



REFERENCE NO	PARISH/WARD	DATE RECEIVED
17/03720/APP	DRAYTON PARSLOW The Local Member(s) for this area is/are: -	26/09/17
ERECTION OF 5 DWELLINGS LAND AT CHAPEL LANE NORTH FAMILY MK17 0JG STREET ATLAS PAGE NO. 68	Councillor N Blake Councillor B Everitt	

1.0 The Key Issues in determining this application are:-

- a) **The planning policy position and the approach to be taken in the determination of the application.**
- b) **Whether the proposal would constitute a sustainable form of development having regard to:**
- **Building a strong competitive economy**
 - **Delivering a wide choice of high quality homes**
 - **Promoting sustainable transport**
 - **Conserving and enhancing the natural environment**
 - **Conserving and enhancing the historic environment**
 - **Promoting healthy communities**
 - **Good design**
 - **Meeting the challenge of climate change and flooding**
- c) **Residential amenity**

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

1.1 CONCLUSION AND RECOMMENDATION

- 1.2 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver "sustainable development." Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies of the NPPF taken as a whole.
- 1.3 The site benefits from an extant outline planning permission for 5 houses approved on appeal in June 2017 and the principle of residential development is accepted on the site which should be afforded considerable weight in the overall planning balance.
- 1.4 The development would make a contribution to the housing land supply and delivering a

mix of homes to which limited weight is attached. There will be economic benefits in terms of the construction of the development itself and benefits associated with the resultant increase in population to which limited weight should be attached.

- 1.5 Compliance with some of the core planning principles of the NPPF have been demonstrated in terms of biodiversity impact, preserving residential amenities, promoting healthy communities, promoting sustainable transport, meeting the challenge of climate change and flooding and requiring good design indicating an absence of harm to which weight should be attributed neutrally.
- 1.6 The impact on heritage and the rural landscape has been identified due to the site being a greenfield site adjacent to the Drayton Parslow Conservation Area a designated heritage asset within a rural edge location designated as open countryside. The heritage impact is considered to be 'less than substantial harm at the lower end of the scale and whilst the Inspector considered in the appeal decision on the outline proposal that there would be no harm to the conservation area, it is acknowledged that even if the heritage impact of the proposal is considered harmful, albeit on a lower scale, this harm would be outweighed by the public benefits of developing this site. Having regard to this it should be given neutral weight in the overall planning balance.
- 1.7 The landscape impact is not identified as harmful and subject to appropriate conditions is considered acceptable, which is attributed neutral weight in the planning balance. The loss of agricultural land is also a matter which is attributed neutral weight in the planning balance.
- 1.8 Weighing all the above factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 14 of the NPPF, it is considered that there are no adverse impacts that demonstrably outweigh the benefit of the proposals. It is therefore recommended that the application be **APPROVED** subject to the following conditions:
 - 1 The development hereby permitted shall be begun before the expiration of 18 months from the date of this permission.

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

- 2 The development hereby permitted shall only be carried out in accordance with drawing Nos.CLDPLP1250, CLDP.GFSP500, unnumbered cross-sectional drawing marked 'Revised 13.03.2018', CLDP.PLOT 1, CLDP.PLOT 2, CLDP.PLOT 3, CLDP.PLOT 4 and CLDP.PLOT 5 all marked 'Revised 13.03.2018' and received by the Local Planning Authority on the 13th March 2018;

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

- 3 No development shall take place on the building(s) hereby permitted 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 GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 4 No development shall take place until details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and to comply with policy GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

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

Reason: For the avoidance of doubt and to ensure a satisfactory form of development and to comply with policy GP8 and GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 6 No development shall take place on the building(s) hereby permitted until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; where relevant. For soft landscape works, these details shall include new trees and existing trees and hedgerows to be retained showing their species, spread and maturity, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out as approved 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: In the interests of the visual amenities of the locality and to comply with policy GP38 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 7 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: In the interests of the visual amenities of the locality and to comply with policy GP38 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 8 No site clearance works or development shall take place until there has been submitted to the Local Planning Authority for their approval a tree and hedgerow protection plan showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. 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 agreed tree protection plan.
4. No materials or waste shall be burnt nor within 20 metres of any retained tree; and
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

Reason: 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 to accord with 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.

- 9 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, 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 enlargement of the dwelling or erection of a garage, windows, buildings, structures or means of enclosure having regard for the particular layout and design of the development, in accordance with policy GP8 and GP35 of Aylesbury Vale District Local Plan.

- 10 Works on site shall not commence until details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved scheme of drainage.

Reason: In order to ensure that the development is adequately drained and to comply with the National Planning Policy Framework

- 11 The development shall not begin until details of the private access way have been approved in writing by the Local Planning Authority and no dwelling shall be occupied until the access way has been laid out and constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the National Planning Policy Framework.

- 12 No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Private Vehicular Access Within Highway Limits" 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the National Planning Policy Framework.

- 13 The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with the National Planning Policy Framework.

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

- 14 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 comply with the National Planning Policy Framework.

15. The development shall not begin until a Preliminary Ecological Survey has been undertaken and submitted to the Local Planning Authority for approval. The survey shall include appropriate recommendation for mitigation and ecological enhancement features which shall thereafter be implemented within the approved development prior to occupation .

Reason: To address the impact of the development on biodiversity and provide net gains where possible in accordance with the National Planning Policy Framework and with regard to article 10 of the Habitats Directive.

