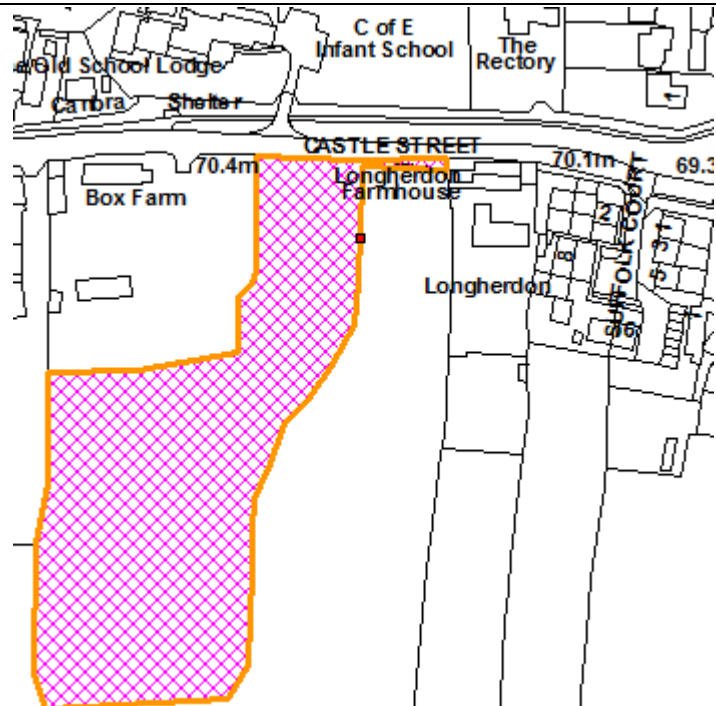


17/01248/AOP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
17/01248/AOP	MARSH GIBBON	25/04/17
<p>OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR THE DEVELOPMENT OF LAND FOR UP TO 10 DWELLINGS AND A LOCAL SHOP, TOGETHER WITH ASSOCIATED PARKING, OPEN SPACE AND SUSTAINABLE DRAINAGE.</p> <p>SITE B LAND SOUTH OF CASTLE STREET AND WEST OF LONGHERDON FARM</p> <p>LAND AND PARTNERS LIMITED</p> <p>STREET ATLAS PAGE NO. 71</p>	<p>The Local Member(s) for this area is:</p> <p>Cllr Angela Macpherson</p>	

1.0 The Key Issues in determining this application are:

a) Authority to determine the application now that the S106 has been satisfactory completed.

The recommendation is that permission be **GRANTED**, subject to conditions

2.0 INTRODUCTION

- 2.1 This application was initially reported to Development Management Committee on 25 September 2017 and at that meeting Members deferred the application to undertake a site visit. The site visit was undertaken on the 26 September 2017 and the proposal was then reported back to the Committee on 12 October 2017 (Members attention is drawn to the copy of the initial Committee report attached as Appendix A and the site visit report attached as Appendix B).
- 2.2 Following the site visit, Members debated this application at Committee on 12 October 2017 when it was considered that the proposed benefits of the scheme would outweigh any identified harm such that Members considered that the proposal would constitute a sustainable and acceptable development. At that meeting Members recommended that planning permission be approved subject to the satisfactory completion of a S106 Agreement.
- 2.3 The S106 legal agreement is required to secure the provision and maintenance of car parking spaces to serve the proposed shop and nearby primary school, to ensure that the shop is completed prior to occupation of the 5th dwelling (50% occupation), publicly accessible green space is provided within the site, financial contributions towards a transport project and an off-site sports and leisure project, the provision of affordable housing, and to secure an appropriate SuDS scheme including a "whole-life" maintenance and management plan for the surface water drainage system.
- 2.4 This determination follows Members resolution to approve the application on 12 October 2017 (subject to the completion of a S106) and considers whether planning permission can now be granted following the completion of the legal agreement on the 5 March 2018.

Policy position update

- 2.5 Since the initial Committee report was drafted to support the application in September 2017, work has been progressing on the Vale of Aylesbury Local Plan. The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. At a Council meeting on 18th October 2017 it was agreed that VALP be put out for public consultation and this took place between Thursday 2nd November and Thursday 14th December. Following this, the responses have been submitted along with the Plan and supporting documents for examination by an independent planning inspector at the end of February 2018. The adoption of the Vale of Aylesbury Local Plan is planned to be in 2018. Currently this document can only be given limited weight in planning decisions as it is still too early in the plan making process, however, the evidence that sits behind it remains a material consideration. It is not considered that this changes the consideration of the development in this instance.
- 2.6 There has also been a change to the HEDNA which has been updated in the form of an Addendum Report (September 2017). This provides additional information, analysis and clarification regarding the Economic Development Needs Assessment. The Addendum Report takes account of more up to date property market analysis, and provides additional forecasts (a labour supply and bottom up forecast) and projections based on the past completions of employment land, to place the existing employment land forecasts into context (labour demand) for the purposes of Local Plan making. This is consistent with the Government's Planning Practice Guidance (PPG). This Addendum Report also provides additional information, analysis and clarification regarding the need for Affordable Housing. The report provides clarification about the range of affordable housing need that the HEDNA Update identified and further considers the role of affordable home ownership in the Buckinghamshire HMA. It is not considered that the Addendum Report and its findings change the consideration of the development in this instance.

Additional consultee comments and/or representations

- 2.7 No further comments or representations have been received since Members considered the application at committee on 12 October 2017.

CONCLUSION AND RECOMMENDATION

- 2.8 The S106 was completed on the 5 March 2018.
- 2.9 The change in policy circumstances set out above do not justifiably alter the Committee's conclusion that the proposals constitute a sustainable and acceptable development.
- 2.10 It is considered that it would only be necessary to reconsider this earlier resolution where a new material considerations has arisen after the resolution to grant, which would affect the planning balance exercise that was carried out, and it is concluded that in this instance the resolution would remain the same.
- 2.11 Having regard to the above, and in line with Members recommendation to support the principle of the application and following the completion of the S106, it is recommended that the application now be approved, subject to the conditions and reasons set out below:
1. Approval of the details of the access, layout, scale and external appearance of the building(s) and the landscaping of the site (hereafter called 'the reserved matters') shall be obtained in writing from the Local Planning Authority before the development is commenced.
Reason: RE01
 2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of eighteen months from the date of this permission.
Reason: RE01

3. The development hereby permitted shall be begun before the expiration of eighteen months from the date of approval of the last of the reserved matters to be approved.
Reason: RE02
4. The details submitted pursuant to condition 2 above shall be generally in accordance with the indicative layout on the submitted outline masterplan - drawing no. 3062.SK02A.
Reason: RE01
5. The premises shall only be used for Class A1 retail purposes and for no other purpose(s) including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
Reason: To ensure that inappropriate uses do not take place in this locality and to comply with the National Planning Policy Framework.
6. No works above damp proof course level shall take place until samples/details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to comply with policy MG2 of the Marsh Gibbon Neighbourhood Plan, policy GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.
7. The details to be submitted in accordance with condition 2 above shall include full details of both hard and soft landscape works. For hard landscape works these shall include details of: means of enclosure, surfacing materials, footpaths and similar areas, finished ground levels, street furniture, signs, lighting, refuse storage provision and other minor structures/artefacts including oil or gas tanks, to be installed thereon. For soft landscape works, these details shall include identification of all trees to be retained showing their species, spread and maturity, planting plans, and schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out in accordance with the approved details prior to the first occupation of the development so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.
Reason: RE14 MG19 of the MGNP, GP38 of AVDLP and NPPF
8. 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: RE14 MG19 of the MGNP, GP38 of AVDLP and NPPF
9. The details to be submitted in accordance with condition 2 above shall include 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: RE17 MG2 of the MGNP, GP35 of AVDLP and NPPF
10. The details to be submitted in accordance with condition 2 above shall include details of the adoptable estate road (the access) which shall have first been

submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the estate road which provides access to it from the existing highway has been laid out and constructed in accordance with the approved details.

Reason: RE45 NPPF

9. The details to be submitted in accordance with condition 2 above shall include full information on the means of dealing with the disposal of surface water from the roads and footways.

Reason: To minimise danger and inconvenience to highway users and to accord with the NPPF

10. No building shall be occupied until the off-site highway works to construct the crossing point and build out as shown in principle on drawing SK001 dated September 2015 and to widen the existing footway from the entrance to the school to the junction of Castle Street with Swan Lane to a width of 2.0m have been laid out and constructed in accordance with details to be first approved in writing by the Local Planning Authority in consultation with the Highway Authority

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to accord with the NPPF.

11. No other part of the development shall begin until visibility splays have been provided on both sides of the accesses between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access and to accord with the NPPF.

12. The details to be submitted for the approval of the Local Planning Authority in accordance with condition 2 above shall include a scheme for parking, garaging and manoeuvring and the loading and unloading of vehicles in accordance with the Local Planning Authority's Parking Guidelines. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not 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 MG13 and MG14 of the MGNP, GP24 of AVDLP and the National Planning Policy Framework.

13. The details to be submitted in accordance with condition 2 above shall include a detailed Landscape and Ecology Management Plan and a Construction Environmental Management Plan detailing how the development will result in net ecological gain. This plan shall include those measures listed in the ecology report prepared by Prime Environment and dated January 2017 along with those detailed below:

- Integrated bat and swift boxes to be built into the fabric of the buildings in appropriate locations/aspects and be of a suitable design. The model, location and position of these devices shall be included on the plans.
- Provision of permeable fencing throughout the development to enable movement of hedgehog across the gardens proposed on site.

- In order to maximise the habitat value of created and retained habitats on site details of species, establishment regimes, management regimes and funds to secure on-going management of these habitats shall be supplied. Habitats and species shall be native, appropriate and be of and local provenance where possible. Detail shall be submitted of the wildflower margins of the communal areas, the SuDS scheme and the wildflower meadow proposed in field A.
- All mitigation, compensation, enhancement, habitat creation measures shall be definitively set out in the application.

The development shall then be carried out in accordance with the approved plan and maintained as such thereafter, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To comply 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 submission of the reserved matters no development shall take place until the applicant, or their agents or successors in title, have undertaken archaeological evaluation in form of trial trenching in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. Where significant archaeological remains are confirmed these will be preserved in situ.

Prior to the submission of the reserved matters where significant archaeological remains are confirmed, no development shall take place until the applicant, or their agents or successors in title, have provided an appropriate methodology for their preservation in situ which has been submitted by the applicant and approved by the planning authority.

Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording no development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

Reason: RE42 GP59 of the AVDLP and the NPPF

15. No site clearance works or development shall take place until there has been submitted to the Local Planning Authority for their approval a tree protection plan showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan.

No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed unless these are elements of the agree tree protection plan;
4. No materials or waste shall be burnt nor within 20 metres of any retained tree;

and,

5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

Reason: In order to minimise damage to the trees during building operations and to comply with policy GP38 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework. Details must be approved prior to the commencement of development to ensure the development is undertaken in a way which ensures a satisfactory standard of tree care and protection

16. The maximum ridge heights of the buildings hereby permitted shall not exceed 8m in height.

Reason: To maintain views into and out of the Conservation Area and to ensure the protection of the character and appearance of the area and to accord with policies GP35 and GP53 of the AVDLP and the guidance set out in the NPPF

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

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions, garages, windows, dormer windows, buildings, structure, and means of enclosure, having regard for the particular layout and design of the development in accordance with policy MG2 of the MGNP, policies GP8, GP35 and GP53 of the Aylesbury Vale District Local Plan and the guidance set out in the NPPF.

18. The detailed plans and particulars submitted for approval in writing by the Local Planning Authority pursuant to Condition 2 above shall include the following details:
 - a) any proposed access road(s) including details of horizontal and vertical alignment and full information on the means of dealing with the disposal of surface water from the roads and footways.;
 - b) the layout and specification for (1) any internal roads not covered by (a) above, (2) footpaths, (3) parking, turning and loading/unloading areas (including visibility splays), (4) cycle parking areas/storage facilities (6) access facilities for the disabled and (7) individual accesses;
 - c) detailed layout, materials, lighting and enclosure/boundaries treatments for the carpark associated with the retail unit, including any on street parking, and details of the retail unit boundary treatments in relation to Castle Street and the residential units;
 - d) details of the specification of the retail unit, including details relating to the type and location of any required associated external plant or machinery and details of the location and area proposed for the loading/unloading of deliveries associated with the retail unit, including consideration of impact upon school hour traffic/pedestrians;
 - e) details of the hours of operation of the retail use.

The development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To ensure that the details of the development are satisfactory, to ensure the development is appropriate for use and adaptable to meet the current and future

needs of the community, to protect the character and appearance of the area and the amenities of adjacent dwellings, and to comply with policies GP8, GP24, GP35, GP38, GP39, GP45, and GP95 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

19. The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition (2) above shall include a Construction Traffic Management Plan including details of:
- a) Phasing of the development;
 - b) Construction access;
 - c) Management and timing of deliveries, including consideration of impact upon school hour traffic/pedestrians;
 - d) Routing of construction traffic;
 - e) A condition survey of the surrounding highway network;
 - f) Vehicle parking for site operatives and visitors;
 - g) Loading/off-loading and turning areas;
 - h) Site compound;
 - i) Storage of materials;
 - j) Precautions to prevent the deposit of mud and debris on the adjacent highway.

The development hereby permitted shall thereafter be carried out in accordance with the approved management plan.

Reason: To minimise danger and inconvenience to highway users and to accord with NPPF advice.

INFORMATIVES

1. The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the appropriate Water Authority may be necessary.
2. 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.
3. 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.
4. The applicant is advised that the access will have 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 footway, carriageway, verge or other land forming part of the highway. A minimum period of 8 weeks is required to draw up the agreement following the receipt by the Highway Authority of a completed Section 278 application form. Please contact Development Management at the following address for information:
Development Management
6th Floor, County Hall
Walton Street
Aylesbury
Buckinghamshire
HP20 1UY
Telephone 0845 2302882

5. The development shall not begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, off-loading, parking and turning within the site during the construction period.
6. Adequate precautions shall be taken during the construction period to prevent the deposit of mud and similar debris on the adjacent public highways.
7. It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
8. The applicant is advised to visit the BCC Website – <http://www.buckscc.gov.uk/services/environment/flooding/sustainable-drainage-suds/guidance-documents/> for information on what drainage details should be included in the Reserved Matters application. Useful documents which can be found there are; a Developer Pack, SuDS checklist and Surface Water Pro-Forma, as well as links to other guidance documents and websites. The BCC website also contains the Local Flood Risk Management Strategy (LFRMS) and Preliminary Flood Risk Assessment (PFRA) which are strategically important documents that should be reviewed.
9. The applicant is advised that they should, as part of the surface water strategy, demonstrate that the requirements of local surface water drainage policies have been met and the recommendations of the relevant Strategic Flood Risk Assessment (SFRA) have been considered.
10. The applicant is advised that with regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 0093921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
11. The applicant is advised that Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
12. The applicant is advised that Thames Water assumes foul flows will be connected to the public sewer by gravity (not pumped) and that no surface water flows will be discharged to the public sewer.
13. The applicant is advised that measures to facilitate the availability of high speed broadband connection to the occupants of the development are to be considered prior to the commencement of development on the highway network.
14. Your attention is drawn to the "Recycling and Waste: Advice Note for Developers 2015 " to assist developers and planning applicants by highlighting Aylesbury Vale

District Council's current management of refuse and recycling collections and what provisions will be expected when proposals for new dwellings and commercial premises come forward in the future and the adopted policy on waste container charges . Developers should contact the Council's Operations and Waste Management Section for specific advice on current recycling collection arrangements. <http://www.aylesburyvaledc.gov.uk/planning-policy/publications-list/miscellaneous/>

15. You are advised that Planning Obligations have been entered into in connection with this permission.

WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, the applicant/agent was informed of the issues arising from the proposal and given the opportunity to submit amendments/additional information in order to address those issues prior to determination. The applicant/agent responded by submitting amended plans/additional information which were found to be acceptable so the application has been approved.

Case Officer: Mrs Nina Hewitt-Jones

Telephone No:01296 585282

REFERENCE NO	PARISH/WARD	DATE RECEIVED
FOR: 17/01248/AOP	Marsh Gibbon	03/04/2017
<p>OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR THE DEVELOPMENT OF LAND FOR UP TO 10 DWELLINGS AND A LOCAL SHOP, TOGETHER WITH ASSOCIATED PARKING, OPEN SPACE AND SUSTAINABLE DRAINAGE</p> <p>SITE B LAND SOUTH OF CASTLE STREET AND WEST OF LONGHERDON FARM</p> <p>LAND AND PARTNERS LIMITED</p> <p>STREET ATLAS PAGE NO</p>	<p>The Local Member for this area is: -</p> <p>Cllr Angela Macpherson</p>	

1.0 The Key Issues in determining this application are:-

- a) The planning policy position and the approach to be taken in the determination of the application.**
- b) Consideration of the development in relation to Development Plan Policies (Marsh Gibbon Neighbourhood Development Plan and those policies of AVDLP that can be given full weight)**
 - **Development in Conservation Areas**
 - **Archaeology**
 - **Good Design**
 - **Impact on residential amenity**
 - **Housing development on the boundary of the settlement**
 - **Meeting local housing needs**
 - **Affordable Homes**
 - **Density of all housing**
 - **Providing Parking Spaces**
 - **Enhancing, Protecting and Provision of new Natural Environment Habitats, Trees and Hedgerows, and biodiversity**
 - **Promoting healthy communities**
 - **Water and Waste**
- c) Whether the proposal would constitute a sustainable form of development having regard to:**
 - **Building a strong competitive economy**

- Delivering a wide choice of high quality homes
- Promoting sustainable transport
- Conserving and enhancing the historic environment
- Meeting the challenge of climate change and flooding

d) CIL/S106 issues

The recommendation is that permission be **refused**.

CONCLUSION AND RECOMMENDATION:

- 1.1 S.38(6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act 1990 require that applications for planning permission be determined in accordance with the Development Plan unless material considerations are of such weight to indicate that an alternative decision should be made. The application has been evaluated against the extant Development Plan, which comprises in this instance Marsh Gibbon Neighbourhood Plan and saved policies of Aylesbury Vale District Local Plan, and the NPPF; and the report has assessed the application against the core planning principles of the NPPF and whether the proposals deliver sustainable development.
- 1.2 It is considered that the development would conflict with the provisions of policies MG2, MG5, MG 19 of the MGNP, AVDLP policies GP35, GP38, GP53 and GP40, and the guidance set out in the NPPF and therefore would not accord with the development plan when considered as a whole.
- 1.3 It is accepted that the development would make a limited contribution to the housing land supply and although the Council can currently demonstrate a 9 years supply of housing (excluding any unmet need) this development would help to maintain supply. The proposal would also provide affordable housing which would be a benefit. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site, as well as new jobs associated with the retail unit.
- 1.4 It is recognised that the proposed shop would provide additional facilities and services within the village to serve the local community, to complement the existing retail offer and would be located within a central part of the settlement.
- 1.5 The traffic generation from the development of up to 10 dwellings is considered to be acceptable, and details of the access and layout are to be considered as reserved matters, such that in principle there would not be a material impact on the safety or convenience of users of the highway, as confirmed by the County Highway Authority. The site is located in a sustainable location although financial contributions towards necessary improvements to community transport would be secured through an s106. The site has potential to deliver sufficient parking and cycle provision commensurate to the quantum of development proposed, as well as additional car parking for the use of the school and general public use which is a benefit of moderate positive weight. The finer details would be considered at reserved matters stage in accordance with the MGNP parking standards.
- 1.6 It is concluded that the proposal would have a significant adverse impact on the rural landscape impact and settlement character and, whilst the detailed design and form of the proposal is a reserved matter, it has not been demonstrated that the site could accommodate the proposed quantum of development without unacceptably harming the character and appearance of the area having regard to its rural context and surroundings.

- 1.7 Furthermore, The proposal, having special regard to the statutory tests set out under sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 would have an adverse impact on the setting of the Marsh Gibbon Conservation Area and nearby Listed Buildings. The significant adverse harm identified would not be outweighed by the public benefits of the proposal relating mainly to the provision of the retail unit, school car park and 10 dwellings.
- 1.8 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of the impact on biodiversity and on flooding and the drainage of the site would be acceptable subject to the approval of further details/conditions. Other matters such as providing healthy communities and addressing residential amenities are also considered to be acceptable. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally.
- 1.9 Weighing all the above factors into the planning balance, and having regard to the made MGNP, the NPPF as a whole, all relevant saved policies of the AVDLP, and supplementary planning documents and guidance and in applying paragraph 14 of the NPPF, it is considered that the adverse impacts would significantly and demonstrably outweigh the public benefits and housing and economic benefits of the proposal and as such, the outline application should be refused.
- 1.10 It is therefore recommended that the application be REFUSED for the reasons set out below.

