the BNDP had made progress and was approaching the final stages. A further report was prepared for the SDMC on 2<sup>nd</sup> September 2015 in light of the change in circumstance, although again recommending approval. The BNDP was made on 30<sup>th</sup> September 2015. A further report was referred to the SDMC on that date. However, no decision could be made as the Secretary of State had on that day issued an Article 31 Direction in order to provide him with an opportunity to

consider whether or to intervene if the Council wished to grant consent. A further report to the SDMC on 27<sup>th</sup> April 2016 updated Members in relation to revised Highways comments and set out a revised balancing exercise taking into account the changes to the Council's Housing Land Supply which had dropped to 4.5 years (January 2016 position statement). Members resolved to defer and delegate to officers for approval subject to the addition of a Highways contribution in the s106 and subject to the lifting of the Article 31 direction. On 25 May 2016, the SoS directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that the application be referred to him instead of being dealt with by the local planning authority. The proposal was considered at a 6 day public inquiry beginning on 7<sup>th</sup> February 2017, following which the Inspector reported a recommendation of approval to the SoS. The SoS subsequently disagreed with the Inspector's recommendation and made the decision to refuse planning permission in his letter dated 19 July 2017. A copy of the SoS decision letter is attached at Appendix C of this report.

Reference: 20/00004/SO

Development: Screening Opinion

Decision: Environmental Impact Assessment Not Required      Decision Date: 27 July 2020

- 2.18 The development has been screened under the Environmental Impact Assessment Regulations (An EIA Screening Opinion Request was submitted on 20 December 2019) and the local planning authority has concluded that an environmental impact assessment will not be required in this case.

### **3.0 Representations**

- 3.1 Buckingham Town Council, Maids Moreton Parish Council, and Akeley Parish Council object to the application and their responses are set out in full at Appendix A of this report.
- 3.2 The Buckingham Society also object and the response is set out in full at Appendix A of this report.
- 3.3 Statutory site publicity has been given to the application and all public representations received are summarised in Appendix A of this report. Appendix A also contains a summary of consultation responses to this application.

### **4.0 Policy Considerations and Evaluation**

#### **Introduction**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".
- 4.2 The development plan for this area comprises:
- Buckinghamshire Minerals and Waste Local Plan 2019 (BMWLP)
  - Vale of Aylesbury Local Plan (VALP) (15<sup>th</sup> September 2021)
  - Buckingham Neighbourhood Development Plan (BNDP) (made 2015)

- 4.3 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (PPG) are important material considerations, and legislation at Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is accepted as a higher duty.
- 4.4 The main issues to consider are the principle of development in this location, whether it provides for a satisfactory level of affordable, other housing types and a suitable mix to meet community needs, landscape and settlement character informed by a landscape led approach, the impact on the transport network and whether it will promote sustainable transport modes, environmental issues including the impact on climate change, flooding and drainage including consideration of sewerage capacity and water supply, ecology, provision of amenity space, use of natural resources and building sustainability, and whether it makes provision for infrastructure contributions to mitigate impacts.

### **Principle and Location of Development**

VALP: Policies S1 (Sustainable development for Aylesbury Vale), S2 (Spatial strategy for growth), S3 (Settlement hierarchy and cohesive development), S5 (Infrastructure), D2 (Delivery site allocations in the rest of Aylesbury Vale) & D-BUC043 (Land west of AVDLP allocation BU1 Moreton Road, Buckingham)

BNDP: Policy HP1 (Allocate land for 617 new dwellings)

- 4.5 Policy S1 of VALP requires all development to comply with the principle of sustainable development as set out in the NPPF, setting out the overall strategy for how this will be achieved. Policy S2 sets out the spatial strategy and distribution of development across Aylesbury Vale and seeks to concentrate strategic levels of growth and investment in sustainable locations. The VALP focuses the majority of growth in its Strategic Settlements, Aylesbury, Buckingham, Winslow, Wendover and Haddenham as well as adjacent to Milton Keynes. These policies coincide with policy S3 which requires development to be of an appropriate scale and sited in accordance with the settlement hierarchy. This positive approach to development seeks to ensure the wider needs of places and communities within Aylesbury Vale area are met, whilst minimising the need to travel, and optimising sustainable modes of travel. The VALP (2021) enables an integrated and balanced approach to the provision of homes, jobs and leisure with the aim of providing sufficient and appropriate infrastructure to meet future needs. Consequently, in planning for new development, policy S5 requires appropriate regard to be given to existing deficiencies in services and infrastructure provision.
- 4.6 Within the Settlement Hierarchy (2017), Buckingham is identified as a strategic settlement. The application site is allocated in the VALP for residential development Policy D2 (D-BUC043) and this supports the development of the site for 130 homes sports pitches/recreation space and green infrastructure; 110 homes to be delivered 2020-2025 and 20 homes to be delivered 2025-2033. The policy goes on to set out the following site-specific criteria:
- a) Provision of at least 130 dwellings at a density that takes account of the adjacent settlement character and identity
  - b) The site will be designed using a landscape-led approach The development design and layout will be informed by a full detailed landscape and visual impact assessment (LVIA)
  - c) An ecological management plan shall be submitted to and approved in writing by the council, covering tree planting, hedge planting, pond creation, provision of 2ha of mitigatory grassland and ongoing management of the site

- d) A tree protection plan is required for approval showing the height and position of protective fencing
- e) A hard and soft landscaping scheme is required to be submitted for approval
- f) Archaeological assessment and evaluation is required to be submitted to the council
- g) The scheme layout has regard to the findings of an archaeological investigation and preserves in situ any remains of more than local importance
- h) The development must provide a satisfactory vehicular access to be agreed with Buckinghamshire Council
- i) A surface water drainage strategy will be required for the site, based on sustainable drainage principles and an assessment submitted to the council for approval
- j) A foul water strategy is required to be submitted to and approved in writing by the council following consultation with the water and sewerage undertaker.
- k) An assessment of sewerage capacity and water supply will be required in consultation with Anglian Water. The water supply network is likely to require an upgrade by Anglian Water to serve the level of growth on the site. The Buckingham Wastewater Treatment Works needs upgrading and the delivery of the site will need to be aligned with investment in Anglian Water's Asset Management Plan.
- l) A financial contribution will be needed towards funding appropriate elements of the Buckingham Transport Strategy
- m) Amenity land which is to be provided with a NEAP and LEAP with sports pitches. The amenity land, subject to agreement, would be transferred to the Town Council following a maintenance period and a commuted sum paid to the Town Council for the upkeep of that land.

4.7 The site lies outside the built framework of the town and the identified Buckingham Settlement Area (BSA) as designated through the BNDP.

4.8 BNDP Policy HP1 states that *'development will be supported within the boundary settlement area for new housing as set out in Table 1 and as shown in the site allocation plans... provided the development meets the requirements set out in the policies of this plan.'* The site is not one of the allocated sites within the BNDP and in fact was rejected as a suitable site through the BNDP process.

4.9 However, this needs to be considered within the context of the adoption of VALP (September 2021) and policy D2 and the allocation D-BUC043 are strategic policies in the Local Plan and are the most up to date. Policy HP1 conflicts with the VALP strategic policies and the guidance in the NPPF is clear that neighbourhood plans should not promote less development than set out in the strategic policies for that area or undermine those strategic policies (para 29 NPPF 2021). Neighbourhood plan policies when brought into force take precedence over existing non-strategic policies in a local plan covering the same area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently. In this case the VALP has been adopted subsequently and where there is conflict both the strategic and non-strategic policies of the VALP take precedence. Given allocation D-BUC043 of the VALP, the development of the site for residential purposes is acceptable in principle as it is supported by the most up to date part of the development plan.

- 4.10 The BSA runs along the southern and eastern boundaries of the site and incorporates the existing residential properties within the completed phases 1 and 2, to the west of Moreton Road and the dwellings within Bradfield Avenue and Gilbert Scott Road to the south of the site. In settlement pattern terms, the site relates well to the existing adjacent built-up residential area, although it would extend built development further northwest than currently existing in this area this has been accepted by the allocation of the site for residential development.
- 4.11 Having regard to the above, the principle of development as proposed in this location would be acceptable. As set out later in the report the Highway Authority are requesting that the s106 includes a comprehensive package of off-site and onsite mitigation measures to improve the sites connectivity by sustainable modes. It is considered that these measures would reinforce the locational sustainability of the site to an acceptable level.

### **Affordable Housing and Housing Mix**

VALP: D-BUC043 (Land west of AVDLP allocation BU1 Moreton Road, Buckingham), H1 (Affordable Housing), H6a (Housing Mix), H6b (Housing for older people), H6c (Accessibility), H5 (Custom/self-build) and SPD affordable housing

BNDP: HP3 (allocate land for self-build), HP4 (Provide diverse housing mix), HP5 (Provide affordable housing)

#### *Housing Supply – General Position*

- 4.12 The latest (April 2022) Five Year Housing Supply Position Statement for Aylesbury Vale area identifies that there is a 5 year supply of deliverable housing sites for the five-year period 2021-2026 and 5.2 years for the five-year period 2022-2027 (from 1 April 2022). This calculation is derived from the new standard methodology against the local housing need and definition of deliverable sites set out in the NPPF and NPPG. It also assesses the deliverability of sites against the new definition set out in the NPPF glossary. This site is included as one of the deliverable sites in that supply as part of the VALP allocation BUC0043 with delivery of units within the 5-year period and beyond.
- 4.13 The site would therefore contribute to the five-year housing supply as well as the longer term and provide associated benefits in meeting the ongoing need for housing. There is no reason that the site could not be delivered in line with the identified trajectory period which would be a significant benefit.
- 4.14 Further benefits would arise as a result of the related construction jobs and in the longer term to the local economy through the increased population, which would contribute to the local economy, and this matter is afforded considerable weight.

#### *Affordable Housing*

- 4.15 VALP Policy H1 states that a minimum of 25% of dwellings on sites of 11 dwellings or more should be affordable. It also sets out a number of additional criteria that will need to be met in relevant circumstances, including that such housing will need to take account of the Council's most up to date evidence of housing need and any available evidence regarding local market conditions.
- 4.16 BNDP policy HP5 requires sites of 1 hectare or over (or 25 dwellings or more) to provide 35% affordable housing, subject to viability, and should be accompanied by an affordable housing plan setting out mix, location and phasing. It also refers to the latest evidence of affordable housing need as set out in the HEDNA.

- 4.17 The VALP Inspector’s Report noted that some neighbourhood plans required higher percentages (than in the VALP policy) and that these were justified at the time of the making of those plans. These policies exist side by side and the fact that BNDP policy HP5 requires a greater proportion does not mean that it is inconsistent with VALP policy H1 which sets a minimum requirement. Therefore, in this case, the higher BNDP policy applies.
- 4.18 The applicant has confirmed a willingness to meet this higher policy requirement and for this provision to be secured via a s106 agreement. Given that this is a full application the submitted drawings demonstrate the proposed tenure mix (75% rented and 25% shared ownership), overall mix of housing sizes and types, avoidance of clustering.
- 4.19 In addition, and in order to further address VALP policy H6c which requires that all development will meet and maintain high standards of accessibility so all users can use them safely and easily, 15% of the affordable housing units will be Category 3 of Document M (M3) compliant wheelchair accessible housing and the remainder will meet category 2 (M2) - accessible/adaptable housing.
- 4.20 The scheme would therefore provide a higher level of affordable housing in accordance with policy HP5 of the BNDP rather than policy H1 of the VALP subject to the above requirements being secured via s106 agreement. This would be a significant benefit of the development.

*Housing Mix*

- 4.21 Local and national policy requires a mix of dwelling type and size to be delivered to ensure that it meets current demand and provides for inclusive and mixed communities. In addition, national policy states that local planning authorities should plan for the needs of people with disabilities and the PPG refers to households with specific needs. VALP policy H6a requires a mix of housing to be provided and H6c requires that all development meets and maintains high standard of accessibility.
- 4.22 In terms of the market housing mix, VALP policy H1 sets out that this should satisfy the most up to date evidence at the appropriate time; at this time these requirements are set out in the HEDNA. BNDP policy HP4 requires that on developments of more than 50 dwellings, there should be a wide mixture of housing types from 1 to 5 bed dwellings. The following tables set out the proposed housing mix and compares that to the HEDNA percentage:

<b>Market Housing</b>	Number	Percentage	HEDNA %
1 bed flat	0	0%	4%
2 bed flat	0	0%	4%
2 bed house	9	11%	13%
3 bed house	48	57%	52%
4 bed house	22	26%	21%
5 bed house	5	6%	6.5%
Total	84		

<b>Affordable Housing</b>	Number	Percentage	HEDNA %
1 bed flat	6	13%	9%
2 bed flat	6	13%	6%
2 bed house	12	26%	38%
3 bed house	18 (1 bungalow)	39%	38%
4 bed house	4	9%	9%
5 bed house	0	0%	0%
Total	46		

*n.b. percentages may not equal 100% due to rounding*

- 4.23 As shown in the tables above, the application provides a mix of dwelling types ranging from one to two bedroom flats and two to five bedroom dwellings that would reflect the percentage mix set out in the HEDNA. This mix of units would be distributed across the site to reflect the character and constraints of the different parts of the site.
- 4.24 It is considered that the proposed housing mix would accord with VALP policy H6a, BNDP policy HP4, NPPF guidance and the HEDNA.

*Custom/self-build*

- 4.25 VALP policy H5 expects developments proposing 100 dwellings and above to provide a percentage of custom/self-build plots. The VALP policy advises that the overall numbers/proportion of provision be determined on a site-by-site basis having regard to the evidence of demand and viability.
- 4.26 The latest evidence of demand for this type of dwelling is set out in the Bucks Self Build Report (last updated 25 March 2022). This indicates that in the last recorded year 33 individuals are registered. The document indicates that of those 11 are registered on the part 1 list (those which is the Council's duty to meet demand). Of these 12% have expressed an interest in Buckingham. This equates to c.2 households (1.32 exactly).
- 4.27 In this regard, it is considered that a 5% proportion of the proposed market housing (4 plots) should be sought as custom/self-build plots, and a plan detailing the location of these proposed plots has been submitted, ref: 24913 PL-09. This approach is consistent with the recent resolution to grant application 19/00148/AOP which relates to the other Buckingham allocated site in the VALP (D-BUC046). The obligation would be secured via the s106 agreement, and would include the requirement to submit, and have agreed, a suitable marketing strategy prior to the commencement of the development. Subject to the details of the approved marketing strategy the custom/self-build plots are to be delivered as fully serviced plots prior to the first occupation of more than 75% of the market dwellings.
- 4.28 On this basis, for the reasons outlined above, no conflict with either VALP policy H5 or BNDP policy HP3 arises.

*Conclusions in respect of housing matters*

- 4.29 Having regard to the above matters it is considered that the development would make a significant contribution to housing supply and the provision of a higher level of affordable housing consistent with policy HP5, which is to be secured via s106.
- 4.30 Overall, it is concluded that the proposal would provide a good range of housing, with an appropriate percentage of affordable housing to contribute to meeting the needs of the community and overall housing supply of the district, and provision of an appropriate proportion of custom/self-build plots. On this basis the development would accord with the Development Plan policy, in particular VALP policies H1, H5, H6a, H6c, D2, and BUC043, BNDP policies HP3, HP4 and HP5 and the guidance set out in the NPPF. In so far as the development is policy compliant neutral weight is attributed to this in the planning balance however significant weight is accorded to the higher level of affordable housing and the economic benefits arising from the development.

### **Transport matters and accessibility**

- VALP: T1 (Delivering the sustainable transport vision), T2 (Supporting and Protecting Transport Schemes), T3 (Supporting local transport schemes), T4 (Capacity of the transport network to deliver development), T5 (Delivering transport in new development), T6 (Vehicle Parking), T7 (Footpaths and cycle routes), T8 (Electric Vehicle Parking), and D-BUC043 (Land west of AVDLP allocation BU1 Moreton Road, Buckingham)
- BNDP: I1 (New disabled access requirement for new pedestrian routes)

- 4.31 Policy D-BUC043 requires a satisfactory vehicular access to be agreed with Buckinghamshire Council and a financial contribution towards the appropriate elements of the Buckingham Transport Strategy (BTS) will be required.

#### *Sustainable Location*

- 4.32 Within the Settlement Hierarchy (2017), Buckingham is identified as a strategic settlement. It is therefore accepted that Buckingham is a sustainable location for new housing development as one of the main towns. Buckingham, amongst the other larger settlements, acts as a service centre for other smaller and larger villages surrounding it.
- 4.33 There are a range of facilities and amenities within acceptable walking and cycling distance of the site, with existing footways and cycleways.