Informative(s)

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Agent and has focused on seeking solutions to the issues arising from the development proposal. 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 discussions have taken place with the Agent who responded by submitting amended plans which were found to be acceptable and approval is recommended.
2. Your attention is drawn to the requirements of conditions on the decision notice. Conditions nos. 3, 4, 5, 6, 8, 10 and 11 impose requirements which must be met **PRIOR TO COMMENCEMENT**. Failure to observe these requirements could result in the Council taking enforcement action **OR MAY INVALIDATE THE PLANNING PERMISSION**.

3. The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works 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 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:-

Highways Development Management
6th Floor, New County Offices
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
Telephone 0845 2302882

4. 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.
5. 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.

2.0 INTRODUCTION

- 2.1 The application needs to be determined by committee as the parish council has raised material planning objections and requested to speak at the committee meeting. In brief the Parish have concerns about insufficient car parking provision, access visibility and highway safety, relocation of power supplies and phone lines and drainage. The concerns raised are addressed in the evaluation of the report.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The site is approximately 0.23 hectares in area and forms part of a much larger field fronting onto Chapel Lane in a roughly rectangular shape. The site area is slightly larger than the previous outline application (0.2ha) to provide more space for the proposed layout. It is located beyond the south eastern edge of the village boundary and adjoining no.6 to the west, it is an agricultural field. The front/northern boundary of the site is marked by an established hedgerow and the other boundaries are marked by similar hedgerows and trees with some fencing. The eastern side is open to the remaining larger field. There is an existing field access towards the far south western end, adjacent to Kingsland Farm Livery, situated on New Road, which is a continuation of Chapel Lane to the east. There are residential properties to the north of the site and on the opposite side of Chapel Lane. Beyond the east and south of the site is open countryside and the ground levels remain relatively even.

4.0 PROPOSAL

- 4.1 The proposal seeks full planning permission for residential development comprising five dwellings, with access from Chapel Lane, car parking and landscaping, including boundary treatment. The full application is submitted because of the marginal difference in the site area rather than a reserved matters application. The application drawings include site layout plan showing three detached and two semi-detached dwellings, formed around a central courtyard accessed from a short spinal road into the site from Chapel Lane with turning heads to enable vehicle manoeuvring within the site.

- 4.2 The scheme has been amended since the original submission from 5 x 4 bed houses to revised mix of housing proposed on the site to include 2 x 3 bed dwellings. The final mix is 3 x 4 bed houses and 2 x 3 bed houses. The homogenous design of the original proposal has been amended to vary the architecture to add visual interest. The boundary treatment and landscaping has been clarified with additional detail to secure a green boundary edge to open fields to the south east, tree protection and increasing garden depths by reducing the footprint of the original houses.
- 4.3 The dwellings are approximately 7.8m in height from ground to ridge with varying widths from approximately 9.2m (Plots 1 and 4), 10.1 (Plot 5), 11m (Plot 3 and 5) to 13m (Plot 2). The depth of the houses also varies between approximately 7.5m (Plot 2) up to 9.1m (Plots 1, 3, 4 and 5). Each dwelling has a private rear/side gardens with a minimum depth of 10m. Plots 4 and 5 located to the front of the site and face the street. Plots 1 to 3 are lined in a row to the rear of the site.

5.0 RELEVANT PLANNING HISTORY

87/02561/AOP - Residential development - Refused

89/01176/AOP - Site for 4 dwellings - Refused

99/01807/AOP - Site for detached dwelling & garage – Refused.

04/00891/APP - Two storey detached dwelling with vehicular access – Withdrawn.

16/03614/AOP - Outline planning application with access to be considered and all other matters reserved for residential development comprising up to 5 dwellings. Refused. Appeal allowed and outline planning permission granted in June 2016 – Attached as Appendix A.

6.0 PARISH/TOWN COUNCIL COMMENTS

Drayton Parslow Parish Council objects to the proposal. The initial objection to the original scheme is attached in full in Appendix B.

Following receipt of amended plans, Drayton Parslow Parish Council maintain their objection to the development and comments are reproduced in full below:-

“Although the new application has gone some way to addressing objections, we still have reservations in respect of:-

1. The car ports are not garages and parking would still be an issue as the development can house up to 28 people (as described by the applicant) plus any visitors with only 13 allotted parking spaces. This will result in parking on New Road/Chapel Lane neither of which has the capacity to support.

2. Entrance to the development is on the narrowest part of Chapel Lane with crossing across the road for any school children/bus service extremely dangerous as vision is restricted due to the topography of Chapel Lane. As previously stated in our objection dated 27 Oct 2017: The plans indicate an access pavement connecting to the opposite side of Chapel Lane where pavement does exist. Chapel Lane is a narrow road with traffic from the neighbouring farm consisting of large agricultural vehicles as well as traffic from existing residents, the Kingsland Livery and weekend Shooting Clays. A cross-walk of this nature is not safe for pedestrians, especially children who would need to access the school buses and facilities such as the Play Area and Greenacre Hall.

3. There is no mention of re-locating existing power supplies and phone lines which are currently in situ on the proposed development.

4. Due to the topography of the development any surface water will add to the misery of existing water drainage problems further down the valley. As previously stated: The first planning application indicated that foul sewage is to be disposed of via the mains sewer and surface water via soakaway. The systems within Drayton Parslow are already at or above capacity and no submissions appear to have been made addressing this in detail. (A condition of the Planning Inspectorates decision). When consulted on application 17/01429/APP both the SuDS officer and Anglian Water have referenced the drainage and sewerage issues within the villages current infrastructure and this application will only exacerbate them. It is essential that Anglian Water and the Drainage SuDS officers respond to this consultation.”