Reason 1:

The proposal comprises the development of a greenfield site which would result in an urbanising obtrusion in to the open countryside reducing open land that contributes to the form and character of the rural settlement, with significant adverse impacts on the landscape character and appearance of the site and its surroundings, the character and setting of the village, and on receptors experiencing views through the site to the open countryside from the footway along Castle Street. The overall harm would be also exacerbated by the introduction of urbanising development to Castle Street as a result of the new retail unit, removal of hedgerow to facilitate the proposed access arrangements and associated visibility splays. Additional harm would also arise from the associated domestic paraphernalia associated within the proposed development. The proposal would therefore fail to comply with the core planning principles of the National Policy Framework to recognise the intrinsic character and beauty of the countryside and to reuse land that has been previously developed. For these reasons, the proposal would be contrary to the policies MG2, MG5, MG19 and objectives of the Marsh Gibbon NDP, policies GP35, GP40 of the Aylesbury Vale District Local Plan and the provisions of the National Planning Policy Framework.

Reason 2:

The proposal, through the introduction of dense modern form of development in a backland location within the context of nearby Listed Buildings and Conservation Area that fails to respect the historic settlement character, would harm their settings which would have a negative impact upon the appreciation of the historic and aesthetic values of these heritage assets causing significant harm to their significance. The harm identified would not be outweighed when assessed against the public benefits of the proposal. For these reasons, the proposal would be contrary to policy MG2 and objectives of the Marsh Gibbon NDP and provisions of policies GP35 and GP53 of the Aylesbury Vale District Local Plan and the provisions of the National Planning Policy Framework.

Reason 3:

Had the above reasons for refusal not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a Section 106 Agreement to secure financial contributions towards highways improvements and the provision of off site sport and leisure facilities and affordable housing. In the absence of such provisions, the proposal is contrary to the requirements of Policies MG8 and MG18 of Marsh Gibbon Development Plan, policies GP2, GP86, GP88 and GP94 of the Aylesbury Vale District Local Plan, the adopted Sport and Leisure SPG, and NPPF advice.

1.17 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, whilst it is recognised that the applicant has sought to address landscape, heritage and design impacts, there are fundamental conflicts with development plan policies and advice in the National Planning Policy Framework. The material considerations identified are not sufficient to outweigh the matters described above. Officers therefore recommend the application is refused.

Notwithstanding the above, and acknowledging the support for the retail unit within the local community, AVDC officers have offered to meet with the applicant to explore an potential alternative scheme that incorporates the retail unit and some small scale residential development but largely limits it to the northern part of the site fronting Castle Street.

2.0 INTRODUCTION

- 2.1 The application needs to be determined by committee as the Local Ward Member, Cllr Macpherson, and the Marsh Gibbon Parish Council have raised material planning reasons in support of the application and confirm that they will speak at the Planning Committee meeting.

Cllr Macpherson has commented as follows:

‘Marsh Gibbon is a rural village in a conservation area and thus constrained in terms of viable sites for development. The proposed site is one very much supported by residents of Marsh Gibbon and the parish council and has been the subject of frequent consultation between the developers and the community. The plans have already been adjusted to take account of previous planning concerns and the community is comfortable and very supportive of the current proposals which they feel answer the needs of the village and the style and size are in keeping with the character of the village.

The village shop has recently closed on 4th august 2017 and therefore the fact that this site will deliver a village shop is fully supported by the village and a much needed amenity. Additionally the proposed site will deliver up to twelve further parking spaces for the village. As the site is opposite the local school where there is significant congestion every morning and afternoon in school term this is again fully supported by the community.

I have been present at several of the exhibitions and at parish council meetings where Land and Partners have presented their plans for all three proposed sites and can confirm

that Site B is the one particularly supported by the community due to the benefits outlined above.'

3.0 SITE DESCRIPTION

- 3.1 The site is located to the south of Castle Street (a 30 mph road) of Marsh Gibbon. The parcel of land measures 0.98ha in area and comprises grade 4 agricultural land. Castle Street forms the northern boundary of the site with a School on the opposite side of the road; to the east and west the site is bounded by existing dwellings; and to the south and south-east is open countryside. The topography of the site appears relatively flat with a gradual changes in levels of 1.5-2m from north to south.
- 3.2 The boundaries of the site, with the exception of the southern boundary, are marked by grade B mature trees/hedging of varying height, with field gate access to Castle Street providing views through the site to the open countryside to the south. There are several grade C trees within the site.
- 3.3 Nearby heritage assets include, The Marsh Gibbon Conservation area and Grade II Listed building 'Box Farm' located beyond the north-western boundary of the site, further west is the Grade II Listed 'Old Red Lion' and Grade II Listed 'Ewelme Cottages'
- 3.4 The application site falls within Flood Zone 1 (lowest risk of flooding) according to Environment Agency Flood maps and not subject to any Tree Preservation Orders (TPOs).

4.0 PROPOSAL/DESCRIPTION OF DEVELOPMENT

- 4.1 The application seeks outline planning permission with all matters reserved for the development of land for up to 10 dwellings and a local shop, together with associated parking, open space and sustainable drainage. This site is named as Site B which forms part of four sites submitted for development within Marsh Gibbon including 22 dwellings are proposed on Site A in application ref. 16/03379/AOP, 10 dwellings are proposed on Site C in application ref. 16/03380/AOP and 9 dwellings on Site D in application ref. 17/01723/AOP.
- 4.2 Whilst the application is in outline form, with all matters reserved, the illustrative plans show a retail unit (approx. 117m² GIA) on the northern boundary of the site with Castle Street, and the western portion of the main body of the site to be developed for up to 10 residential houses. The retail unit would front Castle Street with 2 car parking areas adjacent, one to serve the customers of the shop, the other to provide over flow parking for the school located opposite. The proposed houses would be located along the western boundary of the site and indicated to be of a rural design approach. The plans also show (illustratively) an altered access to Castle Street of 5.5m width (with 2.4m x 43m visibility splays) off which a spine road which follows the eastern boundary of the site leading to the proposed houses.

5.0 RELEVANT PLANNING HISTORY

- 5.1 15/04214/AOP - Outline planning permission with all matters reserved for the development of land for up to 22 dwellings and a local shop, together with associated parking, open space and sustainable drainage –Following officer advice that the proposed development would fail to accord with Development Plan policy and NPPF guidance the application was withdrawn

6.0 PARISH COUNCIL COMMENTS (MARSH GIBBON PC)

- 6.1 Marsh Gibbon Parish Council SUPPORT this application as the proposed site will add to the village amenities with the addition of a village shop and will relieve parking at the school. It is also generally in line with the Neighbourhood Plan.
- 6.2 The Council requests that the following is also noted:

- The application states that gas is available in the village: gas it not available in the village so room should be made available for oil or gas tanks and delivery lorries.
- The application states that there is an hourly bus service: this statement should be corrected as there is not an hourly bus service.
- The visibility splay needs to be improved.
- It is not clear how many parking spaces are available: the application needs to comply with MG13 and MG14 in the Marsh Gibbon Neighbourhood Plan.

7.0 CONSULTATION RESPONSES

7.1 Landscape

7.2 The site contributes to a sense of place and cements the village of Marsh Gibbon in the surrounding rural environment. The hedgerow to the northern boundary positively enhances the rural street scene and is important to the setting of the village and the Conservation Area.

7.3 The proposed development (in particular the residential housing) would lead to an extension of development into the open countryside. As a result, this would not contribute to or enhance the physical characteristics of the site and its surroundings, nor does the development feel part of the historic scale and context of the village setting. The proposed development would alter the landscape character of the baseline plot from open countryside to a shop and private residential housing. This change would be irreversible and significant for the site, its immediate setting and would be adverse in nature

7.4 Heritage

7.5 The centre of the village is marked by the junction of Church Street and Castle Street with Clements Lane branching off southwards. This length of Church Street provides some of the best townscape views in the village. Of particular interest are the farm buildings which form an integral part of the street scene.

7.6 Box Farm is a centrally located farmstead and sits at the heart of the village with views glimpsed from the street scene of its rural backdrop. The rural setting is a key feature of the village and the listed farmstead and the linear development pattern of development along roads is characteristic of the settlement pattern with the heart of the village formed around the road junction, manor house, church and the cluster of listed buildings.

7.7 The proposed access road for this development would be alien to this traditional road pattern and would set a dangerous precedent of backland development thereby substantially harming the rural character of the settlement, listed buildings and conservation area. No development at the rear is acceptable from a heritage perspective.

7.8 Development along Castle Street may be an option however this would need to be very carefully handled both from a built form and landscape point of view in order to maintain the village character and the greenery of the street scene. Whilst the provision of a local shop may be supported as a community facility, it is considered that showing this sat amongst a green space misleading as a design concept. Also landscaping screening as show would not be achievable due to sight splays.

7.9 If any further scheme is forthcoming would suggest that this needs the applicant to assess in far greater detail the significance of the heritage assets affected, including the contribution made by their setting.

- 7.10 *Additional comments following the receipt of additional heritage information from applicant dated 28 July 2017:*
- 7.11 This application would be harmful to designated heritage assets – listed buildings and Marsh Gibbon Conservation Area. The impact on the setting of Box Farm would be major irreversible change. Also the rural setting of The Old Red Lion would be significantly affected and adversely impacted. In addition whilst the overall impact on the Castle Street central area conservation area is less than substantial harm when considered as a whole, the localised impact in this part of the conservation area would be substantial harm.
- 7.12 The conservation area was originally designated in 1980 and the original appraisal document that accompanies this designation states that “Infilling and backland development will be carefully controlled...the siting of new buildings should generally follow the pattern of established by the old. Special care will be exercised to conserve the open character of the eastern part of the village”. The appraisal plan also highlights the importance of the landscape view from Castle Street across the site to the Brill Hills beyond.
- 7.13 The scheme as submitted is a poorly designed layout that would provide backland development which would not respect the setting of the conservation area or reflect the historic plan form. The linear pattern of the settlement with views glimpsed from the street scene of the rural back drop is a key characteristic of the conservation area.
- 7.14 **Historic England**
- 7.15 No representations received
- 7.16 **Thames Water**
- 7.17 Waste Comments: Thames Water would advise that with regard to sewerage infrastructure capacity, there would not have any objection to the above planning application.
- 7.18 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. Water Comments: On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, they would not have any objection to the above planning application.
- 7.19 **SUDS**
- 7.20 No objections subject to conditions securing details of surface water drainage scheme, long term maintenance and implementation verification report.
- 7.21 **Housing**
- 7.22 Attention should be paid to the Marsh Gibbon Neighbourhood Plan, in particular policy MG8. This states that affordable housing provision will be sought for residential developments of between 5 and 14 dwellings gross and should include at least 20% of dwellings as affordable onsite or a financial contribution equivalent to 25% onsite where this is impractical. For a scheme of 10 dwellings this would equate to 2 affordable units onsite.
- 7.23 **Archaeology**
- 7.24 If planning permission is granted for this development then it is may harm a heritage

asset's significance - No objection subject to conditions to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 141.