#### *Access*

- 4.34 Two points of vehicular access to the housing development are proposed continuing the roads of Shetland and Lincoln from the existing phase 1 development, these roads (Lincoln and Shetland) have already been constructed to facilitate future development. These accesses would consist of 5.5m wide carriageways with 2m wide footways either side. Narrower 4.8m wide shared surface roads would be used to provide the internal circulation routes within the proposed development.
- 4.35 The existing access serving the phase 1 development would remain and is not altered by this proposal. It is noted that there are existing points along Whitehead Way and Lincoln where the road narrows, however, visibility at both of these existing road narrowings is acceptable for vehicles to wait to pass each other, such that the Highways Authority raise no objection. In addition, vehicle speeds are likely to be low along these residential roads and there have been no recorded collisions in these locations.
- 4.36 The site layout has been revised to include continuous footways on both sides of the proposed spine road carriageway which loops through the proposed development from Lincoln to Shetland, and on the western side of the proposed development. The proposed

shared surfaces have also been amended to serve less than 25 dwellings and on cul-de-sacs only, in line with the requirements of the Highway Authority. It is considered that the proposal would provide satisfactory vehicular access and layout.

#### *Transport Assessment*

- 4.37 The application is accompanied by a Transport Assessment (TA). Following discussions between the Council's Highways Officer and the Applicant further details have been submitted in Technical Note 1: Response to comments from BC Highways, Technical Note 2: Old Gaol Junction Review and an updated Phase 1, 2 and 3 Travel Plan, as well as a number of amended plans.
- 4.38 The TA utilises the TRICS® database to provide an indication of the likely traffic generation arising from the development proposal. The Phase 2 TRICS® trip rates were compared with trip rates from Phase 1, which were derived from traffic counts at the two junctions of Whitehead Way with Moreton Road and cross-checked against the latest sites contained within TRICS®. This analysis concluded that the application of the Phase 2 TRICS® trip rates to this current proposal would provide a robust traffic assessment, and the Highway Authority are satisfied with this approach. The proposed development is likely to generate 77 two-way vehicle trips in the morning peak and 59 two-way vehicle trips in the evening peak.
- 4.39 The TA suggests that lane markings are introduced on the Moreton Road approach to the Moreton Road / Stratford Road / Market Square (Old Gaol) Roundabout to identify two separate approach lanes. The Applicant notes that, the previously proposed development of the Site (14/02601/AOP) included a financial contribution requested by the Highways Authority to mitigate the impact of the proposal, towards the design and provision of a left-turn filter slip at the A422 Stratford Road / A413 roundabout. The scheme remains part of the Buckingham Transport Strategy and the applicants continue to support a contribution towards the delivery of the scheme and or other elements of the Buckingham Transport Strategy, for the betterment of the wider network in Buckingham. Highway mitigation would be secured by way of s106 obligation, as set out in paragraph 5.200 Below.
- 4.40 A full Travel Plan was submitted in support of the proposed development, with an anticipated reduction in vehicle trips from those set out in para 1.8, and a trip discount was applied to the trip rates. The traffic assessments within the original TA assessed 53 two-way trips in the morning peak and 52 two-way trips in the evening. It has however come to Officers attention that there is an error in the predicted future year trip generation figures quoted within the Applicant's TA, and the Council's Highways Officer clarifies this: In the 2025 morning peak, the development is anticipated to generate 61 vehicle movements, and in the 2025 evening peak, the development is anticipated to generate 47 vehicle movements. These are the correct figures which should have been used in the traffic assessments. In terms of difference, in the morning peak there would be an additional 7 vehicle movements generated by the development compared to that assessed, and in the evening peak there would be a reduction of 5 vehicle movements. Given that the difference in vehicle movements is low, it is not proposed to re-run the modelling assessments, as this minor difference would not have any material effect on the assessments, and the impact of the development on the town centre will not materially change. The assessments conclude that the development will add to congestion on the highway network within the town centre, however satisfactory highway mitigation is proposed.

- 4.41 Additionally, the applicant has recently submitted additional transport information in the form of Technical Note (TN) 2 which seeks to address local objections that the cumulative traffic impacts of this current planning application and the consented development at Walnut Drive / Foscoote Road, Maids Moreton have not been adequately assessed. Specifically, the traffic impact at the Old Gaol Roundabout, Buckingham.
- 4.42 The TN2 explains that the traffic modelling set out within the original TA used background traffic growth factors derived from TEMPro v7.2 for the future assessment year of 2025. TEMPro takes account of committed housing developments identified within adopted local plans, and as both Phase 3 Moreton Road and the consented development at Maids Moreton are allocated sites within the VALP this was considered sufficient.
- 4.43 Local objectors have raised concerns that because Maids Moreton and Buckingham are not within the same Middle Layer Super Output Area (MSOA), and the growth factor from the MSOA in which Phase 3 Moreton Road is located has been used, that the additional traffic from the consented development at Maids Moreton has not been taken into account. In order to provide further robustness, the applicant carried out a further traffic analysis to further assess the cumulative traffic impact of Phase 3 Moreton Road and Maids Moreton on the Old Gaol Roundabout, Buckingham.
- 4.44 It is noted that this new traffic assessment takes account of an anomaly within the previous assessment of the Travel Plan measures which is helpful. The TA previously assessed 53 two-way trips in the morning peak and 52 two-way trips in the evening peak, whereas this assessment considers 61 two-way trips in the morning peak and 47 two-way trips in the evening peak for Phase 3 Moreton Road.
- 4.45 The Phase 3 Moreton Road development would result in 47 vehicle movements in the morning peak and 38 vehicle movements in the evening peak heading along the A413 Moreton Road to and from Buckingham town centre. The additional work within the TN2 indicates that in combination, Phase 3 Moreton Road and Maids Moreton increase traffic at the Old Gaol Roundabout by 80 vehicle movements across the morning peak hour and 57 vehicle movements in the evening peak hour. This represents a 4 – 5% traffic increase compared to the 2025 baseline situation.
- 4.46 The results of the Old Gaol Roundabout assessment show that it is currently operating with an RFC (The RFC (Ratio of Flow to Capacity) value indicates the extent to which traffic flows on an intersection arm approach capacity) over 0.85 on Stratford Road in the morning and evening peak periods. The junction performance is predicted to become worse in 2025 with higher RFCs on all three arms and in particular on Stratford Road. The modelling of the 2025 with both Phase 3 Moreton Road and the Maids Moreton development scenarios shows that, in the morning and evening peak periods, the RFCs and queues would only increase marginally. The Moreton Road and Market Square approaches to the Junction remain within the theoretical threshold with an RFC of 0.85 with the developments in place. It is also worth noting that the traffic assessments account for all development traffic using the Old Gaol Roundabout, however some of the development traffic heading to Buckingham town centre may choose to use other available roads such as Addington Road.
- 4.47 Local objectors raise concern with additional development traffic using College Road / Mill Lane to access the A422, however the Phase 3 Moreton Road development would result in 14 vehicle movements in the morning peak and 9 vehicle movements in the evening heading to and from Maids Moreton along the A413 Moreton Road. As such, if some of this

traffic should choose to use College Road / Mill Lane it would be minimal and would not have a material traffic impact on the highway network in and around Maids Moreton.

- 4.48 The applicant concludes that the additional traffic analysis clearly indicates that the relative impact of committed and proposed development flows on the operational capacity of the Old Gaol Roundabout would be negligible. The Highways Authority are satisfied with this additional traffic assessment, and that the proposed development would not have a severe impact on the operation and safety of the highway network.
- 4.49 The proposed development would be subject to various s106 obligations and planning conditions, including a financial contribution of £260k towards the Buckingham Transport Strategy. The strategy aims to remove vehicle trips with an origin and destination through or around Buckingham from the town centre, and this reduction in through traffic will improve town centre conditions and allow the impact from local trips associated with allocated local plan sites to be offset. The financial contribution is consistent with other planning applications in the Buckingham area. In addition, pedestrian, cycle, public transport, and highway improvements are to be secured, as well as a Travel Plan.
- 4.50 The Highways Authority have thoroughly assessed the traffic impacts of the development proposal and are satisfied that the impact of the development can be fully mitigated.

#### *Travel Plan*

- 4.51 A full Travel Plan was submitted in support of the proposed development, with an anticipated reduction in vehicle trips of 9% for Phase 3 by 2025. Whilst colleagues in Transport Strategy initially raised concern that the Travel Plan is unlikely to achieve such targets, they did acknowledge it is likely to reduce vehicle trips by 5%. However, an updated Travel Plan has been submitted which provides greater clarity on the pedestrian, cycling and public transport infrastructure improvements. On the basis of the updated Travel Plan, Transport Strategy colleagues are now satisfied that the reduction in car use and vehicle trips is achievable and realistic.
- 4.52 Some local objectors have raised concern regarding the Travel Plan and its robustness to reduce vehicle trips. The latest Travel Plan includes various pedestrian, cycle, and public transport improvement measures, and has been reviewed by a Senior Highways Development Management Officer and the Council's Travel Plan Officer. As stated above the Officers deem the Travel Plan satisfactory to achieve a 9% reduction in vehicle trips. The Travel Plan is a live document, and the implementation of the Travel Plan and a £5,000 monitoring fee is to be secured via s106 obligation to achieve the 9% target. Additional measures could be sought to achieve the Travel Plan targets, if required.

#### *Public Transport, Walking and Cycling*

- 4.53 The nearest bus stops to the site are located on Moreton Road, around 250m to 500m walking distance which is in line with the recommended 300m walking distance to bus stops (CIHT's 'Buses in Urban Developments' guidance).
- 4.54 Whilst, bus services are limited along Moreton Road (the 151 service at around 9am, Monday to Friday, and a couple of other return journeys during the day), the Council's Passenger Transport Team do not seek any financial contributions towards bus services, and it is noted that bus stop infrastructure (bus shelters, seating and accessible kerbing) has been introduced at the two nearest bus stops to the site along Moreton Road, as part of Phase 2 development. More frequent bus services are available from Buckingham Town

Centre, which is approximately 1.2km from the site, although it is noted that this exceeds the recommended walking distances to bus stops.

- 4.55 Walking, cycling, public transport and highway improvements are to be secured by way of s106 obligation, as set out in para 5.200 Below. These include new hard-standing, bus shelters and Real Time Passenger Information (RTPI) systems at the Moreton Road bus stops.
- 4.56 The proposed footpaths connecting the development to the boundary with Bradfield Avenue to the south and Hill Radnor on the eastern side of the site would be suitably surfaced and lit and proposed to improve pedestrian permeability. A zebra crossing was implemented along Moreton Road, to the south of the northern access to Whitehead Way as part of Phase 1 development.
- 4.57 It is noted that some residents would be able to walk or cycle to the town centre to access the more frequent bus services, and that improvements to local cycling infrastructure and the provision of cycle stands both in the town centre and near the bus hub for cycle/bus connection, which are to be secured via the s106 (para 5.200), would assist improved access to regular bus services.

#### *Car Parking*

- 4.58 Policy T6 of the VALP (and Appendix B) requires an optimum level car parking provision of 1.5 spaces per 1 bed unit, 2 spaces per 2 bed unit, 2.5 spaces per 3 bed unit, 3 spaces per 4 bed unit, and 3.5 spaces per 5+ bed unit. The policy sets out optimum standards and the level of parking they specific should be provided within the curtilage unless specific circumstances can justify deviating from them. The standards identify exception standards.
- 4.59 Policy T8 of the VALP requires the provision of parking bays and charging points for electric vehicles in new developments. One electric vehicle dedicated charging point is required per house with garage or driveway, and for flats at least 10% of parking bays shall be provided with dedicated electric vehicle charging points.
- 4.60 In respect of car parking provision, this is provided on plot and in garages with some dedicated parallel on-street parking bays, and allocated parking spaces to the front of some dwellings. Following negotiations, the number of plots with tandem parking spaces has been reduced and it is noted that, where proposed, tandem parking is related to a single dwelling; there are no communal tandem parking spaces proposed and each dwelling would manage their use of parking as necessary. Also, the design of the proposed road layout with a 4.8m carriageway and the provision of some dedicated parallel parking bays is likely to deter ad hoc on-street parking.
- 4.61 The most recent amended layout plan reviewed the allocated on-plot parking in order to design out the overprovision of spaces and to introduce the provision of dedicated, but unallocated (visitor) on-street spaces as advocated by the council's Urban Design Officer, garages have been pulled forward to reduce driveway lengths, and the allocated disabled parking spaces have been re-located to be adjacent to the properties they serve. A rear parking court has been introduced at the rear of plots 117 and 118, and the parking court to the rear of plot 82 has been revised to provide wider spaces and to incorporate more green space into garden of plot 80.
- 4.62 Whilst Appendix B of the VALP recommends that rear parking courts are not to be provided, it does allow rear parking courts to be considered where it is part of a coherent overall layout, small and overlooked by dwellings and secured. In this case, the proposed

rear parking courts are small scale and well related to the layout of dwellings. The use of these small parking courts has allowed the layout of the dwellings to be less rigid and for the frontages to be less car dominated in parts of the development. The courts, although not secured by gates, would be well overlooked to provide active surveillance, and would be located adjacent to the plots which they would serve.

- 4.63 Where front court parking is proposed it would be located to the front of plots which it would serve, and sufficient space has been incorporated in between sections of parking for appropriate planting to reduce the visual dominance of the cars in the street.
- 4.64 Parking spaces of 2.5m by 5m are proposed, which is slightly narrower than the 2.8m by 5m spaces required by VALP. The scheme was designed when the previous policy in AVDLP was current and the car parking spaces were 2.4m by 4.8m. However, subsequently the VALP has been adopted and larger spaces are required. The developer has responded by increasing the size of spaces to 2.5m by 5m. The proposed driveways are slightly longer, which would avoid parked vehicles overhanging footways and shared surfaces. Also, driveways are generally 3.3m wide, which would help to provide access to/from parking spaces and provide side/rear access to cycle parking and bin storage. Accessible parking spaces are proposed to be 3.5m by 5m. Again this is slightly smaller than required by the current standards which are 5.1 by 3.8m (1.2m of this may be shared between two adjacent spaces).
- 4.65 The proposed 2 bed and 4 bed dwellings would be served by the optimum level of car parking provision, as would the majority of the other units, however, the designing out of car dominated frontages and use of parallel on-street parking bays has reduced the allocated parking provision for some of the dwellings but increased the number of visitor bays proposed.
- 4.66 The optimum VALP parking standard for a development of this scale and housing mix would seek a total of 315 spaces (all allocated), the proposal would however provide a total of 320 parking spaces to serve the 130 proposed dwellings (279 allocated spaces and 41 visitor spaces); whilst there would be less on plot allocated spaces than required by VALP there would in total be an overprovision of 5 parking spaces within the development. Overall, it is considered that the proposed number of parking spaces would be acceptable given the sustainable location of the site, the proposed Travel Plan, and the number and size of proposed parking spaces would be broadly in line with the aims of the VALP. However, it is acknowledged that the size of parking spaces is less than the policy requirements and therefore fails to fully comply with Policy T6 and to which negative must be given.
- 4.67 In accordance with VALP policy T8 the Applicant has confirmed that EVC charging points will be provided to all dwellings with a driveway or garage, the TN1 (Feb 2021) states at paragraph 4.2.6 that on-plot EV charging points will be provided within garages. VALP policy T8 advises that EV parking bays should be 3m x 6m in dimension on the basis that some cars are charged from the front or back and others are charged at the side, and this would allow for cable and connector around these vehicles and allow sufficient room to avoid cables and their inherent trip hazards and the like. Driveways between dwellings are a minimum of 3m wide which allows for cables. 12 maisonettes/flats are proposed; policy T8 requires at least 10% of parking bays serving flats to be EV charging bays (e.g., 2 bays). The two dedicated EV spaces serving the proposed flats would be 3m x 6m. The provision of EV charging points would be controlled by condition.

- 4.68 In accordance with the VALP housing allocation policy sports pitches are to be provided within the public open space area to the north of the site. The two proposed rugby pitches would complement and expand the existing provision at the adjacent Buckingham Rugby Club. Parking provision for the rugby pitches would be provided to the northeast of the site with its access off Phase 2 to the east of the site. The proposed rugby pitch parking would provide 10 spaces which is considered acceptable given that the proposed pitches are intended to provide an additional resource for the existing Buckingham Rugby Club, immediately to the north of the site, with changing and parking requirements being managed from their existing site. The proposed facility would be used as an extension to the existing Club and not a destination in its own right, as such the level of parking proposed is considered acceptable.
- 4.69 That no affordable home has a garage is a concern raised by the Town Council as contrary to the principle of tenure blindness. However, the VALP policy requires no such provision and there are numerous market homes proposed without garage provision thus the lack of garage provision would not visually differentiate the affordable homes from the market homes.

#### *Refuse Collection*

- 4.70 Refuse vehicle tracking plans have been provided and are considered acceptable. Further details of a collection strategy for the less accessible areas of the development would be dealt with by condition. However, it is likely that bins would be provided for in external areas in a convenient location within the garden for the dwellings and communal bin collection areas will also be provided as appropriate.

#### *Conclusions in respect of transport matters/accessibility*

- 4.71 It is concluded that the proposal would not have a harmful impact on the local highway network and would be served by safe and suitable access points and a range of sustainable transport choices to connect to local amenities and facilities, subject to appropriate conditions and obligations. In addition, an adequate quantum of parking spaces (including EV charging points and disability spaces) would be provided although the parking spaces are smaller than required by adopted policy.
- 4.72 Therefore, subject to appropriate obligations and conditions, the proposal would accord with local and national policy, in particular with the aims of VALP policies T1, T3, T4, T5, T7 and T8 and with the guidance set out in the NPPF. The proposal could be implemented without harm to highway safety and convenience and sufficient parking, cycle parking and electric vehicle parking would be secured by condition. However, the size of parking spaces fails to comply with policy T6 and negative weight must be attributed to this although it is recognised that the majority of transport and parking matters does comply with the relevant policies and are afforded neutral weight.