7.0 CONSULTATION RESPONSES

- 7.1 Highways – No objection subject to conditions.
- 7.2 Leisure – As the proposed development is less than 1000 sq.m no financial contribution for off-site sport and leisure facilities is required.
- 7.3 Landscape – Following the receipt of amended plans there are no objection subject to conditions in particular relating to the detail on the landscape proposals, to provide a comprehensive landscape scheme which attempts to mitigate the visual impact of the scheme from the wider landscape.
- 7.4 Trees – No objection subject to conditions.
- 7.5 Heritage – The proposed development would cause less than substantial harm on heritage assets at the lower end of the scale. In accordance with Paragraph 134 of the NPPF the scale of this harm needs to be weighed up against the public benefits of this proposal including securing its optimum viable use.
- 7.6 Environmental Health – No objection
- 7.7 Drainage - No comment
- 7.8 Ecology – requires a condition be imposed

8.0 REPRESENTATIONS

- 8.1 A total of 3 objections (one repeat) and 1 neutral response received. The grounds for objection are summarised below:-
- No starter homes for young people
 - No provision for garages and 28 people in development with only 13 parking spaces.
 - No provision for visitor spaces
 - Not sustainable by public transport
 - Does not address drainage issue – flood risk.
 - Does not address entrance location on bend.
 - Intrusive to privacy of properties opposite on Chapel Lane
 - No footpath provision for safety of pedestrians. Only on opposite side of road.
 - Heritage concerns referred to in the initial proposal.

- Access for construction traffic

8.2 The single neutral concern refers to the following points but note that the comments relate to the original submission and not the amended scheme:-

- Incorrect information on the plan regarding the mutual boundary between the two properties being a fence and not a hedge.
- Reference to original comments made on the outline application expressing concern about the boundary with the garden to neighbouring property.
- Refer to conditions in the appeal decision relating to boundary treatment and request suitable fencing along the mutual boundary between the two adjoining properties.

9.0 EVALUATION

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

- 9.1 Members are referred to the Overview Report before them in respect of providing the background information to the Policy. The starting point for decision making is the development plan, i.e. the adopted Aylesbury Vale District Local Plan (and any 'made' Neighbourhood Plans as applicable). 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 (NPPF) and the Planning Practice Guidance (PPG) 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.
- 9.2 Drayton Parslow have established a neighbourhood area, but to date have not produced a draft neighbourhood plan and as such does not presently have a made neighbourhood plan. No weight can be given to the neighbourhood area.
- 9.3 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 are GP8, GP35, GP38 - GP40, GP.45, GP86-88 and GP94. While generally consistent with the NPPF, GP.53 does not carry full weight.

Emerging policy position in Vale of Aylesbury District Local Plan (draft VALP)

- 9.4 The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. Currently this document can only be given limited weight in planning decisions as it is still too early in the planning making process. However the evidence that sits behind it can be given weight. Of particular relevance are the Settlement Hierarchy Assessment (September 2017). The Housing and Economic Land Availability Assessment (HELAA) (January 2017) is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. These form part of the evidence base to the draft VALP presenting a strategic picture.

b) Whether the proposal would constitute a sustainable form of development

- 9.5 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 18 to 219 of the NPPF, taken as a whole (paragraph 6). The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development which should be seen as a golden thread running through plan-making and decision-making.
- 9.6 It is only if a development is sustainable when assessed against the NPPF as a whole that it would benefit from the presumption in paragraph 14 of the NPPF. 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.
- 9.7 In terms of its broader location, Drayton Parslow is identified in AVDLP as an Appendix 4 settlement. In the Settlement Hierarchy Assessment 2017, Drayton Parslow is identified as a smaller village. These are less sustainable settlements which have poor access to services and facilities although it is expected that small scale development could be accommodated without causing any environmental harm and that this level of growth is also likely to help maintain existing communities. The key services in the village include a village hall, infant school, recreation ground and a pub. Two bus services (no.50 and 673) operate to Milton Keynes, located approximately 10 miles away (approximately half an hour journey time) and to Winslow 5.4 miles away (approximately 20 minutes journey time). It is recognised that the village is poorly connected to a large service centre. Given its limited range of facilities and amenities and limited access to public transport, consideration needs to be given to the appropriateness of this scale of development and its impact on the localised site and surroundings but also in terms of the capacity of the settlement to accept this level of population growth, having regard to the impact on infrastructure and local services and the community itself. This is considered in more detail under the headings below.
- 9.8 Members attention is drawn to the outline permission granted on appeal in June 2017 which is a material consideration and accepts the principle of residential development of up to 5 dwellings on the site. In summary the Planning Inspector considered the following issues affecting the outline proposal:-
- the effects of the proposed development on the character and appearance of the area, including the setting of the Drayton Parslow Conservation Area
 - whether or not the proposal would represent sustainable development in the context of the National Planning Policy Framework and
 - the effects of the proposed development on the living conditions of future occupiers.
- 9.9 While the Council could demonstrate a 5.8 year housing land supply at the time of the decision, the Inspector concluded that:-

“The principle of housing is not at issue in this appeal and the policies relied upon by the Council are criteria based policies regarding qualitative and aesthetic design together with considerations of heritage matters. To this extent the benefits of housing development outweigh the harms that have been identified by the Council. I have had regard to all other matters raised. None affect my conclusions that the proposed development would result in the effective use of land for market housing, would not harm the character and appearance of the Conservation Area or wider area and would not encroach into open countryside. I conclude that the proposed development conforms to the development plan and the Framework when considered as a whole and should therefore be allowed.”

9.10 This application is not for reserved matters pursuant to the outline but a full application. Therefore it is considered that the proposal should be considered on its planning merits in terms of compliance with the NPPF and AVDC policy, as set out above, with the material considerations weighed in the planning balance in accordance with paragraph 14 of the NPPF.