7.25 Biodiversity

7.26 No objection however an Ecological Mitigation and Enhancement Plan will be required to be submitted for approval at reserved matters to demonstrate this application generates net ecological gains as required under NPPF.

7.27 Education

7.28 No financial contributions requested as below 11 unit threshold.

7.29 BCC Highways

7.30 No objection to this application subject to appropriate highways conditions relating to details of estate roads, surface water disposal from the highway, off-site highways works including new crossing point to Castle Street and widening of footway, visibility splays, car parking and garaging, construction management plan (including measures to avoid damage to highway and the deposit of mud/debris) and obligations being included in a S106 Agreement relating to the monitoring of the Travel Plan, a financial contribution towards improving local Community Transport provision and a contribution towards a new bus shelter, associated kerb side infrastructure including maintenance and up to date service information at Station Road & Church Street.

7.31 Green Spaces

7.32 An off-site financial contribution in lieu of on-site sport and leisure facilities would be appropriate in this case and be dependant upon the number of bedrooms per dwelling.

7.33 Environmental Health

7.34 No objections

7.35 Environment Agency

7.36 No representations received

8.0 REPRESENTATIONS

8.1 1 neighbour letter has been received which raises the following objections:

- Adverse impact on highway safety including on school children crossing the road due to the introduction of the proposed road junction with parking and shop access in close proximity to the school entrance (probably the most sensitive safety area in the village especially during school-run times). Furthermore, the access would have inadequate visibility splays, the proposal would result in excessive traffic generation and the supporting traffic surveys are inadequate fail to take account cumulative impact of committed and emerging development within the locality.
- The proposed development is not in keeping with the surrounding conservation area and has a detrimental impact on the curtilage of the Grade II listed buildings adjacent to the site on both east and western boundaries - supported by comments in the 2017 Aylesbury Vale HELAA which note the adverse impact on long distance views and setting of Marsh Gibbon village.

- Proposed mitigation measures are not deliverable once sight lines and functional road widths are detailed. The purpose of the green-space to the east of the site is not clear, and the proposals do not address the 'sensitive residential edge' that forms part of the eastern edge of the development area.
- Adverse impact on neighbouring residential amenity by way of loss of privacy, increased noise and disturbance (from the operation of the shop 7am-11pm),) and loss of security.
- The proposal would set a precedent for the future development of adjacent land/fields.

9.0 EVALUATION

9.1 Introduction

9.2 Members are referred to the Overview Report before them in respect of providing the background information to the Policy Framework when coming to a decision on this application. The application should be considered in the context of Paragraph 14 of the NPPF where there is a strong presumption in favour of granting planning permission unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. The main issues for determining this application are set out in sequence below:

9.3 a) The planning policy position and the approach to be taken in the determination of the application

9.4 The starting point for decision making is the development plan. In this case the Development Plan comprises the Marsh Gibbon Neighbourhood Plan (MGNP) and "saved" policies of AVDLP. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the Development Plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of any formal application would need to consider whether the proposal constitutes sustainable development having regard to Development Plan policy and the NPPF as a whole.

9.5 National planning policy is set out in the NPPF (March 2012). At the heart of the NPPF is the presumption in favour of sustainable development. The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. The presumption in favour of sustainable development in decision-taking is explained at paragraph 14 of the NPPF. Unless material considerations indicate otherwise, proposals that accord with the development plan should be approved without delay. Where the relevant policies are out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies within the NPPF indicate that development should be restricted. NPPF paragraph 198 explicitly applies the principle set out in S38(6) of the Planning and Compulsory Purchase Act 2004 to adopted Neighbourhood plans, stating that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

9.6 Marsh Gibbon has a made neighbourhood development plan (Marsh Gibbon Neighbourhood Plan (MGNP) October 2014, made 2 February 2015); this forms part of the development plan, against which planning applications in the area will be assessed. The

MGNP has regard to national policy and is in general conformity with the strategic policies of the Development Plan and contributes to the achievement of sustainable development. This is considered up to date and its policies carry full weight.

- 9.7 Whilst the MGNP does not identify a settlement boundary or specify housing numbers or allocate sites for housing, it does have a number of policies that can be considered to shape and direct new housing development; these are MG5/MG6 for development on the edge of the village and infilling.
- 9.8 A number of other policies in the MGNP are also relevant (as consider further below) including policies MG1 (Development within Conservation Areas), MG2 (Distinctive Local Character), MG7 (Meeting Local Needs), MG (Affordable Homes), MG9 (Density of All Housing), MG10 (Small scale Business), MG13 (Providing Parking Spaces), MG15 (Business Traffic), MG16 (Access and Parking for School), MG17 (Protection of Community Facilities), MG18 (Enhancing, Protecting and Provision of New Recreation Facilities), MG19 (Enhancing, Protecting and Provision of new Natural Environment Habitats, Trees and Hedgerows) and Policy MG20 (Water and Waste)
- 9.9 Marsh Gibbon is listed in the Aylesbury Vale District Local Plan as an Appendix 4 settlement where limited small-scale development is considered acceptable in principle. This position is supported by the Settlement Hierarchy Assessment 2015 and draft Assessment 2016 which identify Marsh Gibbon as a 'Larger Village', then 'Medium Village' respectively as the 2016 draft introduces medium as an additional level.
- 9.10 However, the AVDLP is time-expired therefore it is accepted that for the purposes of decision making, the approach outlined in paragraph 14 of the Framework needs to be followed which states that where the development plan is out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
- 9.11 With regards to housing supply, the LPA can demonstrate a five year housing land supply. In the latest five year housing land supply position statement, August 2017, this shows that the District have a 9.0 year supply this year. The development of the site for housing would make a contribution to maintaining the supply of housing for the District
- 9.12 However, it is acknowledged that this continues to be an interim position as no element of unmet need that the Authority will be asked to accommodate in Aylesbury Vale is included. It would not be appropriate to include that unmet need element in the housing requirement as any potential unmet need figure is not agreed with other HMA authorities as yet. This means that paragraph 49 of the NPPF is no longer engaged.
- 9.13 In addition, a number of general policies of the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance in this particular case are GP8, GP24, GP35, GP38 - GP40, GP53 and GP59. They all seek to ensure that development meets the three dimensions of sustainable development and are otherwise consistent with the policies which seek to protect the intrinsic character and beauty of the countryside, to deliver a wide choice of high quality homes of good design, to promote healthy communities and ensure necessary supporting infrastructure and facilities to serve those communities.
- 9.14 This report will first assess the development proposal against the up to date Development Plan, and will then go on to consider other material considerations including NPPF and PPG.
- 9.15 Emerging policy position in Vale of Aylesbury District Local Plan (draft VALP)

- 9.16 The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. The draft Vale of Aylesbury Local Plan was been published and was subject to public consultation for an 8 week period between July and September 2016. Comments are being analysed and any adjustments made for the pre submission consultation timetabled for November/ December 2017. The adoption of the Vale of Aylesbury Local Plan is planned to be in 2018.
- 9.17 Currently this document cannot be given material weight for the purposes of decision making at this stage, as it is still too early in the planning making process, however the evidence that sits behind it is a material consideration.
- 9.18 Of particular relevance to this application is Buckinghamshire Housing and Economic Development Needs Assessment (HEDNA) Update December 2016 which set out the needs of each of the districts within Buckinghamshire in terms of market and affordable housing, housing mix, etc. Although it does not identify whether and how much housing Aylesbury Vale may be asked to take from other districts/Housing Market Areas within Bucks or the surrounding areas. Also Settlement Hierarchy Assessment 2015 and draft Assessment 2016, which identify settlement size, connectivity, employment, key and non-key services for each settlement and place them in the hierarchy based on sustainability.
- 9.19 The site is identified in the HELAA (Housing and Economic Land Availability Assessment 2017) forming part of a larger parcel of land measuring approximately 6.4Ha. The site assessment indicates the site is unsuitable for housing or economic development, with the exception of the part of the site fronting Castle Street which may have potential for housing development. The rest of site has landscape sensitivities and development would have an adverse impact on long distance views and setting of Marsh Gibbon village
- 9.20 The HELAA, is an important evidence source to inform Plan-making, but its identification of a site does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted.
- 9.21 b) Whether the proposal would constitute a sustainable form of development**
- 9.22 The Government's view of what sustainable development means in practice is to be found in paragraphs 18 to 219 of the NPPF, taken as a whole (paragraph 6). The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.
- 9.23 Marsh Gibbon is listed in the Aylesbury Vale District Local Plan as an Appendix 4 settlement where limited small-scale development is considered acceptable in principle. This position is supported by the Settlement Hierarchy Assessment 2015 and draft Assessment 2016 (which identify Marsh Gibbon as a 'Medium Village'). Marsh Gibbon is therefore considered to be a sustainable location for directing residential development in principle
- 9.24 The proposal for the new retail unit would improve the services and facilities within the village subject to the material considerations discussed below which include the means of ensuring certainly in the delivery of the retail unit, amongst other elements (specially considered under the 'CIL/s106 issues' section). The proposed new dwellings will need to be considered not only in terms of its impact on the localised site and surroundings but also in terms of the wider capacity of the village to accept this level of population growth, having regard to its impact on the infrastructure and local services and the community itself. The proposals are considered in more detail under the headings below.