#### **Countryside, Landscape and Settlement Character**

VALP: D-BUC043 (Land west of AVDLP allocation BU1 Moreton Road, Buckingham), BE2 (Design of new development), NE4 (Landscape Character) and NE7 (Best and Most Versatile Agricultural Land)

#### *Aylesbury Vale Landscape Character Assessment*

- 4.73 The VALP policies seek to ensure that new development reflects the character of the existing settlement in respect of, amongst other things, local distinctiveness, scale and landscaping; that it respects and complements the physical characteristics of the site and

its surroundings, the historic scale and context of setting and the natural qualities and features of the area; and that it includes landscaping to help buildings fit in with and complement their surroundings. Furthermore, development should take a landscape led approach and have regard to Landscape Character Assessments, minimise impacts on visual amenity and be supported by appropriate mitigation to overcome any adverse impacts.

- 4.74 NPPF paragraph 174 seeks to ensure that development contributes to and enhances the natural and local environment by recognising the intrinsic character and beauty of the countryside and wider benefits from the natural capital. VALP policy D-BUC043 also emphasises that a landscape led approach should be taken, informed by a fully detailed Landscape and Visual Impact Assessment (LVIA).

*Countryside / Settlement Character Impact*

- 4.75 The site is located outside of the SBA as defined in the BNDP and is part of the open land surrounding the built-up area which contributes to the character of the wider landscape through its scale, lack of enclosure to the west and its irregular field pattern. The proposed residential development will inevitably result in the loss of its current open, natural appearance and intrinsic character and beauty of the site itself as referred to in paragraph 174 of the NPPF.
- 4.76 The site is not currently accessible by the public, having no public rights of way over it, however there are nearby public routes, however views of the site from those routes which are located to the east of the site are screened by either the intervening dwellings or the mitigation planting associated with the earlier phases of development (phases 1 and 2). On the other hand, it should be noted that a number of the residents of these earlier phases now have views over this site and they currently overlook the fields that make up the application site. As such the proposed development will be perceived to be within an area of open countryside that in settlement pattern terms, is outside the existing built-up limits of the settlement and thus will be seen as a built incursion into the countryside. The proposal will adjoin residential developments, phases 1 and 2, to the east of the site (west of Moreton Road), and to south of the site the properties in Gilbert Scott Road and Bradford Avenue.
- 4.77 The proposed layout would use land efficiently and create a well-defined boundary between the settlement and the countryside, satisfactorily complete the settlement pattern without impairing the character or identity of the settlement or the adjoining rural area. Suggestions that the development of this site would lead to greater coalescence with Maids Moreton cannot be given weight as this would have formed part of the assessment when considering the site for housing development and would have been adequately weighed in the planning balance at that stage. As the site was allocated within the VALP the impacts were considered acceptable.
- 4.78 The proposal will incorporate a landscaped buffer along its western boundary with undeveloped areas maintained to reflect existing field patterns. This would comprise a suitable transition to the open countryside beyond and provide an appropriate countryside edge to the development.
- 4.79 Overall, the allocation will extend the built-up area of the settlement to the northwest, however the proposal would relate well to the existing settlement pattern and the scale of change to settlement character for this part of the settlement as a result of the development would be limited.

### *Landscape Character and Visual Impact*

- 4.80 As noted above, VALP policy NE4 seeks to ensure that development respects and complements the physical characteristics of the site and its surroundings, the historic context and the natural qualities and features of the area and recognises the individual distinctiveness of particular landscape character areas set out in the LCAs and minimises impacts on visual amenity and avoids the loss of important views and landscape features.
- 4.81 Policy D-BUC043 states that the site should be designed using a landscape led approach with the design and the application supported by an LVIA.
- 4.82 The Aylesbury Vale Landscape Character Assessment identifies that the site lies on the boundary between LCT 01 Wooded Ridge and LCT 02 Incised Valleys. The Landscape Character Areas are 2.4 Stowe Park Approaches and 1.7 Maids Moreton Plateau. Further to the northwest lies the Stowe Registered Parkland (1.4) which covers the Historic Park & Garden.
- 4.83 The Council's 'Strategic landscape and visual capacity study' provides the following commentary:
- "The site consists of a series of agricultural fields intersected by hedgerows along field boundaries (typically 2m high) and is bound by housing to the east and south with approximately 40 upper storey and oblique upper storey views into the site. The site rises to the west exposing the site to views further west such as distant views from a farmstead to the southwest and the elevated grade I Stowe Park and Garden which lies approximately 900m to the west. The character of the site is rural in nature with little evidence of urban fringe character. The site contributes to the character of the wider landscape through its scale, lack of enclosure to the west and its irregular field pattern."
- "Potential to develop 45% of the site, with the remaining area used to provide a green infrastructure buffer in the northern half of the site and along the western boundary to soften the edge of settlement and limit impact on surrounding landscape character."
- 4.84 The submitted LVIA Addendum (Aspect, January 2020) assesses any changes to the visual amenity arising from the proposed revised layout and subsequent changes to the surrounding environment. The views identified during the previous assessment (LVIA, Aspect, August 2014) have been revisited, with the assessment of effects on these views forming the basis of this LVIA Addendum to the original LVIA which provides a detailed assessment of the landscape character and visual impacts.
- 4.85 The submitted Landscape Strategy sets out how the development of the site responds to those potential impacts and indicates the areas of existing planting that will be retained as well as identifying new areas of planting within and around the site to seek to minimise the impacts of the development and assist in assimilating the development into this edge of settlement location. In addition, the use of lower density housing to the western development block would sensitively address long distance views across the agricultural landscape from the west.
- 4.86 The Applicant's LVIA Addendum concludes on visual effects that the change to the layout would result in no changes to the judgements made within the original LVIA. However, the recent development of Moreton Vale (phase 2, to the west of Moreton Road) has altered a number of the views from the northeast of the site as a result of that development, however, this change to the visual amenity had been considered previously within the 2014 LVIA; such it is considered that the judgements made within 2014 LIVA are still applicable.

- 4.87 It is considered that the applicant's LVIA addendum provides a reasonable assessment of the landscape and visual impacts. The proposed revised site layout shows that the landscape-led approach advocated by VALP policy BUC043 can be achieved with relatively generous areas of green infrastructure (GI) provided incorporating most of the existing valuable natural features that contribute to the existing character. These would be supplemented by suitable new planting including compensatory planting for those features that necessarily require removal to facilitate the development (e.g., breaks in hedgerow for site access points).
- 4.88 The Council's Landscape Officer notes that the site is rural in character, and it is agreed that the change from greenfield to housing would inevitably be harmful for this site and its surrounding landscape, bringing the urban edge further northeast past existing development into open countryside, although it is acknowledged that the proposal would relate well to the existing adjacent residential development.
- 4.89 The specific housing allocation policy requires a landscape led approach, which this proposal has adopted being accompanied by a LVIA and mitigating landscaping proposals. In terms of visual impact, it is considered that the landscape strategy proposals would assist in mitigating impact on the visual baseline.
- 4.90 As such it is considered that the proposal would accord with the landscape requirements of policy D-BUC043 of the VALP.
- 4.91 The application is accompanied by a detailed landscaping scheme, which would be secured by an appropriate planning condition. The proposed landscaping would comprise a suitable scheme of appropriate planting which would maintain, and in places enhance, the site and its surroundings.
- 4.92 Overall, it is considered that the proposal, due to it being the development of a currently undeveloped greenfield site would result in landscape and visual impacts but that these impacts are limited and would be satisfactorily addressed by the approach advocated in the site-specific policy D-BUC043. Given the extent of the development to the south and east it is considered that the proposal, whilst resulting in development that would intrude into the countryside surrounding this side of Buckingham, would nevertheless result in a clearly defined boundary to the settlement.
- 4.93 Thus, the proposal would accord with VALP policies D-BUC043 although the change to the landscape character does result in landscape and visual impact the landscape led approach required by D-BUC043 has resulted in acceptable mitigation and accords with NE4, and the guidance set out in the NPPF

#### **Raising the quality of place making and design**

VALP: D-BUC043 (Land west of AVDLP allocation BU1 Moreton Road, Buckingham), BE2 (Design of New Development), and BE4 (Density of new developments)

- 4.94 The above policies seek to ensure that development is responsive to its context and provides a high quality, sustainable design. The NPPF also emphasises that development should make effective use of land whilst at the same time safeguarding and improving the environment. The recent updated NPPF also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 4.95 Policy BUC043 requires that a landscape led approach be used, with the development design and layout being informed by a landscape and visual impact assessment (LVIA).

- 4.96 The DAS sets out a number of design principles that have informed the development of the site alongside the LVIA. These design principles include:
- a. The opportunity to enhance the existing edge of Buckingham and Maids Moreton through sensitive, responsive development and an enhanced green interface.
  - b. Create a new area of Public Open Space to the north of the residential area, with 2 rugby pitches, children's play facilities, and landscaped amenity areas.
  - c. Strengthen the western landscape boundary with additional tree planting.
  - d. Well-defined perimeter blocks to make clear what is public and private space.
  - e. Create a legible route through the site from Shetland Road and Lincoln Road, for both pedestrian/cycle and vehicles.
  - f. Development will incorporate elements of traditional materials determined by the character assessment of north Buckingham, Maids Moreton and surrounding homes.
  - g. Provide above ground surface water attenuation in the form of attenuation basins.

#### *Making Effective Use of Land*

- 4.97 VALP allocation policy D-BUC043 (Criteria a) requires the provision of at least 130 dwellings on the site, at a density that takes account of the adjacent settlement character and identity.
- 4.98 The density of the proposed development would be similar to that on the adjacent sites (phases 1 and 2) to the east. It is considered that the proposed density offers an efficient use of land in this sustainable location. The proposed density would become lower towards the western side of the development to allow for a softer transition into the open countryside to the west.

#### *Layout*

- 4.99 Two vehicular accesses are to be provided off the Moreton Road (Phase 1) development, from Shetland to the north and Lincoln to the south and would join up to provide the primary movement route centred within the proposed development area.
- 4.100 The proposed internal layout of the development is organised around a hierarchy of streets from primary and secondary streets to shared surface areas and private drives. The proposed revised layout plan shows an accessible, legible, and permeable layout which would generally follow good urban design principles with the use of outward facing perimeter blocks. The proposal reflects the key characteristics of the earlier phases of the wider development but also has its own positive and coherent identity.
- 4.101 Pedestrian routes through the site would link the proposed development with the public open space and sport and recreation area to the north of the site and, from the adjacent existing developments.
- 4.102 The revised plans show the dwellings to be in a more informal, less regimented, layout which would better relate to this edge of settlement location.
- 4.103 Trees would be planted throughout the development in accordance with NPPF guidance which emphasises the importance of tree lined streets. In addition, a full landscaping scheme has been submitted which would enhance the site boundaries with additional tree, hedge, and shrub planting, and incorporates the creation of a pond and the provision of

mitigatory grassland in accordance with the requirements of the VALP allocation policy (D-BUC043).

- 4.104 The northern section of the site would provide the sport and recreation land which includes the provision of two rugby pitches and would relate well to the location of the existing Rugby Club to the northeast of the site, whilst also assisting the provision of a green buffer to the north of the development and allowing the existing hedgerow which intersects the wider site to be retained. Public access to this recreation land would be possible from within the proposed development as well as being accessible from the proposed access, both pedestrian and vehicular, off Twickenham Road (Phase 2), which connects up to the public footpath (BUC/33/1) and via the existing field access to the north which is shown on the landscape plan to be retained. It will also be accessible with vehicular access through phase 1 (Shetland and Lincoln) and pedestrian access from proposed footpath links to Hill Radnor and Bradfield Avenue.
- 4.105 To the south of the site a careful landscape treatment has been considered to ensure that the existing vegetation is retained whilst also incorporating the attenuation solutions and further native planting. This allows for a landscape buffer between the proposed dwellings and the existing dwellings to the south as well as assisting the transition to the wider rural landscape to the west of the site.
- 4.106 The amended plans include contours on the proposed drainage attenuation solutions to demonstrate that they would include shallow slopes which can be appropriately landscaped and appear more naturalistic features.

#### *House Type/Finishes*

- 4.107 The appearance of the proposed dwellings can be attributed to the traditional forms, proportions, colours and materials in the immediate surrounding area. The proposed architectural style would be traditional, with the use of brick sills and arched window heads, and various eaves and verge details. The proposed dwellings would be 2 storey in scale, with one of the proposed dwellings being a bungalow. The limited range of window styles comprising casement windows would be used, with cottage glazing bars to the front and exposed side elevations. A variety of house types are proposed, some with lean-to entrance porches across the site, and splayed bay windows with hipped roofs.
- 4.108 Following discussions amended plans were submitted which revised the roof pitches according to the proposed roof material for each plot to introduce variety e.g., 35-degree roof pitches where slate is to be used, with 40-45 degrees for other tiled roofs. The updated plans also include a reduction in the amount of slate roof proposed allowing for a greater use of plain tile, and chimneys have been added to larger house types.
- 4.109 The proposed materials would be a simple palette of three types of facing brick and an ivory render, and three types of roof tile. The proposed mix of elevation materials has been amended with less use of light stock brick to better reflect the existing development within the immediate adjacent area.
- 4.110 The proposed hard surface finishes would provide variety and interest whilst also aiding in identifying character areas and private driveways, parking areas and key nodal points within the development.

#### *Design conclusion*

- 4.111 The Council's Urban Design Officer has been involved with the evolution of the revised plans and is content with the proposed layout and design.

4.112 It is considered that the development of the site would achieve a high quality, beautiful and sustainable place and a sympathetic and fitting addition to the built form and settlement pattern in this location. The proposal would therefore accord with policies D-BUC043, BE2 and BE4 of the VALP and the guidance set out in the NPPF and is afforded neutral weight in the planning balance.

#### **Amenity of existing and future residents**

VALP: BE3 (Protection of the amenity of residents)

BNDP: DHE6 (Provision of good quality private outdoor space)

- 4.113 There are existing residential dwellings to the north-east, east, southeast and south of the proposed development site. Having regard to the separation distances to be maintained and the siting of the proposed dwellings, along with landscaping to be retained and new planting to be provided, it is considered that no undue loss of amenity would result to existing occupiers in terms of loss of privacy, overlooking or loss of sunlight.
- 4.114 Regarding the amenities of the future occupiers of the development it is considered that there would be an acceptable relationship given the windows to habitable rooms, the orientation of dwellings and separation distances. In addition, the proposed layout demonstrates that the level of proposed internal and external amenity space would create a satisfactory standard of accommodation for future occupiers.
- 4.115 It is therefore considered that the proposal would have an acceptable impact on neighbouring residential amenity and would create a satisfactory standard accommodation for future occupiers in accordance with policy BE3 of the VALP, policy DHE6 of the BNDP, and the guidance set out in the NPPF and is given neutral weight in the planning balance.

#### **Building sustainability**

VALP: policy C3 (Renewable Energy)

- 4.116 Policy C3 requires that all development schemes should look to achieve greater efficiency in the use of natural resources including measures to minimise energy use, improve water efficiency and promote waste minimisation and recycling. Developments over 10 dwellings are required to provide an energy statement, and a feasibility assessment for district heating (DH) and cooling utilising technologies such as combined heat and power (CHP), including biomass CHP or other low carbon technology, will be required for (m.) all residential developments of 100 dwellings or more.
- 4.117 A Sustainability and Energy Statement prepared by Turley Sustainability provides details of the way in which relevant local planning policies concerning sustainability will be satisfied. These include: the delivery of energy efficient homes which will deliver carbon savings beyond the requirements of the Building Regulations; dwellings designed to a water efficiency standard of 110litres/person/day; design of homes to utilise sustainable materials and construction methods to reduce resource use and impacts on the environment; and measures to manage waste during both construction and occupation to reduce waste and maximise recycling.
- 4.118 The energy statement explains that the dwellings are designed in accordance with the energy hierarchy and a fabric first approach to reduce energy use and carbon emissions, reducing energy use through the provision of on-site renewable energy generation (e.g., solar PV) to deliver 10% of the site's regulated energy. Details of the proposed solar PV are to be required by condition.

- 4.119 Within the energy statement there is a feasibility statement regarding a decentralised energy system, the conclusion is the development of thermally insulated, low density, high efficiency homes such as those proposed limits the heat demand of development and therefore the feasibility and viability of the installation of CHP and district heating. In this context it is considered that the installation of a heat network is unsuitable for this development.
- 4.120 Other sustainability measures are considered in the form of mixed tenure, provision of outdoor space, high standards of environmental construction and reference to Secured by Design standards.