9.11 The principle of the development is therefore established by the recent appeal decision to grant outline permission for up to 5 houses as set out above.

Building a strong competitive economy

9.12 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.

9.13 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. It is therefore considered the economic benefits of the scheme should be afforded limited weight in the overall planning balance given the small number of dwellings proposed.

Delivering a wide choice of high quality homes

9.14 Local planning authorities are charged with delivering a wide choice of high quality homes and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development (paragraphs 47-49). However, in the context of the latest 5YHLS of 9 years released in August 2017, paragraph 49 of the NPPF is not engaged.

9.15 The application proposes mix of market housing types is comprised of 2 x 3 bed houses (40%) and 3 x 4 bed houses (60%). While the mix proposed is skewed towards larger 4 bed market houses and does not align with the Housing and Economic Development Needs Assessment (HEDNA) which underpins the emerging VALP housing mix policy. The HEDNA recommends a market mix of 5% 1 beds, 30% 2 beds, 45% 3 beds and 20% 4 beds and while the 3 bed provision is largely compliant there is an overrepresentation of 4 beds on the site. However, while the HEDNA forms the evidence base there is no adopted housing mix policy that carries full weight and it is not considered that the proposal can be refused based on housing mix. The mix is consistent with that anticipated in the previous appeal.

9.16 There is no policy requirement for affordable housing on this site as the proposed number of units and site area fall under the current threshold.

9.17 Notwithstanding the implications of housing mix, there is no reason to expect that the site could not be delivered within the next five year period making a limited contribution towards the supply of deliverable housing land in the District which would be a significant benefit but tailored by modest number of units and this consideration should be afforded limited weight in the planning balance in the current 5 YHLS context.

- Promoting sustainable transport

9.18 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF.

- 9.19 The site is located at the southeastern edge of the village although there is a footpath on the north side of Chapel Lane and access to the limited number of key services and bus stops in the village are accessible on foot, albeit that there is limited public transport links to Milton Keynes and Winslow, and therefore the site has limited sustainable access in terms of the requirements of the NPPF, as occupiers of the proposed dwellings would be reliant on the use of the private car, albeit that pedestrian connections are available for access to the village. The Inspector considered in the appeal decision that 'car dependency would not be the dominant mode of travel.
- 9.20 In terms of the proposed access, the highways officer acknowledged in the previous outline application that visibility splays of 43 metres either side of the access, measured from a point 2.4 metres back along the centre line of the access to the nearside kerb can be accommodated, whilst not shown on the submitted plan. The layout and access is considered acceptable subject to a condition to address visibility and safety issue raised as a local concern in representation received.
- 9.21 Concern has been expressed about the absence of garaging in the proposal. All plots are provided with sufficient parking spaces to comply with the Councils SPG where the requirement is for 2 spaces per 3 bed dwelling and 3 spaces for 4 bed dwellings, and although local concern has been expressed about the absence of garages, the provision of car ports and forecourts is considered satisfactory. Sufficient turning space is provided within the site
- 9.22 Overall it is considered that the application would have limited access to sustainable transport and services, and this factor should be assigned neutral weight in the planning balance.

Conserving and enhancing the natural environment

- 9.23 In terms of the impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Permission will not be granted for development that impairs the character or identity of the settlement or the adjoining rural area. Regard must be had to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF.

Landscape

- 9.24 There is no specific landscape designation affecting Drayton Parslow and the application is not supported by a LVIA.
- 9.25 The site is a roughly rectangular shaped field at the south eastern edge of the village, on the south side of the highway. Drayton Parslow is essentially linear in form with development on both sides of the Main Street that runs through the village and two distinct modern clusters of more recent development to the southwest from the 1980s, on the north side of Chapel Lane/New Road and to the northeast at Prospect Close. They appear as detached clusters from the main historic village centred on the Holy Trinity Church to the southwest.
- 9.26 The south-eastern side of the highway is more consistently developed from the 1980s with infill development such that the built form extends down to Kingsland Farm Livery at the south-eastern edge of the village but this modern addition from 1980s onwards is concentrated on the north side of New Road and contained by the line of the highway. On the western side of the main highway through the village, development is more dispersed

and linear in character along the highway until it reaches the in-depth development of Prospect close to the northeastern edge

- 9.27 The Inspector noted in the appeal decision that “the site is hemmed in by mature hedges and trees, which provide a natural back-drop to the site in much the same way as existing neighbouring development. Although elevated above the lane, the site would be no more conspicuous than the adjoining development in the immediate setting”. The impact on the local and wider landscape was considered acceptable by the Inspector.
- 9.28 The Council’s Landscape Officer has considered the proposal and acknowledge that while the landscape proposal have not been fully designed it is accepted that that the applicant has submitted information that now illustrates how the eastern boundary would be mitigated and indicatively shows how the landscape will work within the scheme. There are existing hedgerows and trees indicated to be retained and protected, Conditions can be imposed to require details of the landscaping scheme to be submitted to demonstrate mitigation to the visual impact of the scheme from the wider landscape the proposal is considered to comply with saved policy GP.35 of the Aylesbury Vale District Local Plan.
- 9.29 Whilst acknowledging that the development would take place on a greenfield site, in view of the extant consent for development and the Inspector’s conclusion in the appeal decision it is considered that the landscape impact should be afforded neutral weight in the overall planning balance.