9.25 Consideration of the development in relation to Development Plan Policies (Marsh Gibbon Neighbourhood Development Plan and those policies of AVDLP that can be given full weight)

9.26 Development in Conservation Areas

9.27 The site is located adjacent to the Marsh Gibbon Conservation Area which is located to the north west of the site. It is a core planning principle in the NPPF to conserve and enhance the historic environment and to require good design. Section 12 identifies Conservation Areas as designated heritage assets. MGNP policy MG1 and AVDLP policy GP53 both seek to achieve this. Section 7 of the NPPF states that design assessment should concentrate on “overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”; which is reflected in AVDLP policy GP35.

9.28 Policy MG1 requires new development in conservation areas to be in harmony with existing buildings and the street scene. New buildings are likely to be finished in natural stone, with clay or slate tiled roofs or thatched; and should be of an appropriate scale, massing and proportions so as to ensure that they are in keeping with the traditional buildings located in the Conservation Areas.

9.29 Policy GP53 seeks to preserve or enhance the special characteristics that led to the designation of the area, through preventing development that would cause harm to the character or appearance of Conservation Areas, their settings or any associated views of or from the Conservation Area, and supporting development or redevelopment that respects the historic layout, scale and form of buildings, street patterns, open spaces and natural features in the Conservation Area that contribute to its character and appearance. Alterations, extensions and changes of use must respect and complement the character, materials and design details of the structure and site concerned and its neighbours.

9.30 Policy GP35 of the Aylesbury Vale District Local Plan states that the design of new development proposals should respect and complement the physical characteristics of the site and the surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. It is also reinforced by the Council’s adopted supplementary planning guidance in the form of the New Houses in Towns and Villages Design Guide which seeks to promote and reinforce local distinctiveness and encourages new development to recognise and respect landscape and local character.

9.31 Policy MG5 states applications for development on land contiguous with the current boundaries of the built environment of the village will be supported in principle provided they do not create ribbon development; and do not adversely intrude on the views in and out of the village identified in the Conservation Areas Appraisal.

9.32 The centre of the village, which falls within the conservation area, is marked by the junction of Church Street and Castle Street with Clements Lane branching off southwards. This length of Church Street provides some of the best townscape views in the village. The rural setting is a key feature of the village and the linear development pattern of development along roads is characteristic of the settlement pattern with the heart of the village formed around the road junction, manor house, church and the cluster of listed buildings.

9.33 The conservation area was originally designated in 1980 and the original appraisal document that accompanies this designation states that “Infilling and backland development will be carefully controlled...the siting of new buildings should generally follow the pattern of established by the old. Special care will be exercised to conserve the open

character of the eastern part of the village". The appraisal plan also highlights the importance of the landscape view from Castle Street across the site to the Brill Hills beyond.

- 9.34 The conservation area is located adjacent to the north-west boundary of the site. The illustrative plans suggest dense modern development within a backland location which would not respect the setting of the conservation area or reflect the historic plan form. The linear pattern of the settlement with views glimpsed from the street scene of the rural back drop is a key and important characteristic of the conservation area. Furthermore, the proposal would have a harmful impact on views in and out of the conservation area, and landscape views through the site from Castle Road to the Brill Hills to the south which are identified in the conservation area appraisal. The view from Castle Road is currently of open countryside which would be replaced by, based on the illustrative plan, urbanising development including the retail unit, access road and junction, the 2 off road parking areas and residential built form extending into the countryside.
- 9.35 In addition, it is considered that the proposed access road for this development would be alien to this traditional road pattern and would set a precedent of backland development further harming the rural character of the settlement and conservation area.
- 9.36 For these reasons, it is considered that the proposal would not accord with the overall aims of MGNP policies MG1 and MG5, AVDLP policies GP35 and GP53 and the advice in the New Houses in Towns and Villages Design Guide, and the NPPF and NPPG in relation to design and conservation areas.
- 9.37 Furthermore, special regard has also been given to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. It has been concluded that development would not preserve the setting of the conservation area; so the proposal would not accord with section 72 of the Act. Harm would be caused to the significance of the heritage assets as identified above which must be weighed against the public benefits of the proposal in accordance with guidance contained within the NPPF.
- 9.40 Archaeology
- 9.41 In addition to the Development Plan Policies identified above, conservation and enhancement of archaeological assets also forms part of this core planning principle and advice in Section 12 of the NPPF, and advice within the PPG. This is secured within the development plan by saved policy GP59 of AVDLP.
- 9.42 The County Council Archaeological Officers have been consulted and conclude the proposal could result in harm to archaeological heritage assets and therefore further archaeological investigations should be undertaken prior to development commencing. In this case this could be undertaken by imposing a condition to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 141. It is considered that the development has potential to harm a heritage asset's significance, however with reference to the NPPF and policy GP59 of the Local Plan, and based on the advice in DOE Circular 11/95, subject to a suitable condition and satisfactory details at reserved matters stage that the development has potential to preserve/enhance the significance of the archaeological heritage asset.
- 9.43 Good design
- 9.44 Policy MG2 of the MGNP advises that outside the Conservation Areas new buildings should be an asset to the street scene in terms of: quality of materials (respecting and complementing the materials used on buildings nearby); their location on a site; and their

relationship with existing development. It goes on to say that buildings should be no more than two storeys in height unless special circumstances can be demonstrated to prove that there will be no adverse impact on the character and appearance of the area. Policy MG9 of the MGNP states that applications will be permitted that respects the rural nature of the village by allowing a density of up to 25 dwellings to the hectare.

- 9.45 The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Development should function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development and provide for an appropriate mix of uses, respond to local character and history, create safe and accessible environments which are visually attractive.
- 9.46 Policy GP35 is also relevant and which requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting; the natural qualities and features of the area; the effect on important public views and skylines.
- 9.47 Whilst the proposal would not exceed 25 dwelling per hectare as set out in policy MG9, the supporting plans indicates a dense form of backland development in a rural countryside location which has little regard to the pattern of surrounding development and the settlement character. Furthermore, the proposed access road and car parking would introduce urbanising development that would adversely affect the rural character and setting of the village which would fail respond to local character, fails to promote or re-inforce local distinctiveness and fails to reflect the identity of local surroundings.
- 9.48 It is recognised that the applicants have sought to address landscape and heritage concerns raised on the earlier submission, with the submitted scheme being significantly reduced from earlier iterations, and taking into account detailed design matters including, external appearance, materials, scale, layout and landscaping would be assessed at reserved matters stage, however the illustrative plans do not demonstrate that a satisfactory form of development could be achieved within the site without resulting in significant adverse harm to the character and appearance of the area.
- 9.49 Overall, it is considered that the principle of the design approach and the indicative development would have not have an acceptable impact on the physical characteristics of the site and surroundings, the overall settlement pattern and the rural setting of the village contrary to MGNP policy MG2, AVDLP policy GP35 and advice in the NPPF.
- 9.50 Impact on residential amenity
- 9.51 Policy GP8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. Where planning permission is granted, the Council will use conditions or planning obligations to ensure that any potential adverse impacts are eliminated or appropriately controlled. The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings.
- 9.52 The proposal is for residential development comprising of up to 10 dwellings, new retail unit and associated infrastructure. At this outline stage the submitted masterplan is only indicative in nature and details are to be considered at the reserved matters stage. However, based on the indicative layout, taking into account separation distances from neighbouring dwellings, and intervening landscape features, it is demonstrated and accepted that the application site can accommodate the proposed development whilst preserving neighbouring residential amenity. In respect of the potential and disturbance

associated with the operation of the retail unit, this could be controlled through planning conditions that control, amongst other elements, the hours of operation and deliveries/servicing.

9.53 The indicative plans also demonstrate, taking in account the level of proposed internal and external amenity space, the proposed houses would create a satisfactory standard of accommodation for future occupiers.

9.54 For these reasons, it is considered that the proposal would have an acceptable impact on neighbouring residential amenity and create a satisfactory standard accommodation for future occupiers in accordance with policy GP8 of the AVDLP and the guidance set out in the NPPF.

9.55 Housing development on the boundary of the settlement

9.56 The core planning principles set out in the NPPF highlight the importance of not only delivering needed housing, but simultaneously responding to differing roles and characters of areas, recognising the intrinsic character and beauty of the countryside and managing patterns of growth for sustainability. Policies RA13 and RA14 relating to the supply of housing district wide, are now out of date given that these identified housing targets for the plan period up to 2011. However, the MGNP seeks to achieve the delivery of housing through directing new housing at the edge of the settlement or infill through Policies MG5 and MG6.

9.57 Policy MG5 states “Applications for development on land contiguous with the current boundaries of the built environment of the village will be supported in principle provided they do not create ribbon development; and do not adversely intrude on the views in and out of the village identified in the Conservation Areas Appraisal.” Policy MG6 states “New homes on infill sites will be permitted where the proposal respects their immediate environments and their design maintains and contributes to local distinctiveness. Where the development comprises more than four units the homes should be grouped to allow a small landscaped area for use by the development residents whilst maintaining the privacy of the houses.”

9.58 The proposed development is considered to be contiguous with the current built environment with existing residential dwellings and associated curtilages to the west of the site and would not create ribbon development. However, as set out above, the development would adversely impact on views in and out of the village identified in the Conservation Area Appraisal contrary to policy MG5 of the MGNP.

9.59 Whilst the site does lie within a gap between the properties on Castle Street, it does not constitute an infill development, thus policy MG6 does not apply in this instance.

9.60 For these reasons it is considered that the proposed development would not fully accord with policy MG5 of the MGNP.

9.61 Meeting local housing needs

9.62 Section 6 of the NPPF – Delivering a wide choice of high quality homes – identifies the need for housing provision to meet the necessary mix of size, type, tenure and range of housing, reflecting local demand.

9.63 The MGNP seeks proportionate and appropriate opportunities to meet the development needs of its area, including allowing for some building beyond the current village boundaries. It does not identify specific sites for housing development. Policy MG7 seeks to ensure developments meet local needs; it states that: applications should include a mix

of houses in size and type, reflecting the existing and projected needs in the village. Specific regard should be had to the need for low-cost market housing, as well as the needs of young families looking for 2 and 3 bedroom properties and of a growing ageing population in the village and the corresponding need for more homes suitable for lifetime occupation by the elderly.