### **Supporting high quality communications**

VALP: policy I6 (Telecommunications)

- 4.121 In accordance with VALP policy I6, developers are expected to have explored the option of providing on-site infrastructure, including ducting to industry standards in any new residential development for efficient connection to existing networks. This policy accords with paragraph 114 of the NPPF which states that a reliable communications infrastructure is essential for economic growth and social well-being and that policies should prioritise full fibre connections to existing and new developments.
- 4.122 Paragraph 116 of the NPPF requires Local Planning Authorities to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communication services. Given the nature and location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development.
- 4.123 Overall, it is considered that the proposal would accord with policy I6 of the VALP and with the guidance set out in the NPPF in this regard and is given neutral weight in the planning balance.

### **Flooding and drainage**

VALP: D-BUC043, I4 (Flooding), and I5 (Water Resources and Wastewater Infrastructure)

BNDP: I6 (Rainwater collection), I5 (Sewage Management)

- 4.124 The application site is located in Flood Zone 1. Policy I4 of the VALP seeks to ensure all development proposals adhere to the advice in the latest version of the SFRA incorporating drainage strategies amongst other criteria.
- 4.125 VALP policy BUC043 states that a surface water drainage strategy will be required for the site, based on sustainable drainage principles and an assessment submitted to the council for approval; a foul water strategy is required to be submitted to and approved in writing by the council following consultation with the water and sewerage undertaker; an assessment of sewerage capacity and water supply will be required in consultation with Anglian Water. The water supply network is likely to require an upgrade by Anglian Water to serve the level of growth on the site. The Buckingham Wastewater Treatment Works needs upgrading and the delivery of the site will need to be aligned with investment in Anglian Water's Asset Management Plan.
- 4.126 The Lead Local Flood Authority (LLFA) has reviewed the information provided in the Flood Risk Assessment (ref. 7456-MRP-SOLID-XX-XX-RP-C-FLOOD RISK ASSESSMENT - Phase 3 Moreton Road, 21.03.2022, Solid) and raises no objection to the proposed development

subject to an appropriate condition being placed on any planning approval that may be granted.

- 4.127 The FRA (4.3) includes reports of flooding on and around the eastern boundary of the site. The FRA has been amended and includes clarification that there have not been any subsequent reports since the initial publication of the Flood Risk Assessment in 2014.
- 4.128 The revised FRA details ground investigations which comprise of groundwater monitoring and infiltration rate testing. The findings of the investigations are detailed in the RSK Geosciences report (ref. 1921988 L02 00, 11.02.2022).

#### *Surface water drainage*

- 4.129 The surface water drainage strategy has been revised following the completion of infiltration rate tests in accordance with BRE 365. The revised scheme is shown on drawing No. HAC/7456/FRA1 Revision F. The infiltration rate testing indicated suitable infiltration rates, ranging from  $6.52 \times 10^{-5} \text{m/s}$  to  $9.29 \times 10^{-6} \text{m/s}$  in three locations within the Granular Glaciofluvial Deposits. The RSK Geosciences report (ref. 1921988 L02 00, 11.02.2022) highlights the need for on-going monitoring of groundwater levels due to the potentially confined nature of the Glaciofluvial Deposits. The LLFA have requested a condition to address this matter. However, on the basis of the ground investigations undertaken, the revised drainage plans show plots and garages 46 to 60, 106 to 109 and 126 to 127 are proposed to discharge into private soakaways in the rear gardens. In addition, the private driveways 46 to 60, 106 to 109 and 126 to 127 are proposed as self-drain permeable paving driveways.
- 4.130 It is the intention for the remainder of the residential development to drain to two detention basins in the west of the site and then ultimately outfall to the Anglian Water surface water sewer network.
- 4.131 Following initial comments from the LLFA in March 2020, the surface water drainage scheme serving the sports pitches has been revised. It is now proposed to drain this area via a swale and detention basin has been proposed to the south and southeast of the pitches. The drainage system will discharge into the adjacent ditch at Qbar controlled using a series of orifice plates.
- 4.132 The revised FRA includes a water quality assessment which demonstrates that surface water runoff can receive adequate treatment prior to discharging offsite. Concerns were previously raised around a rising main needed to serve plots 127 and 130; this has been resolved and it's intended for those plots to drain to Basin B via gravity.
- 4.133 In terms of the surface water drainage scheme, the principles are considered acceptable. The technical detail of the proposed SuDS scheme is to be dealt with by condition and the "whole-life" maintenance and management plan for the surface water drainage system is to be secured by a s106 Planning Agreement; to safeguard the maintenance and management of these features over the lifetime of the development due to the residual risk of surface water flooding to the site should the systems not be adequately maintained.

#### *Foul drainage*

- 4.134 With regard to foul drainage, Anglian water have confirmed sufficient capacity exists in the network to accommodate the projected demands of the proposed development (D-BUC043, criteria k).
- 4.135 The drainage drawing (HAC/7456/FRA1 Rev G) shows the proposed foul and surface water drainage. This strategy has been developed after consultation with Anglian Water. Two

pre-planning reports have been prepared by Anglian Water. The most recent report is dated 28.06.2022 and confirms that 'the development is in the catchment of Buckingham Water Recycling Centre, which currently has capacity to treat the flows from the development site.'. The report also states, 'Anglian Water are obligated to accept the foul flows from your development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.'

- 4.136 Also, the Secretary of State stated in respect of the previous application (Ref. 14/02601/AOP), that he was satisfied that there would be no harmful impact on foul or surface water.

#### *Drainage Conclusion*

- 4.137 It is concluded that the proposal will make appropriate provision for surface and foul water drainage and will secure measures to avoid/improve flood risk and will not result in increased flood risk elsewhere. The proposed development would therefore satisfy national policy and guidance and VALP policies D-BUC043, I4, and I5. This factor is afforded neutral weight in the planning balance.

#### **Trees and Hedgerows**

VALP: NE8 (Trees, hedgerows and woodlands) and D-BUC043

BNDP: DHE1 (Protecting existing trees and provision of trees in development)

- 4.138 The site is currently farmland. There are no existing structures within the site and no existing vehicular access. The site is split by a hedge that runs east to west through the northern half of the site. The perimeter of the site is enclosed by mature hedgerows of varying sizes, which are interspersed with mature trees. VALP allocation D-BUC043 (criteria d) requires a tree protection plan showing the height and position of protective fencing.
- 4.139 BNDP policy DHE1 seeks to ensure that wherever possible existing trees are retained. VALP Policy NE8 takes an approach that is consistent with the balanced approach of the NPPF in that it seeks to ensure that development enhances the district's tree resources, that development resulting in the loss of trees or hedgerows that make an important contribution to the character and amenities of the area will be resisted and that where the loss of trees is considered acceptable, adequate replacement with trees sympathetic to local tree species will be required. The loss of native hedgerows should be compensated for and a net gain achieved and retained/new hedgerows should where possible be protected by appropriate buffers. NPPF paragraph 174 states that decisions should contribute to and enhance the natural environment by recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of trees and woodlands.
- 4.140 The application is accompanied by an Arboricultural Impact Assessment (AIA) including a tree survey. This confirms that trees and hedgerows are restricted to the boundaries of the site.
- 4.141 As a result, it will be possible to satisfactorily protect the trees on-site and the majority of hedgerow save for limited sections which require removal to facilitate vehicular access and connectivity and surveillance of the area of open space to the north.
- 4.142 It is considered that the loss of these short hedgerow sections would not compromise the integrity of the retained spans and mitigation would be provided in the form of new

planting. The replacement planting would provide betterment to the existing tree cover of the site in terms of tree numbers, quality, distribution and canopy coverage.

- 4.143 It is concluded that the proposal would provide appropriate enhancement in terms of tree and hedge cover and would ensure that the new development will be satisfactorily assimilated into its countryside setting, and details of tree protection can be secured by condition, in accordance with policies NE8 and D-BUC043 of the VALP, policy DHE1 of the BNDP, and the NPPF and is afforded neutral weight in the planning balance.

### **Green networks and infrastructure (including public open space and sports provision)**

VALP: I1 (Green Infrastructure), I2 (Sports and recreation) and Appendices C and D, and allocation D-BUC043

BNDP: CLH2 (Play provision for new developments)

- 4.144 The provision of multi-functional Green Infrastructure (GI) is an important element of the wider provision of infrastructure necessary to support healthy, sustainable communities in both urban and rural communities and the NPPF states that decisions should enable and support healthy lifestyles through its provision.
- 4.145 In general terms green infrastructure (GI) is the term used to encompass all 'green' elements of a scheme; it comprises a network of ANGsT (Accessible Natural Green Spaces) compliant high quality, multi-functional green spaces that are intended to improve connectivity of towns and villages and the wider countryside, primarily to provide for a connected network of 'green' links providing pathways for humans, animals and plants. It can include a wide variety of uses and habitats including woodland, water courses, ponds, footpaths, cycleways and other recreational routes and uses.
- 4.146 The approach set out in the BNDP policy is somewhat outdated in that it uses the more traditional approach of securing outdoor space based on standards related to play and recreation rather than the multi-functional approach that is now advocated through the NPPF. As such the relevant VALP policies carry greater weight.
- 4.147 VALP Policy D-BUC043 states that the site is allocated for '130 homes, sports pitches/recreation space and green infrastructure', highlighting the importance of that use to the overall development of the site. VALP policy I1 requires all development over 10 dwellings to provide for accessible natural green space to meet standards set out in Appendix C on site.
- 4.148 The standards for ANGsT at appendix C, set out the precise type of on-site provision depending on the nature and location of the proposal, existing open space provision in the area and the quantity of space needed. The standards clarify that in addition, the quantitative and access standards for areas of play (LEAPs, NEAPs, MUGAs and skateboard parks) as set out in the Fields in Trust (FiT) publication will be required.
- 4.149 The policies of VALP are therefore up to date in terms of the approach in the NPPF which seeks to provide inclusive developments that support healthy lifestyles through the provision of a GI network that comprises of a range of different typologies and performs a range of functions. The standards comprise quantitative and accessibility elements to ensure that such areas are within reasonable distance of people and meet Natural England's belief that everyone should have access to good quality natural GI. Long term stewardship of these areas is vital to ensure that they are maintained to high standards in

perpetuity, and this management will be provided for within the s106 with the land being offered to the Town Council for adoption.

- 4.150 In terms of the overall quantity of space, the Parks and Recreation Officer has confirmed that the amount and nature of the GI accords with the required standards in VALP, along with new footway and cycleway links to be provided throughout the GI network.
- 4.151 The proposed development would provide for an acceptable amount, location and form of GI which can be secured via conditions/obligations. As such the proposal would accord with local and national policy.
- 4.152 VALP policy fully reflects the current national approach in respect of this issue whereby such provision should be considered as an element of the overall multi-functional GI, albeit certain elements need to be considered separately and the standards reflect those provided within the FiT guidance. These policies also provide the basis for securing appropriate financial contributions towards off-site sport and recreation facilities that cannot be practically provided on site.
- 4.153 VALP policy I1 states that recreation facilities can be provided on the same site as the publicly accessible GI, provided they are compatible with it; such land is in addition to that required as GI. Whilst such facilities can co-exist in a properly master-planned approach they must be treated separately so that they can viably function.
- 4.154 In respect of this proposal, consistent with the VALP site allocation D-BUC043 (criteria m) the northern field makes provision for a NEAP/LEAP, two sports pitches and amenity land. This will provide a valued facility for the local community and those which occupy the proposed housing.
- 4.155 The site is particularly well placed to cater for the needs of the Buckingham Rugby Club which is located immediately to the north of the site and previously expressed their need for more pitches to accommodate the demands of training and matches, as such the proposed sports pitches are to be rugby fields.
- 4.156 The generous area of both formal and informal open space, including play space provision which accompanies this application exceeds that required by adopted planning policy. It will also help to achieve healthy, inclusive and safe places providing opportunities for social interaction, high quality public areas, safe and accessible green infrastructure and sports facilities as sought by the NPPF.
- 4.157 The requirement for this phase (phase 3) of the wider development is to provide both a LEAP and a NEAP on-site. Every dwelling should be within a minimum 400m safe walking distance of a LEAP and 1,000m walking distance of a NEAP. The majority of dwellings fall within (or very close to) the above minimum walking distances but some of the southernmost dwellings would not meet the min 400m walking distance to a LEAP.
- 4.158 In order for the applicant to meet this requirement they would have to provide a LEAP somewhere within the housing part of the development. Rather than provide such a separate LEAP and NEAP and taking into account the low number of dwellings outside of the minimum LEAP walking distance, the council is willing to accept the proposed layout on this occasion, as it is considered to be more beneficial to residents to create one larger 'destination' park for all ages/abilities on the larger main open space which a combined LEAP/NEAP (including a BMX-pump track - as requested by Buckingham Town Council) would be part of.

- 4.159 In this respect the proposals are consistent with the site allocation D-BUC043, policies I1 and I2 of the VALP, policy DHE6 and CLH2 of the BNDP and the guidance set out in the NPPF. The laying out and timely provision and maintenance of these spaces will be secured via S106 and conditions.
- 4.160 The draft s106 states that the developer shall not cause or permit commencement of the development until either an in-principle offer has been made to transfer the open space land (defined as public open space, amenity land, combined LEAP and NEAP, BMX pump track, and sport pitches) to Buckingham Town Council, or the open space land is to be transferred to a Management Company.
- 4.161 The proposed BMX track (Pump track) is anticipated to be delivered by a specialist design and build company and accordingly the final design detail for this element will come forward through the requirements of the S106 and will require the final design to be agreed with RoSPA (Royal Society for the Prevention of Accidents).
- 4.162 In addition to the proposed on-site facilities, the Council's Parks and Recreation Officer has confirmed that there would be a requirement for an appropriate financial contribution, calculated in accordance with the council's 'Ready Reckoner' (to the extent that it still provides an up to date basis for the calculation of relevant costs) and reduced by the 24.3% due to on-site provision of Equipped play facilities (4.7%), Playing pitches (7.4%), Public open space (11.6%), and Youth shelter (0.6%), to be put towards relevant off-site local projects identified in association with the Town Council, with the funding secured through the s106.
- 4.163 Overall, it is considered that the proposed on-site provision will be appropriate and acceptable and that a contribution towards other off-site facilities would be justified; in accordance with VALP policies I1 and I2 and this is afforded neutral weight in the planning balance.
- 4.164 It will also accord with the NPPF which seeks to ensure healthy, inclusive communities that promote social interaction and enable and support healthy lifestyles through the provision of safe and accessible green infrastructure and sports facilities and layouts that encourage walking and cycling.

## **Ecology**

- VALP: NE1 (Biodiversity and geodiversity) and Biodiversity Net Gain Supplementary Planning Document (SPD)
- BNDP: DHE2 (Standard of ecological information required to minimise the impact on natural habitats), DHE4 (Protection of movement corridors), DHE5 (Biodiversity in development landscaping),
- 4.165 VALP policy NE1 seeks to help deliver the Buckinghamshire and Milton Keynes Biodiversity Action Plan (BAP) targets in the biodiversity opportunity areas. A long-term monitoring and management plan will be required for biodiversity features on site. It is considered that this policy is generally consistent with NPPF Paragraph 174 which seeks to ensure that new development minimises impacts on biodiversity and provides net gains overall. NPPF paragraph 120 seeks to encourage multiple benefits from both urban and rural land and to take opportunities to achieve net environmental gains such as new habitat creation.
- 4.166 The VALP allocation policy D-BUC043, at criteria c, requires an ecological management plan covering tree planting, hedge planting, pond creation, provision of 2ha of mitigatory grassland and ongoing management of the site.

4.167 BNDP policies require that development minimises impact on natural habitats and species resulting in net gains to biodiversity; that measures to protect and enhance bat corridors are incorporated as appropriate and that landscaping schemes should maximise benefits to biodiversity through the use of native species.

*Biodiversity Impacts & Net Gain*

4.168 The application is supported by a revised Ecological Appraisal and Biodiversity Net Gain (BNG) Calculation from the consultant ecologist Aspect Ecology dated March 2021. The Applicant's consultant ecologist Aspect Ecology has provided answers to the previous questions posed by the BC ecologist and those posed by representations. Most of these questions relate to how the BNG metric was calculated and were pre-defined within the DEFRA metric properties.

4.169 One element of the BNG calculation relates to how vegetation proposed at the front aspect of the proposed properties has been calculated. Aspect Ecology have confirmed that these areas were scored as separate from the rear, vegetated gardens and split into grassland and shrub based on the detailed landscaping plans. The landscaping plan does not show clear boundaries showing which areas are to be under the control of private residents and which are to form part of road verges and fall within the public realm. Furthermore, the amenity grass at the frontages are included within line 18 of the July 2022 metric which shows the amenity grassland as low distinctiveness and poor condition which is comparable to the category of vegetated gardens (low distinctiveness, poor quality). Changing these areas to vegetated gardens will therefore make no material difference to the overall net gain score achieved by the proposals.

4.170 Additionally, clarification was sought as to why the ratio of 70:30 for developed land to vegetated gardens was not used for the site. The user guide states "the assessor should use a ratio for developed land of 70:30 for sealed surface to vegetated garden unless detailed landscaping information is available." Detailed Landscaping information is available for the site enabling precise measurements of the sealed surface and vegetated garden to be undertaken in this case, so the ratio was not used in accordance with the guidance.