Agricultural land

- 9.30 Paragraph 112 of the NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land (BMV) and, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. There is no definition as to what comprises ‘significant development’ in this context but the threshold above which Natural England are required to be consulted has been set at 20 hectares so the site (00.23ha) falls well below this threshold.
- 9.31 The land is a grass field and currently in agricultural use. The development of the site would result in the permanent loss of 0.23 ha of grade 3 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 and therefore this factor is attributed neutral weight in the planning balance.

Trees and hedgerows

- 9.32 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value. The trees and hedgerows which may be affected by the proposal are restricted to those along northern boundary to create the new access. The Tree officer has considered the proposal and has no objection subject to the submission of a detailed landscaping scheme and a tree protection condition. It is therefore considered the proposal would not have any adverse impact on trees or hedgerows in accordance with GP39 and GP40 and relevant NPPF advice and this factor should therefore be afforded neutral weight in the planning balance.

Biodiversity

- 9.33 Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

- 9.34 The application is not accompanied by any ecological impact assessment. However the Council's Ecologist did not express any concern on the previous outline application. A condition is recommended to provide a Preliminary Ecological Assessment for consideration as a precautionary measure. Subject to the condition it is considered that the proposal would have an acceptable impact on biodiversity in accordance with the NPPF and this factor should therefore be afforded neutral weight in the planning balance.

Conserving and enhancing the historic environment

- 9.35 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 132 states that there should be great weight given to the conservation of designated heritage assets whilst paragraph 139 extends this provision to non-designated heritage assets with an archaeological interest.**
- 9.36 Part of the site abuts the boundary of the conservation area situated to the northwest. Drayton Parslow Conservation Area has two parts. The first is situated on the crest of the hill at the south-western end of the village at Church End, including Holy Trinity Church and the Old Rectory. At the north-eastern end of the village is a concentration of historic properties around the junction of Main Road and Highway and along Main Road towards Love Row. The modern development to either side of Main Road at the centre of the village and to the northeast of New Road has been excluded from the Conservation Area boundary.
- 9.37 The eastern boundary of the conservation area referred to as Church End lies to the west along the boundary with no.6 Chapel Lane but intersects the northwest and southwest corners of the site. Two key buildings within Church End are located in close proximity to the site. The Baptist Chapel fronting Chapel Lane is approximately 22m to the west and Kingsland Farm House, a Grade II Listed Building, is also situated approximately 30m to the west. Both are located within the conservation area. The conservation area document identifies two important views in and out of the conservation area in the vicinity of the site; one west along Chapel Lane towards the Baptist Chapel, which includes the site and one looking out into the open country side from the bottom of Church End. Both would include the site in views in and out of the conservation area.
- 9.38 While the outline application was refused on the grounds of harm to heritage assets this issue was not sustained on appeal. The Heritage officer has concluded that overall the layout of the current scheme has reverted back to a more informal appearance than was proposed in the outline permission. Plots 1, 2 and 3 positioned to the rear of the plot now have a staggered build line, resulting in a less formal and severe appearance. Although the proposed buildings within plots 4 and 5, closest to Chapel Lane appear to share the same build line towards the road, their appearances will be softened by the varying gable forms and the retention of hedgerow along Chapel Lane.
- 9.39 The Heritage officer acknowledges that alterations to the design of the plots have removed the repetitive uniformity of the original five dwelling scheme appearing the same and moved away from the appearance of 'large executive homes'.
- 9.40 The revised scheme has reinstated more green space to the front of the proposed dwellings and moved more of the hard landscaping required for parking to the side of the buildings, reducing the overall urban appearance. It was stated in the heritage comments at the outline application stage that in NPPF terms the harm caused in regards to the heritage assets would be less than substantial, within the scale as minor adverse/modest.
- 9.41 In conclusion the Heritage officer finds that the revised scheme, has addressed several of the concerns that arose in the initial heritage response to the original scheme. It is

considered that the harm caused has been reduced to the lower end of less than substantial harm. However, as there is still harm and in accordance with paragraph 134 of the NPPF the scale of this harm would still need to be weighed up against the public benefits of the proposal including securing its optimum viable use.

- 9.42 Although the Heritage officer considers there is less than substantial harm to the proposal at the lower end of the scale the Planning Inspectors found in the appeal proposal that there would be no harm to the character and appearance of the Conservation Area, albeit no elevational details were provided, and this has to be taken into account. In view of the heritage officers comments, it is considered that the proposal would cause less than substantial harm at the lower end of the scale and overall and will need to be weighed against any public benefits..
- 9.43 Consideration has also been given to a higher duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the proposal is considered to preserve the character and appearance of the conservation area.
- 9.44 The site is not within an archaeological notification area, the boundary of which lies to the northwest of the site on Chapel Lane. In this respect, the proposal unlikely to affect interest of archaeological importance and be in accordance with policy GP59 of the AVDLP and the NPPF, and this factor should be afforded neutral weight in the planning balance.

Promoting healthy communities

- 9.45 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) and financial contributions would be required to meet the needs of the development. The development would be for 5 units and the floor space is less than 1000sqm and therefore the development would fall under the threshold for financial contributions as per the NPPG and a contribution towards off-site leisure facilities cannot be secured as confirmed by the Leisure officer.
- 9.46 Overall it is considered that the development would adequately address the aims of the NPPF to achieve healthy communities and it is considered this factor should be afforded neutral weight in the planning balance.

Good design

- 9.47 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.
- 9.48 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.
- 9.49 The proposed design of the 5 dwellings on the site in the amended form provides for a less homogenous cluster and variety of homes with variations in detailing and appearance which would provide visual interest and complement the street scene. The frontage

buildings on Plots 4 and 5 have been rotated to address the street, providing a more robust presence in keeping with the street scene.