- 9.64 The application is in outline form but indicates a mix of housing types including 2, 3 and 4+bed properties would be provided which would be an acceptable mix having regard to the provisions of policy MG7. The final mix would be agreed at the reserved matters stage in accordance with the requirements of policy MG7 of the MGNP.
- 9.65 For these reasons, it is considered that the development could meet the needs of young families as identified within the policy; therefore the proposal is considered to accord with policy MG7 of the MGNP and the advice on housing mix within the NPPF.
- 9.66 Affordable Homes
- 9.67 It is a core planning principle in the NPPF to seek to provide a supply of housing to meet local needs. Section 6 identifies that policies should seek to deliver both the assessed market need and the affordable housing need. MGNP policy MG8 seeks to secure provision of affordable housing on or from market housing sites, to meet an identified need.
- 9.68 When the MGNP was written, the 2014 Housing Needs Survey showed that a small scheme of around 6 affordable homes would be of benefit to the community within the Plan period, 2014 - 2031. The most recent evidence for affordable housing needs assessment at that time was set out in the Housing and Economic Growth Assessment (HEGA) (2011). Vale of Aylesbury Plan ('VAP') and Stage 1 Community Infrastructure Levy ('CIL') Viability Study (September 2012) provided viability evidence to support the policy. The HEGA then estimated an overall annual district need for affordable housing of 588 units, demonstrating a deficit of affordable housing in the District with need exceeding the supply coming forward each year. District wide, the high number of affordable units as a proportion of the annual market provision proposed supported a tiered provision over all new housing developments.
- 9.69 Policy MG8 sets out a similar tiered approach and was found acceptable without alteration by the Examiner in September 2014; the report states "This policy seeks provision of affordable housing on a sliding scale related to the number of dwellings contained within a proposed development. The policy is flexible in recognising local circumstances may dictate that off-site provision of affordable homes may be necessary. Whilst the requirement on sites of 15 or more dwellings, of at least 35% provision as affordable homes on-site, exceeds the 30% maximum rate specified in Policy GP2 of the saved policies of the Aylesbury Vale District Local Plan (AVDLP) 2001 - 2011 (2004) the Neighbourhood Plan policy recognises that divergence from the stated requirements may occur on the basis of open book calculations. I also note the evidence of local need and the significance assigned to the provision of affordable homes by the community. The Framework states that neighbourhood planning provides a powerful set of tools for local people to ensure they get the right type of development for their community. This policy meets the basic conditions."
- 9.70 The MGNP identified that most developments in the settlement were likely to be small developments, and so to maximise the provision of affordable housing, MG8 uses a sliding scale of provision. The policy is flexible by allowing an assessment of practicality in terms of onsite provision within housing schemes of 5-14 dwellings, with off-site financial contributions being sought where on-site provision is demonstrated to be impractical.

- 9.71 Guidance in the Written Ministerial Statement (WMS) of 28 November 2014, translated into the NPPG, stating that “contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres”. This WMS was quashed following a High Court Judgement in July 2015, but later re-instated by the Court of Appeal in May 2016. The Court of Appeal Judgement makes it clear that the WMS does not automatically override the development plan, as this would exceed s.38(6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act 1990. Paragraph 30 of the Judgement states “In our judgment, then, the policy stated in the WMS is not to be faulted on the ground that it does not use language which indicates that it is not to be applied in a blanket fashion, or that its place in the statutory scheme of things is as a material consideration for the purposes of s.38(6) of the 2004 Act and s.70(2) of the 1990 Act, and no more. It does not countermand or frustrate the effective operation of those provisions.”
- 9.72 There is no AVDLP policy requirement for affordable housing on this site as the proposed number of units falls under the current threshold and the proposed housing site is below 1ha in area.
- 9.73 In accordance with policy MG8 of the MGNP an affordable housing provision of 20% onsite is to be sought for residential developments of between 5-14 dwellings. For a scheme of 10 dwellings this would equate to an on-site provision of 2 affordable units. Policy MG8 goes on to state that where on-site provision is impractical developments should provide a financial contribution equivalent to 25% on-site provision to facilitate off-site provision of affordable homes.
- 9.74 In this particular case, it is considered on-site provision of 2 affordable housing units should be secured in the first instance. However, if satisfactory evidence is provided that on-site provision would be impractical then a 25% financial contribution towards the off-site provision of affordable dwellings should be supported as an alternative. Such provision would need to be secured through an s106 agreement detailing an either/or scenario relating to the tenure of the dwellings that may be developed at this site.
- 9.75 As this application is in outline form a s106 legal agreement would require that further details be submitted as part of the reserved matters application, including (if necessary) an affordable housing plan showing the location, tenures, sizes and mix of affordable units that will be supplied.
- 9.76 The indicative plans/housing mix do not demonstrate that on-site provision of affordable units would be physically impractical, therefore at this stage, this would be the preferred method of affordable housing delivery from the scheme. An off-site financial contribution towards off-site provision of affordable housing would only be secured if satisfactory evidence were to be provided and this would be secured through a planning obligation agreement.
- 9.77 The applicants have confirmed they would be prepared to offer affordable housing in accordance with the policy (20% of the total number of units). For these reasons, it is therefore concluded the proposal would be in accordance with policy MG8.
- 9.78 Density of all housing
- 9.79 The NPPF highlights the importance of locally distinctive character of place. MGNP policy MG9 seeks to retain the special rural character of Marsh Gibbon by limiting housing density to up to 25 dwellings to the hectare, to respect the rural nature of the village.
- 9.80 Whilst the proposed net density would be around 10 dwellings per hectare as required by policy MG9, due to the landscape and heritage harm identified within this report, it is

considered that the quantum of development would not respect the rural nature of this site and the village and therefore would be contrary to the overall aims and objectives of the policy MG9.

9.81 Providing Parking Spaces

9.82 The NPPF and PPG identify parking as integral to good design and permits parking standards where they are justified. MGNP policy MG13 states “New homes with one or two bedrooms should be provided with at least two car spaces on plot. For new homes with three or more bedrooms each property should be provided with at least three car spaces on plot.” Policy MG14 goes on to state that where proposed schemes comprise a group of four or more dwellings served with a common access road, provision should be made for visitor car parking. Policy MG15 indicates new employment uses satisfactory car parking and servicing provision should be made. Policy MG16 seeks to ensure satisfactory off-street parking provision to meet the needs of the school i.e. for parents delivering and collecting their children. These standards exceed those set out in AVDLP policy GP24 and the supporting SPG: Parking Guidelines, although this SPG is somewhat dated.

9.83 The indicative parking layout includes a range of garage spaces and parking spaces and a detailed layout would be designed to comply with policies MG13 and MG14 of the MGNP, and the District Council’s adopted parking standards. Furthermore, sufficient parking and turning areas would be provided for the proposed retail unit in accordance with policy MG15. The proposal would also include a new car park to meet the needs of the school having regard to the provisions of policy MG16.

9.84 The current application is in outline form only and therefore the final layout detail is to be considered under a subsequent reserved matters application. An appropriate mechanism would need to be secured to ensure the delivery and long term maintenance of the proposed school car park.

9.85 Enhancing, Protecting and Provision of new Natural Environment Habitats, Trees and Hedgerows, and Biodiversity

9.86 Trees and hedgerows form green infrastructure and enhance design, creating a sense of place by responding to, and enhancing, local landscape character, and provide ecological benefits. The NPPG identifies that Green Infrastructure helps to achieve sustainable development, through a range of planning policies within the NPPF. MGNP recognises the importance of trees and hedgerows, and seeks to deliver this through Policy MG19, which supports retention of high or moderate quality trees, proposals that are landscaped and include planting trees that respect the local distinctive landscape character and the proposed development, and that demonstrate a biodiversity net gain. AVDLP saved policies GP38-GP40 also seek to secure appropriate landscaping and retention and protection of trees.

9.87 *Landscape Impact:*

9.88 At the district scale the application site lies within the ‘Marsh Gibbon Vale’ Landscape Character Area (LCA 8.1) within the ‘Vale’ Landscape Character Type (LCT 8). The LCA assessment of the ‘Marsh Gibbon Vale’ concludes that the condition of the LCA as a whole is ‘Very Good’, with ‘Moderate’ sensitivity.

9.89 The ‘Marsh Gibbon Vale’ landscape is unified by its landform and strong hedgerow pattern. It remains predominantly pastoral and fields are generally medium sized and regular in shape. The LCA is a distinct landscape and sense of historic continuity combines to give a moderate sense of place. The rural character is maintained as open views are achievable due to the low lying vale landscape and limited topographic variation within the locality. The application site is typical of LCA 8.1, it is of very good condition and has retained its

distinctive boundary hedgerows. Long distance views towards the Brill Hills are possible looking south.

- 9.90 LCA 8.1 landscape guidelines seek to 'Conserve and Reinforce' the characteristics of the landscape that makes up the LCA. Statements of relevance with regard to this application are;
- Conserve the distinctive historic character and form of the villages and their settings
 - New housing and alterations to existing housing should be designed to reflect the traditional character of the area and use locally traditional materials.
 - Promote the retention of the character of minor roads by the management of hedgerows, ditches and verges and limiting urbanising elements such as signage and kerbing.
- 9.91 The site is located adjacent to a Conservation Area, and flanked on both sides by the listed buildings of Box Farm to the west and Longherdon Farm to the east. The land between these two properties unifies the rural setting of the village and the separation of the farmsteads. Views through the field access gate are open and long distance which aids in providing the visual connection between the village and the rural backdrop which makes it distinctive.
- 9.92 The site is rural in nature and is clearly associated with the adjoining agricultural fields to the east and south. North of Castle Street is the village primary school, the application site relates well to the green openness of the school grounds which are located directly opposite.
- 9.93 The proposed road access and car parking off Castle Street would have an adverse impact on the continuity of the existing street scene. A road entrance in this location would appear incongruent to the appearance of the ribbon like settlement along the street, which is at present mostly a linear form of detached properties. This aids in creating a strong settlement edge clearly associated with the rural backdrop which is glimpsed from the gaps in between.
- 9.94 The proposed housing layout, whilst in outline form, appears out of character with the existing settlement pattern. The proposal is shown as a nucleated development separated clearly from the village. The indicative masterplan illustrates the car parking arrangement for the housing scheme, which makes the site seem urbanised, showing car parking and hard surfacing as a dominant feature.
- 9.95 In addition, the mitigation planting shown to the east of the access road appears out of place with the existing landscape character of the site, and would draw attention to the development rather than screen it.
- 9.96 Whilst in outline form, the illustrative plans suggest the proposal would require the loss of Grade B hedgerow trees along the northern boundary, and the removal 2 grade C trees within the north western corner of the site, to facilitate the proposed access with associated visibility splays and the retail unit. The removal of trees would result in a loss of public visual amenity along Castle Street contrary to the provisions of policy MG2 and MG19 which seek to ensure development does not have an adverse impact on the character and appearance of the area and is sympathetic to trees of high or moderate quality.
- 9.97 Overall the site presently contributes to a sense of place and cements the village of Marsh Gibbon in the surrounding rural environment. The hedgerow to the northern boundary positively enhances the rural street scene and is important to the setting of the village. The proposed development (in particular the residential housing) would lead to an outward extension of development into the open countryside. As a result, this would not contribute to or enhance the physical characteristics of the site and its surroundings, nor does the development feel part of the historic scale and context of the village setting. The proposed

development would alter the landscape character of the baseline plot from open countryside to a shop and private residential housing. This change would be irreversible and significant for the site, its immediate setting and would be adverse in nature.