4.171 In accordance with VALP policy D-BUC043 a wildlife pond is now included within the proposal and the development will create 1.16ha of wildflower grassland & 1.78ha of flowering lawn in total with the majority delivered in the northern half of the site (0.99ha wildflower grassland and 1.44ha flowering lawn [total 2.43ha]). The areas of wildflower grassland and flowering lawn to be created are correct based on the most up to date metric produced (July 2022). Further areas of grassland to this will be retained and enhanced across the scheme which are classified as amenity grassland within the metric due to their maintenance schedule and have been scored accordingly.

4.172 The proposed habitats post development have been included within the revised Ecological Appraisal report dated March 2021 from Aspect Ecology.

4.173 The vast majority of hedgerows will be buffered to 5m or more from the footprint of the built development. In addition, hedgerow H7 will be buffered to 10m or more for a significant proportion of its length. The buffering provided by the scheme will ensure the hedgerows can be managed and maintained in the long term and will ensure the biodiversity potential of the retained hedgerows is maximised.

4.174 The measures detailed in the Ecology Appraisal are to be secured with a planning condition. Further to this a Construction Environment Management Plan (CEMP) to protect the identified ecological features during the construction of the development will need to be provided and secured by a planning condition. Alongside this document a Landscape and Ecological Management Plan (LEMP) detailing the enhancement features proposed in the BNG calculation along with the retained habitats will need to be secured with a planning condition. The LEMP will need to include species specific enhancements not included within the BNG calculation but detailed in the Ecology Appraisal.

#### *Protected Species*

- 4.175 Records indicate that a Great Crested Newt (GCN) was caught within a bottle trap in May 2010 at SP702353, which at its closest point is located 180m to the east of the site, located centrally within a field (rugby pitch). However, aerial photos for 2007 and 2013 show this field to be a rugby pitch during this time with no pond located within it. Two ponds to the east of Duck Lane also share this grid reference and it is therefore considered that these ponds are the most likely origin of this record, especially given the added description to the record of 'Pond at Maids Moreton'. This places the record at 255m east of the site at its closest point. Whilst it is noted that this capture record is now well over 12 years old, lack of recent records is not a suitable indicator of absence.
- 4.176 Following discussion with the council Ecologist, the Preliminary Ecological Appraisal has been updated with information regarding the condition of nearby ponds.
- 4.177 The attenuation pond has been discussed and evaluated in the Ecological Appraisal Report (5.6). This feature is referred to as 'S1', with the HSI results detailed in table 5.2 and the location of this feature is shown on the ECO3 plan.
- 4.178 The dry pond 240m to the north-east of the site was checked on 06.03.2020. It was dry during this assessment and its condition strongly indicates that this feature does not hold water for any length of time and perhaps only during very high rainfall/flood conditions.
- 4.179 Given the further information provided the council's Ecologist considers the use of precautionary methods on-site around areas of suitable habitat is acceptable for this development, and that a Precautionary Method Statement can be secured by the use of a pre-commencement condition.

#### *SSSI Impact*

- 4.180 The site falls within a SSSI Impact Risk Zone for Foxcote Reservoir and Wood SSSI. Natural England have been consulted and based on the plans submitted, Natural England consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

#### *Ecology conclusion*

- 4.181 It is considered that the proposal would protect and enhance the biodiversity and geodiversity of the site and provide for a net gain overall. GCN would be appropriately safeguarded through an appropriate condition. Suitable conditions will secure necessary mitigation and compensation and a Landscape and Ecological Management Plan will ensure suitable management of these areas in perpetuity. The proposal will accord with VALP policy NE1, BNDP policies DHE2, DHE4 and DHE5, and the guidance set out in the NPPF.

## Historic environment and archaeology

VALP policies BE1 (Heritage Assets)

- 4.182 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is generally reflective of VALP policy BE1 which make more specific references to individual characteristics which should be preserved and include, for example, views into or out of conservation areas.
- 4.183 The NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 4.184 The site is not located within a Conservation Area, however it is near to a number of conservation areas (Stowe, Chackmore, Maids Moreton and Buckingham) which are all designated heritage assets. In addition, Stowe is a Registered Park and Garden (Grade I) an area which includes the Conservation Area but also extends further to the north and east; the Conservation Area contains a number of listed buildings and non-designated heritage assets. Considering each of these CA's in turn:

### *Buckingham*

The conservation area surrounds the historic core of the town, to the north/northeast of the conservation there is existing modern development and beyond this the application site.

Given this intervening modern development, the application site does not contribute to the setting of the conservation area and the proposal would cause no harm to its setting.

### *Maids Moreton*

The conservation area boundary on the west side of Duck Lane includes views to surrounding countryside, which forms part of the setting of the conservation area and contributes positively.

However, views to the application site where development is proposed (noting that the northern part of the site is to remain open) are already affected by the sports ground and surrounding existing modern development and therefore the proposed development would cause no additional impact.

### *Stowe*

The main part of the conservation area with potential for impact is the avenue.

However, due to the topography, screening and noting some existing encroachment from existing farming buildings/sheds and edge of Buckingham development at the northern end, the application site is not felt to cause any harm to its setting.

### *Chackmore*

Due to the distances and the topography the site is not visible from the edge of the conservation area, or vice versa and therefore there is felt to be no impact to its setting.

- 4.185 The application is supported by a Heritage Statement prepared by RPS (formerly CGMS) and an archaeological written scheme of investigation by Archaeologica Ltd.

- 4.186 The heritage statement which represents an update to that prepared by CGMS to support the 2014 application finds that the conclusions of the 2014 remain valid in that the proposals will have no direct impact upon the significance and setting of the identified heritage assets, comprising the Maids Moreton, Buckingham, Chackmore and Stowe Conservation Areas and the Grade I Stowe Mansion and associated Registered Park and Garden. The findings of the report in that case were endorsed by the Inspector and SOS presiding over the call-in inquiry.
- 4.187 The Council's Heritage Officer raises no objection to the proposal as it would not cause harm to the setting of the identified heritage assets. Historic England have been consulted but do not wish to offer any comments.
- 4.188 The Gardens Trust have raised concern that significant visual harm is likely from more than one key viewpoint within the Stowe Grade I Registered Park and Garden, particularly in winter.
- 4.189 To address the comments of the Garden Trust the Applicant has submitted a Landscape and Visual Technical Note by Aspect Landscape and a Heritage Note by RPS (June 2021) to supplement the original LVIA document and Built Heritage Statement. The work to produce these documents included a detailed review of the three viewpoints identified by the Gardens Trust and concluded that the proposals would have no impact on the significance on the Grade I listed Stowe Registered Park and Garden and no adverse visual effects.
- 4.190 A further Landscape and Visual Technical Note dated February 2022, was submitted to address Gardens Trusts further comments that within the viewpoint from the Bourbon Tower the full extent of the width of the proposed development could not be identified. This second Technical Note stopped short of providing the wireframe requested by the Gardens Trust as it considered the proposed development would not be visible due to the distance and extent of intervening vegetation, and the same would apply to the suggested visualisation to show the proposed height of the development. An existing and potential wireframe viewpoint visualisation montage has subsequently been provided (May 2022) which demonstrates that the site wouldn't be visible from the Bourbon Tower viewpoint due to the distance and extent of existing vegetation within the view to the development.
- 4.191 Consistent with the development allowed at appeal and constructed on the adjacent parcel (Phase 2), the development proposals would be two storey in height and in that case the Inspector found in respect of impacts on Stowe that *"...the development would not be seen within the context of that heritage asset, due to the extent of the intervening countryside."* (PINS Ref. 2177458, paragraph 18). Also, in relation to the previous appeal at this site, for the reasons given by the Inspector at IR168-172 (SoS letter Appendix C) and having carefully considered the NPPF, the Secretary of State agreed with the Inspector that *"there would be no harm to the setting and hence significance of these designated heritage assets"*.
- 4.192 It is considered that the proposed development would not result in any appreciable level of visual intrusion on the setting of the historic park and gardens centred around Stowe House, located some 2 miles (as the crow flies) to the northwest. The submitted information illustrates that the development would not be visible, however, if any views of the site were available from the direction of Stowe House & gardens, not only would those views be extremely distant, but they would also be of the proposed housing seen against the backdrop of the existing development already fronting Moreton Road (Phases 1 and 2).

- 4.193 Based on the reasoning above, it is considered that there would be no harm to the setting of the designated heritage asset. The scheme would therefore comply with VALP policies BE1 and BE2. In NPPF terms the proposal would cause no harm to the significance of the heritage asset and afforded neutral weight in the planning balance.
- 4.194 The proposals would preserve the character and appearance of the conservation areas and historic and architectural interest of the listed buildings and therefore complies with section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted as a higher duty.

#### *Archaeology*

- 4.195 The application is supported by an archaeological written scheme of investigation by Archaeologica Ltd.
- 4.196 The Council Archaeology Officer has been in consultation with the archaeological consultant working for the applicant over this proposal and welcomes the written scheme of investigation included with the application documents.
- 4.197 Archaeological geophysical surveys have proved to have variable results within the county and significant archaeological remains can be missed, and only become apparent through intrusive investigation such as trial trenching. Therefore, should planning permission be granted for this development then it may harm a heritage asset's significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with the NPPF guidance.

#### **Infrastructure and Developer Contributions**

VALP policies – I2 Sports and Recreation, I3 Community facilities, infrastructure and assets of community value, Appendix D - The Standards for Sports and Recreation Guidance: Fields in Trust - Planning and Design for Outdoor Sport and Play (2008); Guidance for Outdoor Sport and Play (beyond the six acre standard) (England) (2020);

- 4.198 As noted in various sections above, there are a number of specific matters that would need to be secured via planning obligations, as conditions would not be appropriate.
- 4.199 The Community Infrastructure Levy Regulations and the National Planning Policy Framework state that obligations to secure such contributions within a section 106 agreement must meet the following tests:
- Necessary to make the development acceptable
  - Directly related to the development, and
  - Fairly and reasonably related in scale and kind to the development
- 4.200 Having regard to the statutory tests in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that the following planning obligation(s) are required to be secured within a section 106 agreement:
- Affordable Housing
  - Custom/Self-Build Plots
  - Open Space
  - Sports and Recreation
  - Education

- Highways:
  - Bus stop infrastructure, including a new hard paved area at the northbound bus stop along Moreton Road to the north of the rugby club access, and dropped kerbs / tactile paving;
  - Provision of bus shelters and Real Time Passenger Information (RTPI) systems at the southbound bus stops on Moreton Road (towards Buckingham Town Centre);
  - Combined pedestrian and cycle crossing over Moreton Road close to the existing bus stops at the southern end of Phase 1. This could take the form of a Zebra, or a controlled Toucan crossing;
  - Dropped kerbs / tactile paving at all crossing points along Moreton Road to facilitate safe access to bus stops;
  - A new footway to provide a link between the bus stop adjacent to Bradfield Avenue, and the combined pedestrian and cycle crossing;
  - A new footway linking Phase 2 to the northbound bus stop adjacent to the rugby club car park;
  - A cycle route from the southern end of the existing 'off road' route that currently serves Phase 1, southwards along Moreton Road to the existing mini-roundabout junction at the 'Old Gaol'. This could be in the form of either an 'on road' advisory or signed route;
  - Blue cycle direction signs;
  - Cycle storage (Sheffield stands) at selected locations within the town centre;
  - A pedestrian refuse on Moreton Road within the vicinity of the 'Old Gaol' roundabout;
  - The implementation of the Travel Plan and £1,000 per annum for 5 years for the monitoring of the Travel Plan (£5,000 in total from this site);
  - The introduction of lane markings on the Moreton Road approach to the Moreton Road / Stratford Road / Market Square (Old Gaol) Roundabout to identify two separate approach lanes; and
  - A financial contribution towards the design and provision of a left-turn filter slip on the Moreton Road approach to the Moreton Road / Stratford Road / Market Square (Old Gaol) Roundabout.

4.201 In addition, the development will generate a need for various forms of community and other infrastructure to mitigate its impact. However, some facilities can only be provided off-site as part of wider provision. In the absence of CIL it is necessary and justified to seek a number of financial contributions to provide for these.

4.202 The applicant has confirmed that they are willing to enter into a legal agreement, and a draft s106 is being worked on.

*Financial Contributions towards Sustainable Transport / off-site highway works*

4.203 The above measures are required to promote and maximise the use of sustainable modes of transport and reduce single occupancy car journeys in accordance with National and

Local Transport Policy, and as an integral part of a comprehensive Buckingham Transport Strategy to mitigate the individual and cumulative traffic impact of developments.

#### *Education*

- 4.204 The Education Officer has confirmed that there is insufficient school capacity locally. Primary and secondary schools are close to capacity and there are plans to expand both Maids Moreton CE Primary School and Buckingham Secondary School to accommodate increased demand from housing growth and therefore a contribution based on the per pupil cost likely to be generated by the development in this case would be considered necessary and justified. The amount would be calculated based on the latest related DfE costs and in accordance with well-established principles.

#### *Sport and Recreation*

- 4.205 The development will increase demand for the provision of local and wider sport and recreation facilities. The proposal will include on-site GI and the provision of two rugby pitches and a combined LEAP/NEAP. However, in addition as required under the relevant policies, a proportionate contribution based on the estimated population arising from the development using the Council's Ready Reckoner is justifiably sought to ensure the necessary associated provision towards an identified off-site sport and recreation project. The relevant projects to be referred to will be agreed through the s106 negotiations, in association with the Town Council, having regard to the CIL regulations.

#### *Health Facilities*

- 4.206 VALP Policy I3 requires consideration of the need for community facilities and infrastructure arising from the proposal and the use of conditions or planning obligations to secure appropriate community facilities, or financial contributions towards community facilities, reasonably related to the scale and kind of development proposed. The supporting text to policy I3 lists those community facilities and services which includes doctor's surgeries (paragraph 11.26 of VALP). There is no site-specific requirement in policy D-BUC043 relating to health provision.

#### *Primary care*

- 4.207 Buckinghamshire Clinical Commissioning Group (CCG) have been consulted on three occasions in relation to this proposed development 22.02.2020, 16.03.2021, and 06.04.2022. No representation has been received from the CCG. The Integrated Care Board replaced CCGs on 1 July 2022 with responsibility for primary health care. No evidence has been provided to demonstrate that there would be an adverse impact on primary health care.

#### *Acute and community healthcare*

- 4.208 VALP policy does not explicitly refer to acute and community health care in the AGT allocations nor in the community infrastructure policy I3 and supporting text. There were no representations made on VALP from Buckinghamshire Healthcare NHS Trust (the Trust) during the VALP process relating to the need for acute and community infrastructure or contributions towards service costs arising from this planned growth.
- 4.209 The impact on acute and community healthcare is a material consideration. The NHS England funds the ICB, and the formerly the CCG, who commissions the Trust to provide acute and community healthcare services to Buckinghamshire. This includes community,

planned and emergency (major trauma and A&E), acute hospital medical and surgical care and specialist and tertiary health care. Part of the BHT catchment extends into Oxfordshire.

- 4.210 The Trust provided a consultation response and Regulation 122 CIL compliance statement. The response included an Impact Assessment Formula which identified a contribution of £254,283.00 towards hospital services (revenue costs) was necessary. This contribution was required to provide additional health care services to meet patient demand which was detailed in their response.
- 4.211 The Trust advises that it is currently operating at full capacity in the provision of acute and planned healthcare and considered that this proposed development would create a potentially long-term impact on the Trust's ability to provide services.
- 4.212 The Trust explains that their funding is based on the activity it has delivered in the previous year subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients. The Trust note that based on the anticipated population from the proposed development, the demands generated over a 12 month period (including in respect of A&E admissions, day care, emergency and outpatient admissions), have been set out and a cost per person generated based on the 'cost per activity', resulting in a contribution from the proposed 130 dwellings of £254,283.00 towards service costs. The BHT emphasise that the costs are related to the specific activities in the area of the site and therefore directly related to the development.
- 4.213 The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services and does not take into account future planned housing though some element of demographic growth is factored in. Some additional funding is provided but this can depend on achieving surplus targets / improvement goals. The Trust explains that it is not dependent on the Council's housing land supply, potential new developments, and housing trajectories.
- 4.214 The Trust emphasise that the contribution sought is to mitigate the impacts of a permanent gap in funding as the gap is not recovered retrospectively and will have a financial impact on the Trust. Therefore, BHT is seeking funding for the gap period until the NHS funding system pays the full cost of treating the extra patients.
- 4.215 The Trust consider that Section 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request that a developer contribute towards the impact that a development creates on the services and the contribution would meet the CIL tests.
- 4.216 In considering any request for a financial contribution, the council would need to be satisfied that the Trust has provided evidence and adequate justification to demonstrate in accordance with the CIL Regulations how the sums are necessary to make the development acceptable in planning terms or how they are directly related to the development or fairly and reasonably related in scale and kind to the development. (CIL Regulation 122).
- 4.217 There has been consideration discussion with BHT dating back to early 2019 regarding the request for contributions. Officers have on numerous occasions raised concerns that the information provided to date is inadequate to enable the Council to conclude that their request meets the CIL tests in relation to the requested contributions toward service costs.
- 4.218 Whilst these discussions have taken place there has been no substantial progress made on the approach and methodology issues in relation to financial contributions towards hospital services.