- 9.50 Although the drawings imply traditional brick facing and tiled roof finishes are to be used no detail is provided on materials and this is conditioned for further approval.
- 9.51 The settlement has a strong linear form with the majority of the village development having taken place along Main Street with more recent development from the 1980s clustered on the northern side of Chapel Lane and New Road on the opposite side of the site with the highway defining the boundary. The proposal design is akin to a small cul-de-sac typology rather than the historic linear form. Nevertheless a similar indicative layout responding to the size and shape of the site was considered acceptable at appeal and outline permission establishes this principle. The proposal is largely consistent with the appeal scheme, albeit less clustered around the centre of the site.
- 9.52 Overall it is considered that the scale, layout and appearance of the proposal would be in keeping with the context of the site with a variation in traditional and contemporary architectural style and sympathetic to the character and appearance of recent developments in the village to accord with AVDLP policy GP35 and the NPPF. This factor is attributed neutral weight in the planning balance.

Meeting the challenge of climate change and flooding

- 9.53 The site is not located within a flood zone. The Drainage Officer did not raise any concerns to the previous outline application and while local and Parish concerns about flooding are noted this matter can be addressed by the recommended condition on surface water and foul water drainage. The proposed dwellings would be required to be constructed to modern standards of design and sustainability to accord with current building regulations.
- 9.54 Overall it is considered that the proposed development would be resilient to climate change and flooding and this factor should therefore be afforded neutral weight in the planning balance.

c) Residential amenity

- 9.55 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.
- 9.56 The proposal has been amended to address concerns on overlooking and loss of privacy issues with the existing neighbour at no.6 Chapel Lane by orientating the buildings away from the common boundary and eliminating window openings at first floor level to avoid the potential for overlooking at Plots 3 and 4. These amendments have been achieved and no adverse impact is envisaged on the amenities of the immediate neighbours at no.6 Chapel Lane. The concerns expressed about the mutual boundary treatment with no.6 and lack of privacy is noted and updated plans show a suitable boundary treatment up to 1.8m high to address this issue.
- 9.57 Local concern has also been expressed about overlooking and loss of privacy between the proposed development and the existing properties across the street on the east side of Chapel Lane. It is not considered reasonable to refuse the development proposed in a

layout that addresses the street in a typical street frontage arrangement, which would also provide security through natural surveillance. The distance proposed is approximately 15m and this is not an unreasonable distance between houses facing each other across a street.

- 9.58 The amended final layout of the dwellings and the separation from the nearest properties would comply with guidelines to achieve good levels of light, outlook and privacy for existing neighbours to ensure that no loss of amenity would occur. The scheme layout and orientation would also ensure good levels of light, outlook and privacy for future occupiers with good private amenity space for each dwelling.
- 9.59 Overall it is considered that the proposal would have an acceptable impact on the residential amenities of existing and future occupiers within the proposal to accord with policy GP8 of the AVDLP and the NPPF, and this is attributed neutral weight in the planning balance.

Case Officer: Simon Dunn-Lwin

Telephone No: 01296 585121

APPENDIX A: APPEAL DECISION



Appeal Decision

Site visit made on 16 May 2017

by **Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5th June 2017

Appeal Ref: APP/J0405/W/17/3168864

Land at Chapel Lane, Drayton Parslow MK17 0JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by The North Family against the decision of Aylesbury Vale District Council.
 - The application Ref 16/03614/AOP, dated 6 October 2016, was refused by notice dated 23 December 2016.
 - The development proposed is an application for outline planning permission for residential development comprising up to five dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development comprising up to five dwellings on land at Chapel Lane, Drayton Parslow MK17 0JG, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The application is expressed in outline with all matters other than access reserved for future approval. Sketch layout and elevations have been presented for illustrative purposes only and I have treated these accordingly.
3. I was invited to view the property from a neighbouring house. However, this was declined on the basis that I was able to appreciate the relationship of the appeal site with adjoining properties from the roadside.

Main Issues

4. The main issues in this appeal are :
 - the effects of the proposed development on the character and appearance of the area, including the setting of the Drayton Parslow Conservation Area
 - whether or not the proposal would represent sustainable development in the context of the National Planning Policy Framework and
 - the effects of the proposed development on the living conditions of future occupiers.
-

Reasons

Background

5. At the heart of national policy, as stated in paragraph 14 of the National Planning Policy Framework (the Framework) is a presumption in favour of sustainable development. Notwithstanding that presumption, paragraph 2 of the Framework reiterates the statutory position that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
6. Given the time-expired nature of Policies RA13 and RA14 of the Aylesbury Vale District Local Plan (January 2004) (AVDLP) relating to the supply of housing, these are now viewed as being out-of-date, which is a view shared between the parties. The Council has updated the land supply position in the District to set out its interim approach to meeting housing requirements pending the adoption of the new Local Plan. The latest interim position, which is not disputed by the appellant, indicates that the Council can now demonstrate a 5.8 years supply of deliverable housing sites. On the face of it, this evidence is based upon up to date research, is credible and therefore be given some weight. However, by the Council's own admission, these figures have not been formally tested and in accordance with the Framework, this limits the weight that can be given to it.
7. Nonetheless, in the context of this appeal this is not a determinative matter as I have already concluded that that the Council's housing supply policies identified above are out of date and therefore inconsistent with the Framework, in particular to its objective to boost significantly the supply of housing. Limited weight can therefore be given to them as acknowledged by the Council and in this case there are no supportable reasons to withhold planning permission on housing land supply grounds. Furthermore, this appeal turns principally on the effects of the development on the character and appearance and on the living conditions of future occupiers as set out in the main issues above.