- 9.98 Taking the above into account, it is considered the proposal would have an adverse impact on the rural landscape and settlement character contrary to the provisions of MGNDP policies MG2, MG19, AVDLP policies GP35, GP38 and GP40, and the guidance set out in the NPPF.
- 9.99 *Biodiversity:*
- 9.100 Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible. Policy MG19 of the MGNDP states that proposals will be supported that can demonstrate net gain in biodiversity in accordance with the DEFRA Biodiversity Impact Calculator.
- 9.102 These proposals involve the development of a greenfield site and are therefore likely to have a negative impact upon biodiversity if left unmitigated. An ecological assessment has been produced in support of this application which has been assessed by your biodiversity officer who raises no objection to its findings subject to the implementation of planning conditions to secure an Ecological Mitigation and Enhancement Plan to ensure the proposal generates net ecological gains as required under NPPF.
- 9.103 For these reasons, it is considered that the proposal could be designed such that it would not have a detrimental impact on biodiversity and to secure a net enhancement to biodiversity, in accordance with policy MG19 of the MGNDP and guidance set out in the NPPF.
- 9.104 Promoting healthy communities
- 9.105 Policy MG17 (Protection of Community Facilities) states that proposals will be supported that would help to secure the economic future of our two public houses and the village hall and to retain our two churches. The policy goes on to say if the present shop should close the Parish Council would wish to see the use retained in the existing building, on another site central to the village, or as part of a new development similarly located.
- 9.106 The scheme is to provide 10 houses and a retail unit. It is considered that there would be limited economic benefits in terms of the resultant increase in population and potential for new jobs contributing to the local economy. It is considered that the increase in population, although limited due to the small number of houses proposed, could help to secure the future of the churches, public houses and the hall within the village.
- 9.107 In addition, the new retail unit would be provided within a central location within the village and would complement/strengthen existing facilities within the villages. An appropriate mechanism e.g. through s106 legal agreement would be required to ensure the delivery of the shop and its long term operation.
- 9.108 For these reasons, the proposal would be in accordance with policy MG17 of the MGNDP. This is a matter which weighs in favour of the development.
- 9.109 Policy MG18 (Enhancing, Protecting and Provision of New Recreation Facilities) states that proposals that enhance and protect existing community recreation areas will be supported. The NPPF seeks to promote healthy communities by facilitating social interaction and creating healthy, inclusive communities. Policies GP86-88 and GP94 seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places,

public open space. Leisure facilities etc.) and financial contributions would be required to meet the needs of the development.

9.110 The proposal would provide financial contributions towards sport and leisure facilities and therefore the proposal would not conflict with the above mentioned policies.

9.111 Water and Waste

9.112 Management of water supply and waste water is considered under NPPF Section 10 Meeting the challenge of climate change, flooding and coastal change, and within the NPPG. Policy MG20 of MGNP seeks to ensure there is adequate wastewater and water supply capacity both on and off the site to serve the development without overloading of existing wastewater and water infrastructure. The proposal is of limited scale, creating only up to 10 units plus retail unit. The proposal is accompanied by a FRA.

9.113 It is intended to dispose of surface water on site through the use of a sustainable drainage system and an existing watercourse soakaways, and wastewater is to be disposed of by main sewer subject to any necessary improvements by statutory undertakers. There would be a retention room within the site to accommodate surface water storage. In this instance it is considered the development would be unlikely to result in overloading of the existing infrastructure subject to mitigation, and therefore would accord with policy MG20 of MGNP.

10.0 Other material considerations, including whether the proposal would constitute a sustainable form of development as defined in the NPPF.

10.1 Building a strong competitive economy

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

10.3 The scheme is to provide 10 houses and new retail unit. It is considered that there would be economic benefits in terms of the construction of the development itself and the resultant increase in population contributing to the local economy, as well as a potential jobs associated with the operation of retail unit. It is therefore considered the economic benefits are significant but should be afforded limited weight in the overall planning balance due to the small number of houses and a single retail unit being proposed.

10.4 Delivering a wide choice of high quality homes

10.5 With regards to housing supply, the LPA can demonstrate a five year housing land supply, although it is accepted that this does not include any unmet need. In the latest five year housing land supply position statement, August 2017, this shows that the District have a 9 year supply this year. The development of the site for housing would make a contribution to maintaining the supply of housing for the District and the applicants have not advised of any reasons why the development could not be brought forward in the shorter term.

10.6 It is considered the proposal would make a worthwhile contribution towards the supply of deliverable housing land in the District and this factor is a significant benefit, although tempered to limited weight given the relatively small number of dwellings proposed and the current housing land supply position.

10.7 Promoting sustainable transport

- 10.8 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved.
- 10.9 In the vicinity of this site, Castle Street is subject to a 30mph speed restriction with a carriageway width of 5.5m with a centre line marking. There is a footway on the same side of the road as the site measuring 0.9m in width and a verge of 0.7m with a verge on the opposite side.
- 10.10 *Proposed access:*
- 10.11 All matters are reserved at present. However, an illustrative location for the proposed access is shown with visibility splays of 2.4m x 43m in both directions along Castle Street. This is in accordance with BCC highways standards. Indicative drawing SK001 also shows the retail unit out to the left on exit narrowing the road at this point. This arrangement is considered acceptable by BCC as it is likely to be beneficial for pedestrians crossing the road from the school and houses on the opposite side of the road to the houses and shop proposed as part of this application. The construction of this feature will need to be carried out as part of a S278 Agreement following detailed design
- 10.12 Drawing SK001 shows the proposed width and design of the access which is a 5.5m wide access with kerb radii of 6.0m. This and the internal layout would be agreed at the reserved matters stage, and the internal layout would need to comply with current BCC standards and ensure adequate turning for vehicles which may need to enter the site. The applicant's attention has been drawn to AVDC's Refuse Collection policy in relation to requirements for RCV's. Reversing distances by vehicles would also need to be minimised in the interests of safety.
- 10.13 *Traffic generation and Parking;*
- 10.14 In relation to the traffic generation resulting from this site, BCC are satisfied that the figures for the dwellings contained with the Transport Statement are a robust assessment. The figures indicate that the impact of any single development, or indeed the combined impacts of both the sites will not have a detrimental effect on the flow or capacity of the surrounding highway network in the context of the requirements of the NPPF.
- 10.15 In respect of parking, the illustrative plans demonstrate sufficient capacity to accommodate off road parking to serve the proposed houses and retail unit. In addition, the proposal seeks to provide an over flow car park to meet the on-street parking demand associated with the operation of the school opposite. The provision of such car parking would help alleviate on-street parking issues on Castle Street especially at peak times e.g. drop off times. This is considered to be a benefit of moderate positive weight.
- 10.16 *Locational Accessibility:*
- 10.17 Marsh Gibbon is considered to be a generally sustainable location for development given its size, the services and facilities it offers. However, there is only a limited bus service; the number 16 and 18 buses serve the village, providing access to Bicester, Buckingham and Aylesbury. However these are limited to 5 a day to Bicester and Aylesbury and 4 to Buckingham Monday to Friday with 4 services on a Saturday to Aylesbury, although timings of the bus services would allow an option for school and commuting use. The BCC Passenger Transport team have been consulted and comment that there is a need for improvements in this area to mitigate the impact of the development. Accordingly financial contributions would need to be secured in the S106 legal agreement towards public transport improvements.

10.18 There are no cycle paths connecting the village to other areas and the footways in the village are often narrow in places, which does not encourage use. The TS does not examine thoroughly what measures will be provided to encourage residents of the proposed development to use sustainable modes of transport. The Travel Planning team have been consulted on this application and highlight the need for a safe crossing point to Castle Street and access to bus stops. A Framework Travel Plan (FTP) would be required as part of the reserved matters application. This FTP will need to be secured as part of the S106 Agreement including the provision of a financial contribution per annum for the first 5 years from occupation of the development for the monitoring of the FTP. It is noted that the intention of the shop is to further increase the level of local amenities currently available in this village which are accessible on foot. This FTP will need to be secured as part of any S106 Agreement.

10.19 It is noted that there is a proposed lowered kerb crossing from a new footway on the site frontage to the opposite side of the road. This is acceptable in principle; however the applicant will have to provide further details as part of the reserved matters application. The footway along Castle Street is narrow in places, but with a wide verge. Given that the development associated with all three sites will be placing additional demand on the footway and indeed likely to be increasing footfall of existing residents accessing the proposed shop, it is required that the developer improves this footway to a width of 2.0m from the entrance to the school to the junction of Castle Street with Swan Lane. These works would need to be carried out under a S278 Agreement with the Highway Authority. Consideration should also be given to pedestrian access from the east and a pedestrian link should be provided joining the site with the surrounding area in this direction.

10.20 *Conclusion on highways matters:*

10.21 It is considered that the application would have access to sustainable transport. Safe and suitable access could be achieved to the site and matters of detailed layout can be addressed at reserved matters stage. In addition, the inclusion of an over flow park for the school would further help alleviate existing parking issues along Castle Street at peak times. As such, it has been demonstrated that the proposal would, subject to securing appropriate mitigation measures, have an acceptable impact on highway safety and convenience and would comply with the Development Plan and NPPF advice. Overall, taking into account the additional car parking proposed, this element would be a benefit.

10.22 Conserving and enhancing the natural environment

10.23 *Agricultural land*

10.24 Paragraph 112 of the NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land (BMV) and, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. There is no definition as to what comprises 'significant development' in this context but the threshold above which Natural England are required to be consulted has been set at 20 hectares so the developable area of this site falls well below that threshold.