4.219 There are still a number of outstanding concerns relating to the request for contribution towards the cost of running services:

- a) Funding: Evidence used to justify the demand for funding and if directly related to development. Concerns over whether the funding gap is a genuine gap or a lag in funding having regards to the existing national funding mechanism for BHT, including funding for extra patients arising from predicted population flows as planning population increases are included in ONS projections. The ONS projections should be updated over the lifetime of the development including planned population update
- b) Availability of funding from sources other than through the CCG.
- c) Evidence related to data and methodology used, sources and underlying assumptions, indicators of population per household, assessing the impact of new development compared to existing infrastructure requirements of the existing population including the appropriate allowance for concealed households and new population not otherwise in the local system. This is a major limitation, and this information is needed so that the impacts of the development alone can be ascertained.
- d) Evidence in establishing the direct link to development based on activity rates and population attendances / access to each of those activities, and allowance for services provided to residents by other Trusts.
- e) Funding use and monitoring: the need to connect the use directly to the specific development leads to questions over whether the additional funding would benefit the patients from a development, rather than reduce the need for central subsidy or be used to fill an existing deficit, and how the spend can be reasonably monitored and is capable of a reasonable degree of enforcement.
- f) Phasing of any contributions related to anticipated delivery rates.

Thus, further work still needs to be satisfactorily carried out by BHT on service costs to satisfy the CIL tests.

- 4.220 The Council has been working collaboratively with BHT in order to assess the potential for CIL compliant contributions for alternative provision in the way of capital costs arising from new development rather than revenue costs in light of the concerns raised. There has been some progress on this (capital costs) but there are issues which remain unresolved. No request for capital costs has been submitted in relation to this application.
- 4.221 In summary, the information provided to date from the Trust is considered inadequate to enable the Council to conclude that their request meets the CIL tests in relation to the requested contributions towards service costs.
- 4.222 It is also noted that the requested contribution has not been the subject of viability testing through the VALP process.
- 4.223 Officers have taken a judgement as to whether or not it is appropriate to delay the consideration of the application, for information which may or may not satisfy the CIL tests. At this point it is not certain whether a CIL compliant s106 methodology may be able to be achieved and in the case of capital costs the approach and methodology and certainty of a deliverable project, and this may take several more months to work through.

- 4.224 The delay and uncertainty over this matter must be weighed against the potential delay and potential prejudice to the delivery of an important housing allocation at Buckingham to meet the planned growth for this area. It can be seen from the section on housing land supply above that such delay will put further pressure on housing land supply and will create difficulties in relation to the Council's ability to meet a five-year supply. This undermines important objectives in the NPPF which seeks to ensure an adequate supply to meet objective needs. For these reasons it is considered that the BHT request for a financial contribution to mitigate the potential impacts on acute and community care in relation to service costs is outweighed as a matter of judgement at this stage by the significant delay and prejudice that would result in determining this application if the issues above were first required to be resolved particularly since, at present, there is no guarantee that the methodology and contributions will be found to be CIL compliant.
- 4.225 In addition, the provision of the, play spaces and other public spaces, with walking and cycling provision, encourages people to adopt a healthier lifestyle which is a net benefit in the round.
- 4.226 On balance, it is considered that the proposed development does not conflict with VALP policy.

#### **Weighing and balancing of issues/Overall Assessment**

- 4.227 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 4.228 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a) Provision of the development plan insofar as they are material,
  - b) Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - c) Any other material considerations
- 4.229 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay.
- 4.230 As noted in the report, a number of benefits will follow as a result of development and these weigh in favour of development. These benefits are afforded positive weight in the planning balance, and include the following:
- significantly boost the supply of housing in the area and would provide a range of housing types as well as affordable units
  - Provision of affordable housing at 35% in line with the Neighbourhood Plan rather than the minimum VALP requirement of 25%
  - economic benefits in respect of jobs created from the construction phase of the development and the future residents of the development through increased expenditure locally arising from the increase in local population.

4.231 There are a number of other considerations which are policy compliant and attract neutral weight in the planning balance (subject to suitable conditions and/ or S106 obligations) these include:

- Highway impacts
- Residential amenity
- Drainage
- Landscape considerations
- Ecology impacts
- Heritage impacts

4.232 The scheme fails to comply with policy in terms of size of spaces in the car parking strategy and negative weight has been attributed to this. However, there are material considerations which need to be taken into account. The scheme was designed when smaller car parking spaces were applicable and in response to the adoption of VALP the developer has sought to increase the size of spaces. Seeking to retro fit the design with larger spaces would result in a more urban appearance with an increase in hard standing contrary to the Council's urban design aspiration which, through revisions to the scheme, has sought a less rigid layout better suited to this edge of town location, with space incorporated in between sections of parking for appropriate planting to reduce the visual dominance of the cars in the street. For the reasons identified the negative weight to be given to this matter is limited.

4.233 Overall, taking into account all of the material planning considerations, representations received and having assessed the proposals against the Development Plan and the identified conflict with this Plan, and having given consideration to other relevant planning policies, policy documents and published guidance, it is concluded that the proposals will deliver a range of direct benefits that ensure that there are demonstrable economic, social and environmental benefits to arise as a result of development.

4.234 Overall, the proposal would be in broad conformity with the VALP and any conflict identified with this Plan is outweighed by the identified economic, social and environmental benefits to arise as a result of development and which weigh in favour of the proposal, and the scheme would meet the NPPF objective to achieve sustainable development.

#### *Equalities Act*

4.235 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

4.236 The concerns and objections of the Members, Town Council, Parish Council, Aylesbury Society and members of the public have been duly noted and considered, and addressed within this report,

#### *Human Rights Act 1998*

4.237 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered

by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

*Working with the applicant/agent*

- 4.238 In accordance with paragraph 38 of the NPPF the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 4.239 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 4.240 In this instance the applicant/agent was provided the opportunity to submit amendments to the scheme/address issues arising, and the application was considered by the Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

**Recommendation**

- 4.241 The recommendation is therefore that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report subject to the receipt of no new material representations, and the conditions as proposed and any others considered appropriate by Officers, or if this is not achieved for the application to be refused.
- 4.242 The proposed planning conditions are as follows:

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

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

2. The development hereby permitted shall only be carried out in accordance with drawing nos.:

*Project No - 24913*

Site Location Plan	PL-01
Context Plan	PL-02
Planning Layout	PL-03M
Materials Layout	PL-05D
Adoption Layout	PL-06B
Amenity Check Layout	PL-07B
Affordable Housing Layout	PL-08A
Custom Build Plots	PL-09
Site Sections	SE-01A
Street Scenes	SS-01A
External Works Details	DET-01
Bin and Cycle Store	HT-BIN & CYLA
Single Garage	HT-GAR-01
Dual Single Garage	HT-GAR-02
Double Garage	HT-GAR-03

Electric Sub Station

HT-S/STATION

*Private Housetypes*

Salter-ST2B	HT-SALTER-01-B
Harper HA-3B	HT-HARPER-01-B
HP5	HT-HP5-01-A
Reedmaker RE4B	HT-REEDMAKER-01-B
Blenmere BM 3B	HT-BLEMMERE-01-B
Blenmere BM 3B	HT-BLEMMERE-02
Coppersmith CS 3B	HT-COPPERSMITH-01-B
Coppersmith CS 3B	HT-COPPERSMITH-02-A
MR1-Scrivener	HT-MR1-01-B
MR2-Quilter crank	HT-MR2-01-C
MR3-Quilter	HT-MR3-01-B
MR3-Quilter	HT-MR3-02-A
Weaver	HT-WEAVER-01-A
Goldsmith	HT-GOLDSMITH-01-C
Goldsmith	HT-GOLDSMITH-02
Arkwright AR4B	HT-ARKWRIGHT-01-B
Arkwright AR4B	HT-ARKWRIGHT-02 V1-A
Watchmaker	HT-WATCHMAKER-01-A
Watchmaker	HT-WATCHMAKER-02-A
Watchmaker	HT-WATCHMAKER-03-A

*Affordable Housetypes*

2Bed-Baker M4(2)	HT-2BED-02-A
3Bed-Tillman M4(2)	HT-3BED-01-A
3Bed-Ploughwright M4(2)	HT-3BED-02
4Bed-Cartographer M4(2)	HT-4BED-01-B
3Bed Bungalow	HT-3B-BUNG-01-B
1Bed Maisonette	HT-1B-FLAT-01-B
2Bed Maisonette	HT-2B-MAISONETTE-01-A
1&2Bed Maisonette	HT-1&2MAISONETTE-01-B

*Aspect Landscape*

Illustrative Landscape Strategy	5440/ASP5G
Planting Plan Overview	5440.PP.4.0B rev E
Planting Plan 1 of 8	5440.PP.4.1B rev E
Planting Plan 2 of 8	5440.PP.4.2B rev E
Planting Plan 3 of 8	5440.PP.4.3B rev E
Planting Plan 4 of 8	5440.PP.4.4B rev E
Planting Plan 5 of 8	5440.PP.4.5B rev E
Planting Plan 6 of 8	5440.PP.4.6B rev E
Planting Plan 7 of 8	5440.PP.4.7B rev E
Planting Plan 8 of 8	5440.PP.4.8B rev E
Playspace Plan	5440.PS.6.0B rev D
POS Detail Plan	5440.SK001 rev C

*Pegasus Group*

Reason: In the interests of proper planning and for the avoidance of doubt.

3. Prior to the occupation of the development, minimum vehicular visibility splays of 2.4m by 43m shall be provided at the development accesses, and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide acceptable visibility between the accesses and the highway for the safety and convenience of users of the highway and of the development, and to comply with policy T5 of the VALP, and the guidance set out in the NPPF.

4. No other part of the development shall be occupied, until the development accesses have been laid out as shown on the approved planning drawings, and constructed in accordance with Buckinghamshire Council's guidance note, 'Commercial Vehicular Access within Highway Limits'.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development, and to comply with policy T5 of the VALP, and the guidance set out in the NPPF.

5. The development shall be served by means of adoptable estate roads which shall be laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out and constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development, and to comply with policy T5 of the VALP, and the guidance set out in the NPPF.

6. Prior to the occupation of the dwelling to which it relates, the vehicle and cycle parking, garaging and manoeuvring shall be provided in accordance with the approved planning drawings, and that parking, garaging and manoeuvring shall be retained and not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, and to comply with policies T5 and T6 of the VALP, and the guidance set out in the NPPF.

7. Prior to the occupation of the development, details of the provision of electric charging points shall be submitted to and approved in writing by the Local Planning Authority, and the electric charging points shall be implemented in accordance with the approved details and shall thereafter be retained as approved for the lifetime of the development.

Reason: To ensure adequate provision is made for electric vehicles and to accord with the NPPF, and policies T6 and T8 of the Vale of Aylesbury Local Plan.

8. Prior to the commencement of any development works on the site, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide for the following:

- Construction traffic routing details.
- Construction access details, temporary or otherwise.

- The parking of vehicles of site operatives and visitors off the highway.
- Loading and unloading of plant and materials and storage of plant and material used in constructing the development off the highway.
- Operating and delivery hours.
- The erection and maintenance of security hoarding.
- Wheel washing facilities.
- Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused.

The approved CTMP shall be adhered to throughout the construction period.

Reason: This is a pre-commencement condition which is required in order to minimise danger, obstruction and inconvenience to users of the highway during the construction of the development and therefore requires approval before any development commences. It is necessary to comply with policy T5 of the VALP, and the guidance set out in the NPPF.

9. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge rate for the residential area must be limited to 14l/s or less where infiltration as a means of surface water disposal is used to drain impermeable areas.
- Discharge rate for the play area and sports pitches must be limited to 9.1l/s
- Groundwater level monitoring over the winter period (October to March)
- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site. Urban creep allowance set to 10%.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk, and to comply with VALP policies D-BUC043, I4 and I5.

10. The materials to be used on the external surfaces of the development hereby permitted shall be as indicated on the approved materials plan ref: 24913 PL-05 rev D.

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

11. Prior to occupation of the dwellings hereby permitted full details of the proposed Solar PV systems to generate 10% of the sites energy requirements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried

out in accordance with the agreed details prior to the occupation of the dwellings to which the solar PV relates and shall be retained for the life of the development.

Reason: To ensure that the development secures greater efficiency in the use of natural resources, minimises energy use and maximises the use of renewable energy in accordance with policy C3 of the Vale of Aylesbury Local Plan, and the guidance set out in the NPPF.

12. The development shall be carried out in accordance with Ecological Appraisal (Aspect Ecology, dated March 2021). and shall incorporate the measures detailed therein. and thereafter retained for the lifetime of the development.

Reason: To ensure the development secures biodiversity net gain in accordance with policy NE1 of the Vale of Aylesbury Local Plan, and the guidance set out in the NPPF.

13. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include, but shall not be limited to, the following:

- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise first agreed in writing by the local planning authority.

Reason: The reason for this pre-start condition is to ensure that satisfactory ecological and environmental details have been agreed prior to construction. It is required to comply with policy NE1 of the VALP and with the requirements of the National Planning Policy Framework, ODPM 05/2006, The Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended).

14. Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include, but shall not be limited to, the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organization responsible for implementation of the plan.

- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved details.

Reason: The reason for this pre-start condition is to ensure that satisfactory ecological and environmental details have been agreed prior to construction. It is required to comply with policy NE1 of the VALP and with the requirements of the National Planning Policy Framework, ODPM 05/2006, The Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended).

15. The landscape scheme hereby approved shall be carried out not later than the first planting season following the first occupation of the dwellings hereby permitted. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.

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

16. No site clearance or development shall take place until a detailed tree and hedgerow protection plan showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan. Thereafter the development hereby permitted shall only be carried out in accordance with the approved scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed unless these are elements of the agreed tree protection plan.
4. No materials or waste shall be burnt nor within 20 metres of any retained tree; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

Reason: Details must be approved prior to the commencement of development to ensure the development is undertaken in a way which ensures a satisfactory standard of tree care and protection. This is required in order to minimise damage to the trees during building operations and to comply with policy NE8 of the Vale of Aylesbury Local Plan and to accord with the National Planning Policy Framework.

17. No dwelling shall be occupied until the boundary treatment to the garden area serving that dwelling has been installed in accordance with the approved plans.

Reason: To ensure a satisfactory level of privacy for residents and to comply with policy BE3 of the Vale of Aylesbury Local Plan.

18. Prior to the commencement of works above slab level full details of a waste and recycling collection strategy shall be submitted and approved in writing by the Local Planning Authority. The approved refuse collection areas shall be provided in accordance with the approved strategy prior to the occupation of the dwellings to which it relates, and the collection areas shall not thereafter be used for any other purpose.

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

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

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of the dwelling or erection of a garage, windows, buildings, structures or means of enclosure having regard for the particular layout and design of the development to ensure compliance with policies BE2 and BE3 of Vale of Aylesbury Local Plan.

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

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

## **INFORMATIVES**

1 Your attention is drawn to the requirements of conditions on the decision notice. Condition nos. 8, 9, 13, 14, 16, and 20 impose requirements which must be met PRIOR TO COMMENCEMENT. Failure to observe these requirements could result in the Council taking enforcement action OR MAY INVALIDATE THE PLANNING PERMISSION. Condition nos. 3, 4, 5, 6, 7, 11 and 17 impose requirements which must be met PRIOR TO THE OCCUPATION OF THE DEVELOPMENT. Condition nos. 6, 7, 18 and 19 impose requirements which must be met WHILE THE DEVELOPMENT IS IN USE. Failure to observe these requirements could result in the Council taking enforcement action.

2 The applicant is advised that highway works will need to be constructed under a Section 278 of the Highways Act legal agreement. This agreement must be obtained

from the Highway Authority before any works are carried out on any land forming part of the highway. Please contact Highways Development Management via [highwaysdm@buckinghamshire.gov.uk](mailto:highwaysdm@buckinghamshire.gov.uk)

- 3 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 4 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980
- 5 You are advised that Planning Obligations have been entered into in connection with this permission.