Character and appearance

8. The appeal site comprises part of a discreet parcel of land on the periphery of Drayton Parslow bound by mature hedgerows and trees on two sides. Occupying some 0.18 hectares in area, the grassed field forms part of a larger rectangular agricultural parcel elevated above Chapel Lane directly opposite a small housing estate. Beyond this rectangular field to the south lies open countryside. Immediately to the north-west lies one of two historic parts of the Drayton Parslow Conservation Area at Church End. The buildings here form a linear group of 18th and 19th century buildings located on the roadside edges, which gently curve around the buildings and contain few footways. Immediately to the north lies the Baptist Chapel containing a date stone of 1830.
9. Paragraph 215 requires that any development plan policy at issue should be considered in terms of its consistency with the Framework. Policy GP 35 of the AVDLP indicates that new development should respect and complement various features, including the characteristics of the site and surroundings, the historic

scale and context of the setting, the natural qualities and features of the area, and the effect on important public views and features.

10. The appeal site adjoins existing development at a position along Chapel Lane before the road bends at a position where the larger rectangular field becomes more rural in character. At the location illustrated in the schematic layout drawing, this part of the field forms a logical part of the village edge and would complement the established pattern of built development on both sides of the Chapel Lane. At this location, the site is hemmed in by mature hedges and trees, which provide a natural back-drop to the site in much the same way as existing neighbouring development. Although elevated above the lane, the site would be no more conspicuous than the adjoining development in the immediate setting. Moreover, as Chapel Lane starts to drop as it passes the site and given the presence of substantial trees and hedgerows, views of the site from within the Conservation Area would be minimal. Although the larger same field beyond the appeal site the south-east contributes to the setting of the Chapel and Conservation Area, due to the curvature of the road at this point, the principal views of a sloping agricultural field would be largely retained.
11. The Council has drawn my attention to two recent appeals within the District¹ where the Inspectors in each case considered that locations at the edges of those settlements would be harmful to rural character. Although the details of those cases are not available to me, it appears that both cases involved larger housing schemes on sites that were considered to have much clearer relationships with the open countryside. Given what I saw during my site visit, I do not accept that the case at Drayton Parslow is directly comparable but in any event I am required to have regard to the particular merits of this appeal.
12. Consequently, the proposal would not significantly harm the character and appearance of the area and would not be in conflict with saved Policy GP35 of the AVDLP, which states that development should respect and complement the characteristics of the site and its surroundings. There would be no harm to the character and appearance of the Conservation Area.

Location and Sustainable Development

13. The Framework indicates that the economic role of sustainability includes the availability of sufficient land of the right type in the right place at the right time to support growth. Building a strong and competitive economy is an important element of Government policy. Drayton Parslow is identified as a smaller village with a small number of local services including a village hall, infants' school, recreation ground and a pub. There are limited bus links to Milton Keynes and Winslow. However it is a village that has been identified by the Council as a settlement capable of accommodating some limited growth. Whilst there is a degree of conflict between the officer report and the Council's statement of case in terms of whether the village is sustainable, the potential increase in households would in my view help sustain the village and its services, with the potential to improve their viability. Construction activity would provide jobs and economic benefits to the materials supply chain.
14. Turning to the social dimension, the occupiers of the proposed dwellings would help sustain social networks and activities within the village, including the

¹ APP/J0404/W/3147080 and APP/J0404/W/3164400

infants' school thereby contributing to the social infrastructure that in turn would support a thriving rural community. At reserved matters stage, design considerations should ensure that the development is of high quality and provides a good standard of amenity for future occupiers.

15. Turning to the environmental role of sustainability, this has largely been addressed above. The proposed development would have no adverse effect on the village character and would be seen in the context of the existing settlement, with additional landscaping measures. I am satisfied that the site is within relatively close proximity to village services and bus routes to larger towns. Thus car dependency would not be the dominant mode of travel.
16. On balance, the appeal proposal would be a sustainable form of development and would provide a suitable site for housing and meet the Council's ambitions to promote further limited development in this settlement.

Living conditions

17. The Council's concerns relate to the likely effects on the living conditions of future occupiers of some of the plots shown on the indicative drawings in terms of outlook, privacy and access to light. However, I would agree with the appellants that the proposed layout as shown in the submitted drawings is indicative only and that this is a matter that can be considered at Reserved Matters stage. There is no evidence to suggest that reasonable conditions of amenity cannot be achieved with careful design. Given these matters, I therefore conclude that with the proposed development would comply with Policy G8 of the AVDLP that proposed development should not cause unreasonable harm to conditions of residential amenity.

Other matters

18. Concerns have been expressed about the effect of additional traffic on the local highway network and the presence of a brow of a hill to the north-west of the site making it potentially difficult for emerging traffic from the proposed development to see clearly. The Highway Authority has raised no objection to the proposals subject to appropriate conditions. I am satisfied that a safe access can be accommodated at this location.

Conditions

19. The Council has suggested a number of conditions that have been considered against the Planning Practice Guidance. Some have been amended in the interests of clarity and others omitted on grounds of necessity. In addition to the standard time limit conditions for outline permissions, including ones that set a reduced timeframe for the submission of Reserved Matters and commencement of condition given the Council's need to ensure early delivery of housing schemes, a condition is also attached that specifies approved drawings to provide certainty. Conditions are imposed requiring approval of all facing and hardsurfacing materials including means of enclosure and landscaping/ tree protection to ensure that the development respects the character and appearance of the area. A condition is also attached to require the Council's prior approval of slab levels to protect the character and appearance of the area. To protect living conditions, a condition is included requiring prior approval of foul and surface water disposal and their subsequent implementation. Conditions requiring the provision of vehicular access and off

street car parking are necessary in the interests of highway safety and convenience. I do not consider that a condition withdrawing permitted development rights in the way suggested by the Council would serve a useful purpose and has not been justified.