10.25 The development of the site would result in the permanent loss of grade 4 agricultural land. The protection of grade 2 and grade 3a best and most versatile agricultural land is promoted in the NPPF but since this land is outside this classification the development is considered to have a limited impact. This is a matter which should be attributed limited weight in the planning balance.

10.26 Conserving and enhancing the historic environment

10.27 In addition to the conservation and enhancement of the Conservation Area and archaeological assets secured by Development Plan Policies identified above, conservation and enhancement of Listed Buildings, and non-designated heritage assets also forms part of this core planning principle and advice in Section 12 of the NPPF, and advice within the NPPG. Furthermore, The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes certain legal duties relating to the consideration of the impact of the proposed development on Heritage Assets, stating that:

10.28 “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” (Section 66 (1))

10.29 *Setting of historic buildings*

10.30 The proposed development site does not contain any listed buildings, however there are a number of Grade II listed bridges within the immediate vicinity including Box Farm, The Old Red Lion, Longherdon Farm, The Plough Inn and Swan Farmhouse Grade II listed to north east side of Castle Street. There are also a number of heritage assets in the middle to long distance views including Ewelme Trust cottages along Castle Street.

10.31 The proposal would harm the setting of the Box Farm due to the removal of hedgerow and widening of the existing access way to provide a highly urbanised entrance into the site with the setting of the listed building being irreversibly changed. The proposal would also harm the old Red Lion with views being significantly affected by the development and the major adverse impact on views and its rural setting. The harm identified would be considered less than substantial in the terms set out in the NPPF.

10.32 *Setting of the conservation area:*

10.33 The conservation area is located adjacent to the north-west boundary of the site. The illustrative plans suggest dense modern development within a backland location which would not respect the setting of the conservation area or reflect the historic plan form. The linear pattern of the settlement with views glimpsed from the street scene of the rural back drop is a key characteristic of the conservation area. Furthermore, the proposal would have a harmful impact on views in and out of the conservation area, and landscape views through the site from Castle Road to the Brill Hills to the south which are identified in the conservation area appraisal. The view from Castle Road is currently of open countryside which would be replaced by, based on the illustrative plan, urbanising development including the retail unit, access road and junction, the 2 off road parking areas and residential built form extending into the countryside.

10.34 In addition, the proposed access road for this development would be alien to this traditional road pattern and would set a precedent of backland development further harming the rural character of the settlement and conservation area.

10.35 The harm identified to the conservation would be considered less than substantial in the terms set out in the NPPF.

10.36 *Heritage balancing exercise:*

10.37 The proposal would be harmful to designated heritage assets comprising listed buildings and Marsh Gibbon Conservation Area. The harm would be considered less than substantial in the NPPF terms but the harm must be afforded considerable weight. In these circumstances, it is considered that the benefits associated with the proposal, including

amongst others, the provision of a retail unit, school car park and 10 houses would not be sufficient to outweigh the identified harm to heritage assets.

10.38 Overall it is considered that the proposal would not preserve the settings of the listed building and conservation area. Furthermore, regard has been paid to the statutory tests of preserving or enhancing the character and appearance of the Conservation Area under Section 72 and to preserving the setting of the listed building under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 which it is accepted is a higher duty, and the proposal could comply with AVDLP policy GP53, and the guidance set out in the NPPF.

10.39 The harm identified must be afforded significant weight in the assessing the proposal overall planning balance .

10.40 Meeting the challenge of climate change and flooding

10.41 In addition to the management of water supply and waste water considered above, the NPPF Section 10 also considers impact of developments on climate change and flood risk.

10.42 The site is located within Flood Zone 1 where there is considered to be a low probability of flooding. The application is supported by a Flood Risk Assessment which has been assessed by BCC SUDS who raise no objections subject to the imposition of planning conditions relating to details of an appropriate surface water drainage scheme, long term maintenance and implementation. In addition, the proposed dwellings and retail unit would be required to be constructed to modern standards of design and sustainability to accord with current building regulations.

10.43 Overall it is considered that the proposed development would be resilient to climate change and flooding and therefore is acceptable in this regard. This is a matter which should be attributed neutral weight in the planning balance.

10.44 d) CIL/S106 issues

10.45 It is recognised the proposed retail unit and car park are key benefits for the local community therefore if members were minded to support the application, appropriate CIL complaint provisions would be sought within the Planning Obligation Agreement to ensure certainty in the delivery of these benefits e.g. the retail unit and car park being constructed and made available for use before the residential elements were occupied.

10.46 As noted above, other requirements would also need to be secured in a Planning Obligation Agreement to secure their delivery, including the provision of affordable housing, off-site leisure improvements and suitable highway improvements. The requirement to secure affordable housing is set out in policy MG8 of the MGNP which carries full weight. The highway improvements are required by the Highways Authority in order to ensure the sustainability of the proposed development.

10.47 It is considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 places into law the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development of this nature if the obligation does not meet all of the following tests; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

10.48 In the context of this application the development is in a category to which the regulations apply. The requirement for all of the above named measures, if the proposals were to be

supported, would need to be secured through a Planning Obligation Agreement. These are necessary and proportionate obligations that are considered to comply with the tests set by Regulation 122, for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related in scale and kind to the development. Specific projects are to be identified within the Section 106 in accordance with the pooling limitations set out in CIL Regulation 123 to ensure that the five obligations limit for pooled contributions is not exceeded.

COMMITTEE SITE VISIT App No. 17/01248/AOP

Proposal: Outline planning permission with all matters reserved for the development of land for up to 10 dwellings and a local shop, together with associated parking, open space and sustainable drainage.

Location: Land South of Castle Street and West of Longherdon Farm, Castle Street, Marsh Gibbon

At the previous Committee Meeting: 25th September 2017

Officers Recommendation:

Refusal for the 3 reasons set out on pages 72-73 of the committee report.

Late Items:

- Additional supporting landscape information received;
- Additional supporting information in respect of PC comments confirming there is no gas in the village, limited bus services and access being a reserved matter.
- Clarification for the officer report – delete word 'strong' from sentence 2 of paragraph 9.2 and include reference to policy MG8 (affordable housing) at paragraph 9.8
- In respect of the Settlement Hierarchy 2017 – this identifies Marsh Gibbon as a 'medium' village.

Public Speakers:

The Committee was addressed by:

- Mr Metherell on behalf of the Parish Council;
- Cllr Macpherson as the District Ward Member for Marsh Gibbon; and
- Mr Harbottle (agent) on behalf of the applicant.

All 3 speakers spoke in support of the application with the following comments in being made (summarised by officers):

- Proposal has come forward following consultation with, and is supported by, the local community, and following an evaluation of alternative sites – it is the preferred site.
- Proposal would accord with the development plan including the Marsh Gibbon NDP with its criteria based policies which do not define a built up area boundary, housing numbers or allocate any sites for housing.

APPENDIX B

- Proposal would not harm key views identified in the conservation area appraisal and the HELAA suggests frontage development maybe feasible.
- The approval of 2 dwellings within Box Farm has already altered its setting to the extent the proposal would not harm the setting of this listed building.
- The supporting s106 agreement would include measures to ensure delivery of the retail unit, as well as infrastructure relating to highways, leisure facilities and affordable housing as set out within the officer report.
- The applicant is a registered charity who support housing for local residents and provide services for special educational needs children.
- Proposal, comprising in-depth development, would harmonise with the surrounding pattern of development.
- Proposal would re-instate historical landscape features including old field boundaries with new planting.
- Proposal has come forward following pre-application consultation with council officers
- The access road would be constructed to adoptable standards – not confirmed whether it would be adopted at this stage.
- Proposal would provide highways improvements on Castle Street including traffic calming.
- Proposal would meet the housing requirements for Marsh Gibbon coming forward through the emerging plan and supporting evidence.
- The shop would be provided for the community to operate or other retail business operators.
- The public benefits of the proposal (including the shop and school car parking amongst others) would outweigh the negatives and therefore should be supported.
- Cllr Macpherson supports the application for the reasons set on page 73 of the committee report.
- The proposal has a well thought out design.
- The proposed school car park would help alleviate existing problems associated with on-street parking demand.
- The proposed houses, with an appropriate mix, would help meet local housing need.
- The proposed shop would help meet the community's needs.

Site Visit:
Tuesday 26
September

At: 11.00am

Those Attending: Members: Cllrs Fealey, Mrs Macpherson, Cooper, Mrs Renshall, Mrs Brandis, Mills, Bond,

Local Member: Cllr Mrs Macpherson

Officers:

Nicholson and
Singh

Features inspected:

Members met at Castle Street where officers described the proposal. Features noted were:

- The hedgerow frontage to the site and existing field gate access
- The proximity of the site to the school
- The existing on-street parking situation
- The setting of the Grade II Listed Box Farm and proposed siting of 2 recently approved dwellings within its grounds

The party then walked to along Castle Street to Clements Lane Road. During the journey members noted:

- the design and form of the surrounding built form including the pattern of development;
- the location of facilities within the village include a public house, the old village shop (closed now) and the village hall with children's play area;
- the location of existing dwellings along Clements Lane – it was noted that the proposed development would not extend any further southwards than the existing dwellings.

The party then walked back along the same route to the application site and viewed the site from the existing field gate access located off Castle Street. It was noted:

- The site currently had open views through the open countryside to
- The proposal would retain some open views to the countryside beyond through undeveloped fields located to the eastern part of the site.
- The position of existing hedgerows and field boundaries were identified.

Discussion:

- The Local Member noted that the local community supported the proposal, it would maintain views from Castle Street to the Brill Hills, and that proposed development would not extend any further south than existing dwellings on Clements Lane.
- Two Members supported the application, agreeing with the comments made by the Local Member.
- One Member considered that if the Parish Council supports the development then so should the Committee. The housing would be hidden around the corner when viewed from Castle Street. The proposed shop would be centrally located and both it and the additional parking would be beneficial to the village. The hedgerow that is to be removed to the east of the proposed access should be replanted.
- One Member considered the proposal to be totally against policy but that the

APPENDIX B

- village supported it. The removal of the hedge would improve the view.
- One Member commented that whilst their initial reaction was that significant landscape harm would result from the proposal with it comprising an intrusion into the countryside and members would normally considering refusing such applications. In this particular case there are social benefits, and the view through the site is of limited value in their opinion, such that is a finely balanced decision.
 - One Member considered that whilst the officers were right to conclude as they had, felt that the relationship between the proposed new build and the existing development was good. New hedge planting would be essential.