**Appendix A: Consultation Responses and Representations**

**Appendix B: Site Location plan**

**Appendix C: SoS Decision Letter**

## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments

Councillor Stuchbury – has requested that this application be called in to committee for the following reason:

*“Therefore my grounds for calling this application [are]... the comments made by the Buckingham town council which I have been provided which I would wish my views if possible to record as Neutral, And most importantly secondly the comments of Mr Armstrong the inspector Which I have discovered through conversations on the matter within his letter the 19th of July 2017 [copy of this letter is attached at Appendix C of this report] Signed by Mr Philip Barber his secretary, Application 14/02601/AOP, I do believe in the grounds given within his letter have a direct bearing in mind On the application 20/00510/APP ,And should be seen by the planning committee when considering this application, And therefore this application should be considered under the Buckingham neighbourhood plan being the Vale of Aylesbury Plan, Isn't a made plan. Therefore should be seen/heard by the committee as they have a direct bearing on this application as they are completely historically Linked & I'm seeking therefore the committee should be able to read the attached letter and the recommendations/findings of the inspector when determining their views independently of the said application once Receiving the officers report/And its recommendation on this now historical application”*

Councillor Whyte – has requested that this application be called in to committee for the following reason:

*“Given the dated evidence, and the lack of any meaningful transport mitigations, I object to this proposal and request that it is called-in to ensure the planning committee can scrutinise this in more detail. Having reviewed the proposed Travel Plan revision 1 dated June 2020 I have the following observations: Bus - Paragraph 1.5.20 refers to the nearest bus stop being 250m away. This appears to be the distance from the entrance to the phase 3 site, and not to the vast majority of homes, where it could be over 400m from the proposed homes on the western side of the site. The vast majority of new residents would struggle to get to this bus stop in the claimed 3 minutes (as suggested on page 10) for the 1 bus of the day. Interestingly para 4.6.6 admits it might be at least 350m away. Paragraph 4.6.7 refers to a service that does not serve the Moreton Road. Paragraph 1.5.23 suggests the 151 makes a great way to interchange with other buses in the town centre, but ignoring the fact that this is a once daily shopper service, and of no use to children, or those commuting. Para 1.5.37 The applicant claims there is "good access to ... the local cycle network." I don't see any evidence of that, and the proposed S106 shows that this has to be addressed, albeit currently in an unsatisfactory way. Travel Plan - 3.1.3 Using modal share data from 002 is misleading as it includes the whole town centre and university sites, and does not give an accurate figure of suburban car use for this application site, and conceals car use with the high town centre "active travel" use one would expect. 4.5.3 suggests 33% of residents will work within 2km of their home. Given this site location being opposite ends of the town to the major employment sites, this appears to be rather hopeful. Especially when combined with the only new employment sites in North Bucks being located in Silverstone Park, 7 miles away and accessed via the town centre Paragraph 4.9.9 not clear if this is a commitment - delete the words "should*

consider" to avoid any doubt. The same issue with para 4.10.1 - there is no commitment to undertake any of these proposals. Paragraph 4.11 appears to be irrelevant and proposing ideas that would impact the whole of Buckingham. Paragraph 7.3.2 refers to a number of "improvements" which have already been undertaken. Appendix C is using an out of date bus map Appendix E has very little to offer in relation to the impact on the Old Gaol roundabout, which in previous studies has been confirmed as already operating at capacity. The applicant's letter of 28 April 2022 offers little in assurance that they have taken into account changes in the intervening two years. Residents have made some very valid and detailed points about the cumulative impact of traffic on the town centre and other nearby roads, and the impact on congestion and amenity. There are no proposals in this application that will reduce the impact, and as noted above, the proposed mitigations of the Travel Plan are based on flawed data and assumptions. Even if the Travel Plan could deliver all it wants to, which given the flawed conclusions it draws is highly unlikely, it will still ADD additional trips to an overloaded junction at the Old Gaol, without any meaningful mitigation, and will inevitably encourage more traffic to use Maids Moreton as a shorter route to the A422, which also is absent in any proposed mitigations. It is disappointing to note that the applicant has made no effort to communicate their proposals or mitigations with the local ward members"

#### Parish/Town Council Comments

##### **Buckingham town Council - April 2022 comments:**

###### *Members noted*

- . That although this development is outside the Buckingham Neighbourhood Plan housing development envelope, and conforms with the revised Vale of Aylesbury Plan, it is still within the town boundary, and the Council expects the developer to comply with other policies of the made BNP.*
- . The travel and traffic documents need to acknowledge the cumulative effect of vehicles from this site and the 170 houses recently given approval at Walnut Drive (16/00151/AOP) on the junction at the Old Gaol, especially as use of Mill Lane to access the A422 is being discouraged*
- . The Travel Plan needs to acknowledge that mode transfer is less likely if there are no bus services past the site at times useful to working residents or school pupils, and also that the Moreton Road is not 'gentle topography' as described and few residents will be willing to carry shopping up it, or be able to if they have health or mobility problems, as the residents of the ground floor flats are likely to be. That the feasibility of installing a cycle lane on the Moreton Road is doubtful; the existing cyclepath/pedestrian route as illustrated does not extend beyond the site boundary of Phase I*
- . That this Council opposes shared-surface streets on parking and safety grounds*
- . That the Phase I streets are not adequate to the additional traffic generated by 130 more houses or easy passage for emergency vehicles*
- . That the designs be amended further to reflect the Buckingham Vision & Design SPG*
  - no concrete tiles, chimneys on all houses, some use of render amongst all the brickwork, brick colours relevant to the area, some variety of door style and colour*
- . That no Affordable Housing has a garage, which is contrary to the principle of 'tenure blindness'*

*. That with the increasing number of women and girls playing rugby the lack of changing facilities for the new pitches is serious, as is the provision of only 10 parking spaces for two pitches, implying a minimum of 60 players requiring transport*

*. That with the steeper roof pitch the Gardens Trust request for wireframe outlines on the photo views is more important than ever*

*Members would like reassurance as follows:*

*. That the Town Council will be consulted on the s 106 at an early stage (ie when it can be revised)*

*. That the s106 will include monies for local health provision as we have had approvals for 820 houses in the last few years with nothing allowed for extension of the provision to cover the increased population*

*. That there will be street lighting, including in the public open space area*

*. That broadband will be installed to all dwellings before occupation*

*. That all (ie including the Affordable) housing will have provision for grey water recycling, solar panels on inward-facing roof slopes and electric car charging points*

*. That post box provision will be installed, per the Royal Mail's standard (a post-box within half a mile of at least 98% of all 'delivery points' (usually a customer's letter-box))*

*. That the SuDs officers are aware that the ditch along the southern boundary is prone to regular flooding, as the residents of Bradwell Avenue will attest; Moreton Road was mentioned 9 times in the December 2020 s19 flood report*

*. That terraced houses with particularly long bin haul distances/paths at the rear (eg plots 97 & 100) are provided with neat bin store sheds at the front; otherwise bins will not be returned to the rear of the premises each week after emptying and give a cluttered aspect to the street scene. BC Recycling & Waste Team mandates a maximum of 25m that residents should have to haul two-wheeled bins*

*. That Buckinghamshire Council is willing to adopt block paved roadways as it looks as if all roads 'for adoption' are paved; if not adopted the constant maintenance required will be a charge on residents, as has happened at Lace Hill.*

*. That this Council would favour a speed limit of 20mph through all three phases of this estate*

*. That enough pavements are provided to allow children from the whole estate to access the playground and BMX track safely; a hoggin path in the wooded fringe is not suitable for - for example - small-wheeled bikes, ride-on toys and prams*

*. That expert advice will be taken on the layout and materials for the BMX track, which appears to have been formed from a collage of catalogue illustrations with no knowledge of what constitutes a Pump track. Pump tracks should also be usable by and accessible for wheelchair users.*

### **Maids Moreton Parish Council:**

#### *Traffic and Transport*

*This parish council repeats the concerns and objections it raised in March 2020. Regrettably, very little seems to have progressed from the 2020 submission of this application.*

*Although the VALP is now an adopted local plan, there is still an unresolved conflict with traffic routes emanating from both this proposed development and the development now granted permission for 170 dwellings to the east of Maids Moreton. We note and agree with the detailed*

*analysis from the Maids Moreton & Foscoote Action Group, which clearly indicates there will be an over capacity at the Old Gaol roundabout in Buckingham town centre and at the junction of Mill Lane (aka College Farm Road) with the A422. It is acknowledged that these two routes will be the primary destination of traffic from land west of Moreton Road and Castlemilk, which inevitably will cause increasing disruption within the narrow approach roads from each direction.*

*There is a complacency as to how this additional traffic can avoid clashes with pedestrians, cyclists and parked cars within the village. As previously pointed out, the increase in traffic flows through the village and along Mill Lane since Phases 1 and II were completed has tripled. Cars travel at excessive speeds (our traffic survey recorded speeds in excess of 60 mph down Mill Lane) and, despite the existing weight limit, goods vehicles increasingly access this route in order to avoid the congestion in Buckingham town centre.*

*In short, this site and the magnitude of development proposed by both 20/00510/APP and 16/00151/AOP creates an unsustainable form of development. It fails to address the detrimental impact on adjoining neighbourhoods. The patterns of movement within the existing infrastructure of narrow roads and streets do not demonstrate a realistic choice of transport modes. A cycle lane is not feasible when you consider the steep and narrow length of Moreton Road between Addington Road and Summerhouse Hill. And for users of the streets and public rights of way within the village, there is no protection from the damaging noise and pollution that this development would bring.*

*In all respects, it is contrary to policy set out in the NPPF as it is clear that the transport issues create an unacceptable impact on highway safety and that the residual cumulative impacts on the road network will be severe.*

#### *Agricultural Land*

*This is a greenfield site, currently in agricultural use providing habitat for wildlife, flood risk mitigation, carbon storage and food production. Records show that it is a mixture of Grade 2 and Grade 3a, which is considered the best and most versatile (BMV) agricultural land in the context of climate change and current debate on food security, it is now even more important that LPAs avoid unnecessary loss of this type of land. We consider that, as well as its role in food production and flood risk mitigation, it also serves as a significant open space setting within the wider landscape plateau that gives the market town of Buckingham and the rural village of Maids Moreton its character.*

#### *Design*

*We consider the design of the dwellings proposed has little to do with the local vernacular and that they are simply copy pattern book designs, the likes of which are repeated over and over again regardless of location. The very limited use of chimneys and the narrow range of materials indicate that the developer is a great deal more concerned with lowering costs than providing high quality places, as is given new emphasis in the 2021 NPPF. Clearly no account has been taken of this directive:*

*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants,*

communities, local planning authorities and other interests throughout the process

To date there has been no effective engagement with local communities, and certainly not with this parish.

We continue to object to this application, which will certainly have a negative impact on the residents of Maids Moreton.

**Akeley Parish Council** - At a properly constituted meeting Akeley Parish Council RESOLVED to Object to 20/00510/APP because of the perceived material damage that the extra heavy traffic using the A413 will cause traveling to and from the development in Maids Moreton through the Village of Akeley.

Akeley is an attractive rural village which is relatively quiet. The increased traffic and speeding over recent years have impacted the amenity of villagers living on and using the affected road. The A413 runs through Akeley it has a pinch point which is just beyond the Leckhampstead Road junction, between The Cottage and Old century Cottage running down the hill to the side of the Bull & Butcher public house where there is the junction with Church Street and on towards a sharp left-hand bend opposite a T junction with Chapel Lane. This road was never designed for HGV, and is frequently the cause of traffic jams and collisions, especially at peak periods.

HGVs travelling through the pinch point causes damage to the existing village infrastructure. There is evidenced damage to adjacent buildings and sewers due to the vibration from Heavy Goods Vehicles which will increase if this development goes ahead.

With the current traffic on the A413 vehicles at times have to reverse up to 50 yards or so and mount the pavement to enable passage.

There is documented evidence of collisions occurring along and adjacent to the pinch point with traffic jams being a daily feature.

With the expected rise in HGV traffic the instances of collisions and possible harm to the buildings will increase and so will result in the greater chance of harm to children and residents alike. A serious risk to children arises because the A413 is a primary walking route to the school situated in Church Hill.

The general area is residential with a footpath running alongside the road on one side in the main and with increased incursions onto the footpath the risk of harm to pedestrians and not just damage only, Road Traffic Collisions will increase.

This development does not comply with Buckingham's neighbourhood Plans.

#### Consultation Responses (Summarised)

**Education** - a financial contribution of £1,558,119 is required to expand local primary and secondary schools to accommodate the development. Primary and secondary schools are close to capacity and there are plans to expand both Maids Moreton CE Primary School and Buckingham Secondary School to accommodate increased demand from additional housing growth. A breakdown of the education contribution is in accordance with BCC's adopted S106 policy.

**Strategic Access** - There would appear to be a good opportunity to improve pedestrian permeability for existing residents along Roger's Lane and from the south (Whitehead Way), to connect with the recreational facilities around the rugby field with a gap in the boundary hedge

adjacent to where Footpath BUC/33/1 passes north to south. A slightly amended plan to illustrate a purple arrow ('Pedestrian Access Point') on p33 of the Design & Access Statement, that connects directly onto Footpath BUC/33/1 or the public open space beside Roger's Lane would provide this informal, but convenient link.

My previous comments in February 2020 suggested a possible useful link in the south-east corner of the public open space to provide a convenient walking connection into Whitehead Way (south) and Rogers Lane (east) residential areas. The car park access into the public open space appears to provide some pedestrian access from Twickenham Road, but a short-cut south-east appears useful for existing and new residents. Nevertheless, any connection appears precluded by the planned installation of trees and wildlife pond at this location. No comments from a rights of way perspective on the additional plans and documents.

**Buckingham & River Ouzel Internal Drainage Board** - this site is outside the Boards district; in this instance the Board has no comment to make.

**Historic England** - do not wish to offer any comments.

**Parks and Recreation** - In accordance with Buckingham's Neighbourhood Plan Policy CLH2 - Provision of play provision for new developments para 8.9; following the submission of the RoSPA Teenage Play Value Assessment in April 2022 it has now been demonstrated that the combined LEAP/NEAP scores a minimum of Excellent against RoSPA's play value assessment for teenagers, toddlers and juniors.

Comments are yet to be addressed regarding asphalt surfacing the berms as well as track, inclusion of appropriate BMX/Pump Track user safety signage and confirmation of the professional BMX pump track designer and builder contractor included on the BMX/Pump Track Detail Plan.

In addition, the BMX pump track design and full specification must be forwarded to RoSPA to be assessed against RoSPA's 'Plan Check/Design Review' with any RoSPA recommendations being made to ensure it is as safe as necessary.

**Affordable Housing** - The total number of affordable units remains 35% or 46 dwellings. This is in line with the percentage of affordable dwellings required by Policy HP5 of the Buckingham Neighbourhood Development Plan.

The Vale of Aylesbury Local Plan (VALP) was adopted in September 2021. VALP Policy H6c requires that all dwellings meet at least Category 2 (accessible and adaptable) of Approved document M of the Building Regulations 2010 with a minimum of 15% of the affordable housing required to be nominated by the Council for M4(3) wheelchair accessible housing (dependant on the suitability of the site to accommodate wheelchair users and its proximity to services and facilities and public transport) unless it is unviable to do so.

The wheelchair user dwellings and are identified as such on the most recently amended affordable housing layout plan. The ground floor maisonettes are to be provided with wet rooms rather than baths if possible. The remainder of the units should be M4(2) compliant.

Affordable dwellings should not be distinguishable from the open market housing in terms of overall design details, build quality and materials, nor by layout or separation from general market housing. The clustering restriction of no mor

e than 15 houses has been observed.

The council's nomination rights, and the occupancy of the affordable housing, will be controlled through the s106 agreement. Unless otherwise agreed, no more than 50% of the private units are

to be occupied until all relevant affordable units have been completed and transferred to a Registered Provider. The Council works in partnership with registered providers in Aylesbury Vale and can supply details of these to support the delivery of the affordable homes.

**The Gardens Trust** - The site falls within the boundary of the historic setting of Stowe identified in 2009 by Land Use Consultants in their Setting Study for the National Trust and shared with AVDC. This study identified that the Buckingham Avenue is especially vulnerable due to its narrow linearity. However, if having reviewed all the information received since our last response on 17th March 2021, your Heritage Officer is satisfied that the proposals will not significantly damage the setting and views from the Grade I registered park and garden at Stowe, then we have no further comments to make.

**LLFA** - no objection, subject to conditions

**Recycling and Waste** - Whilst the permeability of the site to waste collection vehicles appears to be excellent (ie. No reversing required), more information is required in relation to the location of all proposed bin presentation points including bin stores, and details as to how the bin store meets requirements.

**Heritage** - no objection. The proposal would not cause harm to the setting of the identified heritage assets. Previous consultation comments from the Heritage Team were satisfied that this proposal would not cause harm to the setting of the heritage assets identified above. Following on from additional information supporting this application, this does not alter this assessment. The Planning (Listed Building and Conservation Areas) Act 1990: The proposals would preserve the character and appearance of the conservation areas and historic and architectural interest of the listed buildings and therefore complies with section 66 and 72 of the Act. NPPF: The proposal would cause no harm to the significance of the heritage asset.

**Highways** - satisfied that the proposed development would not have a detrimental impact on the operation and safety of the highway network. The Highway Authority has no objection and recommends that this planning application is approved, subject to appropriate highways conditions, informatives and s106 obligations.

**Natural England** - No objection

**Ecology** -

The measures detailed in the Ecology Appraisal are to be secured with a planning condition. Further to this a Construction Environment Management Plan (CEMP) to protect the identified ecological features during the construction of the development will need to be provided and secured by a planning condition. Alongside this document a Landscape and Ecological Management Plan (LEMP) detailing the enhancement features proposed in the BNG calculation along with the retained habitats will need to be secured with a planning condition. The LEMP will need to include species specific enhancements not included within the BNG calculation but detailed in the Ecology Appraisal.