Conclusion

20. The principle of housing is not at issue in this appeal and the policies relied upon by the Council are criteria based policies regarding qualitative and aesthetic design together with considerations of heritage matters. To this extent the benefits of housing development outweigh the harms that have been identified by the Council. I have had regard to all other matters raised. None affect my conclusions that the proposed development would result in the effective use of land for market housing, would not harm the character and appearance of the Conservation Area or wider area and would not encroach into open countryside. I conclude that the proposed development conforms to the development plan and the Framework when considered as a whole and should therefore be allowed.

Gareth W Thomas

INSPECTOR

SCHEDULE OF CONDITIONS:

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission.
- 3) The development hereby permitted shall take place not later than 18 months from the date of approval of the last of the reserved matters to be approved.
- 4) No development above slab 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.
- 5) No development shall take place until details of the materials proposed to be used on the surfaces of the roads, footpaths and driveways 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.
- 6) The details submitted pursuant to Condition 1 above shall include a scheme of hard and soft landscaping to include all proposed means of enclosure which provides for the retention of existing trees and hedgerows. The landscaping scheme shall show the proposed planting, including species, size and density, and distinguish the trees to be retained showing their species, spread and maturity. The approved planting scheme shall be carried out in accordance with a timescale that has been first agreed by the local planning authority.
- 7) 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.
- 8) All the trees and hedges shown on the landscaping plan submitted in accordance with Condition 6 as "to be retained" and any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered,

nor shall any excavation be made, without the prior written consent of the local planning authority.

- 9) The details to be submitted for approval in writing by the local planning authority in accordance with Condition (1) above shall include details of the proposed slab levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land, with reference to fixed datum point. The buildings shall be constructed with slabs at levels that have been approved in writing by the local planning authority.
- 10) Works on site shall not commence until details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the agreed drainage scheme.
- 11) Development shall not take place until details of the junction between the proposed service road and Chapel Lane shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.
- 12) The details to be submitted for the approval in writing of the local planning Authority in accordance with Condition 1 above shall include a scheme for parking, garaging and manoeuvring. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not thereafter be used for any other purpose.

END OF SCHEDULE

APPENDIX B: PARISH ORIGINAL COMMENTS

From: "no-reply@aylesburyvaledc.gov.uk" <no-reply@aylesburyvaledc.gov.uk>
Sent: 26/10/2017 11:57:54
To: draytonparslowpc@btinternet.com
Subject: Consultee Comments for Planning Application 17/03720/APP

Clerk DraytonParslow PC,

You have been sent this email because you or somebody else has submitted a consultee comment on a Planning Application to your local authority using your email address. A summary of your comments is provided below.

Comments were submitted at 12:57 PM on 26 Oct 2017 from draytonparslowpc@btinternet.com.

Application Summary

Reference: 17/03720/APP

Address: Land At Chapel Lane Drayton Parslow Buckinghamshire

Proposal: Erection of 5 dwellings

Case Officer: Simon Dunn-Lwin

Click for further

information <<https://publicaccess.aylesburyvaledc.gov.uk/online-applications/centralDistribution.do?caseType=ApplicationkeyVal=OWTX6ECLL7V00>>

Comments Details

Comments: At its meeting on 23rd October 2017, Drayton Parslow Parish Council RESOLVED to OPPOSE the application as submitted on the following grounds:

The initial outline planning application 16/03614/AOP which was approved on appeal was for up to 5 homes of a smaller scale than now proposed. Consequently, the area of land to be developed has increased. All of the residences are substantial executive homes which will impact on the views within the Conservation Area. As indicated in its comments for 16/03614/AOP, the Parish Council would be willing to consider development at this location if the homes are of a size and scale that reflects the needs of the community – 2-3 bedroom starter homes and senior bungalows. This has been evidenced in our emerging Neighbourhood Plan consultations and should be given weight. Plot 3 is now extremely close to the property line of 6 Chapel Lane, thus impacting the visual amenity of that residence.

Drawing CLDP.SP500 indicates parking spaces (with no garages proposed) for 12 vehicles. The Application Form quotes 13 spaces. Either way, sufficient provision has not been made for visitors or households with more than two vehicles. Paragraph 39 of the NPPF states: "If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles"

The application references a local bus service. We do not have service into the nearest large towns during commuting times (runs 9:30 – 3:30 only). Other bus services are for school transportation during term times only. This is contrary to the Planning Inspectorate's Decision remarks in paragraph 15. This makes the proposal non-sustainable, dependent upon motor vehicles and contrary to NPPF.

There are areas of 'open grass' indicated in the plans with no indication of maintenance responsibility. The planning application indicates that foul sewage is to be disposed of via the mains sewer and surface water via soakaway. The systems within Drayton Parslow are already at or above capacity and no submissions appear to have been made addressing this in detail. (A condition of the Planning Inspectorate's decision). When consulted on application 17/01429/APP both the SuDS officer and Anglian Water have referenced the drainage and sewerage issues within the village's current infrastructure and this application will only exacerbate them.

The issue of traffic and pedestrian safety also must be considered. The plans indicate an access pavement connecting to the opposite side of Chapel Lane where pavement does exist. Chapel Lane is a narrow road with traffic from the neighbouring farm consisting of large agricultural vehicles as well as traffic from existing residents, the Kingsland Livery and weekend Shooting Clays. A cross-walk of this nature is not safe for pedestrians, especially children who would need to access the school buses and facilities such as the Play Area and Greenacre Hall.