**CPDA** - no further comments in relation to the amended plans

**NHS** – Summary: The Trust is currently operating at full capacity in the provision of acute and planned healthcare. Although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new development, and the funding for which cannot be sourced from elsewhere. The development directly affects the ability to provide the health service required to those who live in the development and the community at large. Without contributions

to maintain the delivery of health care services at the required quality, constitutional and regulatory standards and to secure adequate health care for the locality, the proposed development will put too much strain on the said services, putting people at significant risk. Such an outcome is not sustainable. One of the three overarching objectives to be pursued in order to achieve sustainable development is to include b) a social objective – to support strong, vibrant and healthy communities... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being:" (NPPF). There will be a dramatic reduction in safety and quality as the Trust will be forced to operate over available capacity, as the Trust is unable to refuse care to emergency patients. There will also be increased waiting times for planned care and patients will be at increased risk of multiple cancellations. This will be an unacceptable scenario for both the existing and new population. The contribution is necessary to maintain sustainable development. Further the contribution is carefully calculated based on specific evidence and fairly and reasonably related in scale and kind to the developments. Without the contribution the Trust considers that the development is not a sustainable development.

## Representations

### **Amenity Societies/Residents Associations**

**The Buckingham Society** - Despite the several attempts at amendments to these development proposals, the application fails to address many of the key issues which undermine the sustainability of the site.

#### *Traffic and Accessibility*

The Society concurs with the detailed analysis as set out in objections from the Maids Moreton & Foscoote Action Group, which clearly demonstrates that traffic from this site will cause severe congestion at the roundabout by the Old Gaol, leading to an unacceptable build up of vehicles on ALL of the roads meeting at this point. The so-called 'alternative' route via the village of Maids Moreton towards the A422 has been considered as having such a severe impact on the operation and safety of the junction with the A422, that mitigation is required to deter traffic from using this route. The Travel Plan does not acknowledge that both these options entail narrow approach roads with parked cars effectively reducing capacity to a single lane. It is totally disingenuous to imply that measures calculated to reduce vehicular traffic will have any positive effect on the volumes of car journeys. The site is over 2 km. away from the main employment centres, along with the facilities for supermarket shopping and the new facilities planned for healthcare in Buckingham. Between these facilities, the town centre and the land under consideration there are steep hills to traverse, rendering them totally unsuitable for daily purposes. They do not offer realistic alternative modes of transport to serve the "full range of journey purposes and address all aspects of life that create a need to travel" (as stated in the DIT guidance for Travel Plans.).

As stated previously, bus services are extremely limited and apart from their unreliability, the scheduled times do not coincide with normal working hours.

#### *Design of Development*

The Buckingham Society is severely critical of the design proposals put forward for this development. There appears to be absolutely no reference to the adopted guidelines in Buckingham's 'Vision & Design' Statement. What is proposed is a "sea of brick", with here and there a nod to rendered finish. Roof pitches are too uniform, identical black entrance doors appear in each of the 28 house "types" shown and among the 130 dwellings, only 13 have chimneys.

Considering this site is on the edge of town, bordering an open, rural landscape, we are incredulous at the failure to acknowledge the need for a design that reflects a more traditional form, which would for example incorporate greater variety of roofline, punctuated with chimneys, locally sourced stone and a greater proportion of 'solid to void' as guideline no. 5 for Elevation & Roofline in the Vision & Design Statement explains.

In conclusion, the proposals fall well short of local distinctiveness and are, we regret to say, yet another example of ubiquitous estate planning that takes no account of its rural hinterland. The new directives within the NPPF and the detailed Design Guide that partners it urges the creation of high quality, individual and sustainable buildings.

Paragraph 130 states "that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area." It is simply not acceptable to present copy book designs without reference to specific place and, on this basis alone, this application should be refused.

**Maids Moreton and Foscot Action Group** - The proposed site for this 130 home planning application is an allocation in the Vale of Aylesbury Local Plan (designated BUC043). It is located around 1 km south west of another VALP-allocated site (designated MMO006) for 170 homes in Maids Moreton (planning application 16/00151/APP).

Both of these sites are north of Buckingham town centre. Given the location, it is acknowledged by the Council that there are two viable routes for associated development traffic to access the town's three strategic commuting routes (the A421, A422 and A413). These are:

1. Via Buckingham town centre - Moreton Road/Stratford Road/Market Square junction (known as the 'Old Gaol' roundabout)
2. Via Maids Moreton - College Farm Road (Mill Lane)/A422 junction

Route 1 feeds traffic along Moreton Road to the Old Gaol roundabout. Junction assessments within Appendix G of the February 2020 traffic modelling for 20/00501/APP give Ratio of Flow to Capacity (RFC) values showing this junction already approaching capacity in the 2020 baseline and that this capacity will be exceeded in both the 2025 'with' and 'without development' scenarios. Para 6.5.12 concludes:

"The results of the junction assessment of Moreton Road/A422 Stratford Road/A422 Market Square show that the junction is currently operating over practical reserve capacity on Stratford Road in the AM and PM peak periods. The junction performance is predicted to become worse in 2025 with higher RFCs and queues on Moreton Road as shown in figure 6.11"

Route 2 feeds traffic via Maids Moreton and onto College Farm Road to its junction with the A422. This is likely to be the preferred route for access to Milton Keynes (the dominant employment centre for Buckingham) as it avoids the overcapacity Old Gaol junction. RFC values shown in Table 6.6 of the 2016 traffic modelling for 16/00151/APP show that the capacity of this junction is exceeded in both 'with' and 'without development' scenarios in 2021. In September 2017 Bucks County Council's assessment of this junction concluded:

"The information submitted by the applicant demonstrates that the junction of College Farm Road with the A422 Stratford Road will operate over capacity as a direct result of the proposed development. The applicant has also failed to demonstrate that adequate visibility is available. From the information provided, the development is considered to have a severe impact on the operation and safety of the junction. The development is contrary to the National Planning Policy Framework and the aims of Buckinghamshire's Local Transport Plan 4"

A further assessment of the junction in June 2018 showed that the RFC values for the junction are even worse in alternative scenarios modelled as a 'sensitivity' test at the request of the Council. Table 3.3 records an RFC of 2.82 for the minor arm in the AM peak. This is excessive as any RFC value above 1 indicates the junction is over capacity.

Under current proposals for 16/00151/APP, the solution to the highways safety issue identified by the above modelling is proposed works aimed at reducing traffic flow along College Farm Road. The Case Officer's November 2020 report to the Strategic Sites Committee states on page 23 that:

"These works are aimed at making College Farm Road a less attractive route from the beginning and will aim to deter development traffic from using it".

However, the effect of the mitigations on the Old Gaol junction are made clear on page 26 of the same report:

"It should be noted that if the traffic calming scheme is successful in deterring the development traffic from using College Farm Road, this will result in additional development traffic travelling into Buckingham"

VALP Examination: cumulative traffic modelling for 20/00510/APP and 16/00151/APP

Given that both sites are to be developed within the same timeframe and that this will result in 300 new homes adding traffic onto what the Council acknowledges to be an already constrained highways network, it was vital that the Council assess the cumulative impact during the preparation of the VALP.

This cumulative modelling was carried out by Jacobs UK Ltd in their Buckingham Town Centre Modelling Report (submitted to the Planning Inspector as ED214A). In both of the 2033 'Do Something' scenarios modelled (DS and DS2), this analysis includes development traffic from both BUC043 and MMO006.

However, the Moreton Road donor zone Origin Trip Distribution plots (Fig.2.4 to 2.7 in ED214A) clearly show the underlying assumption of the modelling is that most of the traffic will route via College Farm Road. This is a proportion substantially higher than 50% of the combined traffic.

Even with this traffic distribution, ED214A shows the Old Gaol approaching or exceeding capacity in the baseline scenario (Table 3-1 shows an RFC of 0.9 on the Stratford Road arm). The 2033 'Do Something' scenarios show the RFCs increasing further to between 1.3 and 1.4 in the AM Peak. The report concludes:

"In summary, both town centre junctions are already operating over capacity in the 2033 DM and therefore the additional marginal impact at these junctions in the DS and DS2 scenarios is unacceptable, even with a reduced quantum of development in DS2. In both DS and DS2 scenarios, appropriate mitigation measures would need to be considered"

The Council further allude to the use of College Farm Road as an alternative route in VALP Examination Document ED257 titled Buckingham VALP Allocations Statement on Highways Matters (October 2020):

"The locations of all sites were reviewed and...sites BUC043, BUC046 and MMO006 have various route options to access locations to the south and east of the town, namely Aylesbury and Milton Keynes"

To summarise, all of the evidence that the Council submitted to the VALP Examination shows a clear assumption that traffic from BUC043 and MMO006 will avoid Buckingham town centre by routing via College Farm Road. The Planning Inspector confirms this was his understanding in his VALP Examination Report (para 239):

“BUC043 and MMO006 could each fund minor improvements to the junctions through contributions to the Buckingham transport Strategy already referred to and also would add load to those junctions to a lesser degree because the likely main objective destination is Milton Keynes to the east of Buckingham and alternative routes, avoiding the town centre, are available. Those alternative routes include the use of Mill Lane (also known as College Farm Road) through Maids Moreton”

#### 20/00510/APP Traffic Modelling

Traffic modelling carried out by the developer of the 130 home Moreton Road site was published on Public Access in February 2020. After publishing further details of an associated Travel Plan in May 2021, the traffic scheme was recommended for approval by the Highways Authority the same month.

Within the Feb 2020 TA, the approach to forecasting and modelling future traffic flows is explained at para 5.3.2:

“The TEMPro future household assumptions were compared against the AVDC Five Year Housing Land Supply Position Statement (April 2019). Relevant projected completions located within Aylesbury Vale 002 forecast to come forward between 2019/20 and 2025/26 were considered, including any:

- Sites with planning permission;
- Sites with resolution to grant planning permission subject to S106;
- Allocated sites in Neighbourhood plans without permission;
- Extra care use class C3 commitments;
- Extra care use class C2 commitments;
- Proposed VALP allocations; and
- Windfall sites”

The “Aylesbury Vale 002” referred to is the Lower Super Output Area (LSOA) used for UK Census data. The extents of the Aylesbury Vale 002 LSOA can be seen at the following MapIt UK webpage <https://mapit.mysociety.org/area/37532.html> (Note: this map is replicated within the TA as Figure 3-16 - Extents of Aylesbury Vale 002)

What is notable about this is that the Aylesbury Vale 002 output area does not include the village of Maids Moreton, the boundary of which is only a few metres from the northern edge of 20/00510/APP. Therefore, development traffic from the consented planning application 16/00151/AOP does not appear to be included in the traffic modelling for the future year scenario.

#### Summary

In considering the two VALP allocations and their associated planning applications, the available evidence indicates that the Council have maintained two contradictory positions:

- 1.Cumulative traffic modelling of the two sites assumes that the majority of development traffic will use College Farm Road (Mill Lane) to access the A422, thus avoiding Buckingham town centre
- 2.The traffic scheme that the Council have agreed with the developer for planning application 16/00151/AOP contains mitigation measures designed to deter development traffic from using College Farm Road (Mill Lane)

Furthermore, the Traffic modelling for 20/00510/APP:

1.Apparently omits traffic from the Maids Moreton site in its forecast

2.In any case does not consider the effect of the mitigation measures, which reduce the capacity of College Farm Road

All of the Buckingham Town Centre traffic modelling carried out for the VALP examination (and the 20/00510/APP traffic modelling) show the Old Gaol roundabout at capacity in baseline scenarios and well above capacity in future forecasts

This is compounded by traffic modelling for 16/00151/APP showing the College Farm Road/A422 junction as overcapacity in all scenarios – to the point where it is a highway safety issue.

It may be argued that the VALP traffic modelling was a ‘high level’ or ‘strategic’ exercise, where detailed mitigations would not be included. However, all of the above evidence shows that the Council needs to take a different approach when it comes to the planning application stage.

In the case of 20/00510/APP, failure to do so would mean the impact on the severely constrained highways network in Buckingham town centre will not have been adequately assessed.

### **Public Comment (106 Objections, 5 Neutral)**

#### Overdevelopment

- Vast number of new dwellings going up in Buckingham, causing inadequate amenities and infrastructure e.g., schools, medical centres, roads, shops, open spaces
- A cumulative impact from new developments in the vicinity e.g., Maids Moreton, Lace Hill, Tingewick Road
- Need for future school provision

#### Character and Landscape

- Risk from poor landscaping and planning brought by the proposed constructions

#### Flooding

- The proposed development could lead to flooding issues because of the loss of natural defences
- Tree planting of the site should be considered in view of the increasing risk of flooding due to climate change
- A significant portion of Buckingham is under flood zones 2 and 3 which should be considered for allowing up to a 40% increase in flooding
- The site falls within the Upper Ouse Area and is considered to be used for natural flood management (NFM) by Buckinghamshire Council and River Thames Conservation Trust

#### Policies

- Incoherent with BNP e.g., the erection of 130 dwellings is not included
- Policy principles of BNP/NPPF/VALP not met

#### Traffic and Parking

- Would Increase traffic flow in town centres and other areas leading to traffic congestion, especially during peak hours
- Would exceed road capacity and worsen access, leading to safety concerns in areas e.g., Whitehead Way, Shetland, Lincoln, Moreton Road, Avenue Road, Western Avenue, South Hall, Mill Lane, Avenue Road, High Street, Stratford Road, Castle Street, Bath Land, Hunter Street, Station Road, Mitre Street, Chandos Road, Old Gaol Junction, Market Hill Junction

- Limited visibility and complexity at the main town centre junctions
- Insufficient car parking provision e.g., Twickenham Road
- Limited access for emergency services due to narrow/blocked roads e.g., from Whitehead Way to Lincoln, Twickenham Road
- Use of heavy goods vehicles could lead to danger for pedestrians
- Would lead to an increase in cars parking on streets and next to the children's playground
- Safety concerns on the northernmost zebra crossing, junctions, cycling on the main road and a blind spot along Whitehead Way entrance
- Objection to the removal of the speed limit on Whitehead Way
- Misleading Travel Plan with potential errors (dated Feb 2020) e.g., 1.5.4 (Existing access is not currently via Manor Farm), 1.5.6 (outdated census data), 1.5.12 (hardly visible footpath), 1.5.16 (misleading statement on cycling), 1.5.23 (bus routes 32, 134, 151), bus map in appendix (routes X60 and 60 have been cancelled), provision of bus services, outdated data used for 'Travel to Work' study, inconsideration of additional developments nearby, inaccurate traffic modelling
- Misleading Design and Access Statement i.e., the existing road is narrower than the presented road
- Vehicular access to rugby pitches should be limited to groundsman's vehicles
- Lack of bus services provision
- Degraded road conditions e.g., uneven pavements, curb stone
- Lack of pedestrian crossings at Moreton Road junctions
- Unclear entrance of the rugby pitches

#### Funding

- Responsible body for the increased maintenance of roads remains unclear

#### Water Supply, Drainage and Sewage

- Would worsen the drainage system with waterflow e.g., Moreton Road, Castlemilk, Hill Radnor
- Overflow of drainage in green areas and the existing rugby pitches
- Overloaded sewage would be brought by the proposed development
- Potentially flawed evidence in the Flood Risk Assessment i.e., the proposed development would not present a significant increase in water run-off rate
- The water supply was lost 5 times in the past 5 months in Buckingham and parts of Maids Moreton, the development would bring a rise in water demand and hence worsening the situation

#### Public Access

- Lack of footpath in 'shared access' areas in Lace Hill development, leading to dangers for children
- Footpaths obstructed due to car parking on roads

#### Noise

- The proposed development could lead to negative noise impacts on residential amenities

#### Living Environment

- The lack of job opportunities encourages commuting to other areas e.g., Milton Keynes, Oxford, Northampton and London, resulting in negative environmental impacts

- The development could result in pollution and a loss of greenbelt, agricultural land, wildlife habitats and biodiversity
- Should refurbish existing dilapidated buildings and in-town spaces
- The site would be isolated and unsustainable
- Endangered honeybee species – Apis Mellifera Mellifera (British Black Honey Bees) are prevalent in the area (within 1km of the site)
- Maids Moreton, a village with a Grade 1 listed church is enduring heightened traffic issues, and is used as a cut-through while people travel from the existing development along Moreton Road

#### Visual Impact

- The development would lead to a negative visual impact on the National Trust Landscape gardens, residences in Maid Moreton, Chackmore

#### Previous Application

- Objections were made for a previous application for the site by the residents, the Council and the Secretary of State, no significant changes have been made to the current plan

#### Sustainability

- The proposal should ideally be Passive House standards e.g., provision of electric vehicle charging stations, solar panels, ground source heat pumps, rainwater collection and reuse system
- Should consider the use of brownfield site

#### Privacy

- The proposed 2-storey dwellings would cause a private invasion to the adjacent residents
- Properties built in Phase 1/2 would be overlooked during the construction of development and from the future residents

#### Crime Issue

- New developments would lead to a rise in the crime rate

#### Design of Development

- The materials proposed did not consider the local distinctiveness of Buckingham
- The proposed designs should match the developments along Lace Hill and Tingewick Road e.g., natural slate and plain clay tiles
- Design guidelines – Buckingham’s Vision & Design Statement not met
- Recommend providing two rugby pitches with sports drainage and floodlighting within the site

## **APPENDIX B: Site Location Plan**



Do not scale – this map is indicative only

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***APPENDIX C: Secretary of State Decision Letter (14/02601/AOP)***