



REFERENCE NO	PARISH/WARD	DATE RECEIVED
17/01756/APP	WENDOVER The Local Member(s) for this area is/are: -	11/05/17
ERECTION OF TEN DWELLINGS. LAND REAR OF 197 - 207 AYLESBURY ROAD	Councillor Steve Bowles Councillor Peter Strachan	
DAVID HOWELLS STREET ATLAS PAGE NO.131	Councillor Richard Newcombe	

### 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**
  - **Promoting sustainable transport**
  - **Delivering a wide choice of high quality homes**
  - **Good design and conserving and enhancing the historic environment**
  - **Promoting healthy communities**
  - **Meeting the challenge of climate change and flooding**
  - **Conserving and enhancing the natural environment**
- c) **Impact on residential amenity.**
- d) **Developer contributions**

The recommendation is that permission be **REFUSED**

### CONCLUSIONS – THE PLANNING BALANCE

The application has been evaluated against the extant Development Plan and the Framework and the report has assessed the application against the core planning principles of the Framework and whether the proposals deliver sustainable development. Paragraph 14 of the Framework requires that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

It is accepted that the development would make a contribution to the housing land supply and choice of housing which is a significant benefit to be attributed limited weight in the planning balance, as it is tempered due to the scale of development that is proposed. 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 to which limited positive weight should be attached.

Compliance with some of the other core planning principles of the Framework have been demonstrated in terms of the location and access to the site, biodiversity, flooding and residential amenities. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally.

Limited adverse weight must be attributed to the location of some of the car parking spaces for the dwellings which would not be located on plot and which could lead to on-street parking hindering access within the site.

It is considered that the development would represent an overdevelopment of the site with the dwellings being of an unacceptable density, scale and size. Whilst the design detailing may not be objectionable, and appropriate materials could be secured by condition this does not overcome the fundamental objections to the development of the site in the manner sought. As such the development would be contrary to policy GP35 of the AVDLP and with the aims of the NPPF in that it would fail to achieve 'good design' and this matter should be afforded moderate negative weight in the planning balance.

There would be significant harm to the character and appearance of the locality and to the rural amenities of the countryside and the development would fail to conserve or enhance the special beauty or scenic quality of this part of the Chilterns AONB. Significant adverse weight must be attributed to this landscape harm in the planning balance.

Weighing all the relevant factors into the planning balance, and having regard to Framework as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 14 of the Framework, it is considered, that the adverse impacts would significantly and demonstrably outweigh the housing and economic benefits of the proposal. It is considered therefore that this would not be a sustainable development, as defined throughout the whole of the Framework, for the reasons elaborated in the report; and it is recommended that the application be **REFUSED** for the following reasons:-

1. The proposed development would not represent sustainable development as it would fail to preserve or enhance the rural amenities and character of this site which is located at the edge of the settlement, within the Chilterns AONB and which does not comprise previously developed land. The development by reason of its scale, density and size would represent an incongruous form of development which would significantly increase the built form of the site which would erode the appearance of the area and would detract from the local landscape and this part of the Chilterns AONB to its detriment. Furthermore it would represent unacceptable backland development which would be out of keeping with the settlement pattern and identity of this part of Wendover which comprises frontage development in the immediate area. As such the development would give rise to significant adverse landscape and visual impacts on the landscape and settlement which would be contrary to Policy GP35 of the AVDLP and to the aims of the NPPF.
2. The proposed development, by reason of the density, scale and size of the dwellings, would represent an overdevelopment of the site to the detriment of its character and appearance. In particular little space is left between the dwellings which also have deep span depths and are of a height which is considered unacceptable at this edge of settlement location. As such the development would be contrary to policy GP35 of the AVDLP, to the Council's Design Guide on New Dwellings in Towns and Villages and to the aims of the NPPF.
3. Had the above reason not applied the Local Planning Authority would have sought the submission of amended plans to address the car parking provision for the site such that the car parking requirements for each dwelling are provided on each of the plots as necessary.

As currently proposed the development is considered contrary to policy GP24 of the AVDLP and to the aims of the NPPF.

4. 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 educational provision and leisure and open space provision. In the absence of such a provision or the submission of an acceptable unilateral undertaking, the development would conflict with policies GP86-88 and GP94 of the Aylesbury Vale District Local Plan and the objectives of the NPPF to achieve sustainable development.

Informative:

## **1. WORKING WITH THE APPLICANT/AGENT**

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 Applicant / 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,
- 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, further information was submitted by the applicant and AVDC has considered the details as submitted which overall were considered unacceptable and the application has therefore been refused.

## **2.0 INTRODUCTION**

- 2.1 The Local Member, Cllr Peter Strachan, has requested that the application be considered by the Committee for the following reasons:

This application will provide 10 family houses in a location where people want to live. There is local support for the development and whilst accepting the need to protect the AONB, this is a discrete development which is in keeping with the area.

## **3.0 SITE LOCATION AND DESCRIPTION**

- 3.1 The application site (0.42 ha) is located on existing garden land for no.s 197-207 Aylesbury Road to the north of the settlement of Wendover. To the south of the site is open countryside, community allotments are located to the south-east of the site and there is existing residential ribbon development to the east. A belt of mature trees and boundary vegetation is located on the western boundary to the back of the gardens the subject of this application. Access to the site would be to the rear of these properties, off the existing access serving the allotments.
- 3.2 The site is located within the Chilterns AONB, in the countryside at the edge of the settlement and whilst it forms garden land, this would not represent previously developed land in the context of the NPPF. The site is relatively flat although there is a slight slope going down to the north.

## **4.0 PROPOSAL**

- 4.1 It is proposed to erect ten dwellings on the site which currently comprises rear garden land for no.s 197-207 Aylesbury Road, a series of 1970's properties. The development would be at a density of 24 dwellings per hectare. There would be eight no. four-bed dwellings, two detached and three pairs of semi's, and two no. three-bed, semi-detached dwellings. The dwellings would be between 9.2m and 9.5m high to the ridge and would have varying spans depths ranging from 11.5m to 14.3m deep with staggered footprints. The application indicates that the proposed materials would reflect the materials of the immediate vicinity.
- 4.2 The existing access leading to the allotment from the cul-de-sac would be utilised with the entrance into the site being to the rear of no. 197 Aylesbury Road. Amended plans have been received showing a 2m wide (previously 1m wide) footway along the access road. Parking provision would be within single garages for plots 1 and 10, with two on plot parking spaces each being provided for these dwellings. Plots 5 and 6 (four beds) would have three spaces available, including two spaces to the front of single garages. Plots 3 and 8 would have two on plot spaces for these three-bedroom properties and Plots 2, 4, 7 and 9 which are four bedroom properties would have two on plot spaces and use of four visitor spaces located off the access road to the rear of No. 197. A single garage and space to the front would also be provided in the rear garden of No.197 Aylesbury Road and this property also benefits from off-street parking to the front of the property with space for a further three cars.
- 4.3 The existing site boundaries would be supplemented with tree and hedge planting of native species and tree planting is indicated within the site.

## **5.0 RELEVANT PLANNING HISTORY**

- 5.1 There is no planning history on this site of any particular relevance to the determination of this planning application.

## **6.0 PARISH COUNCIL COMMENTS**

- 6.1 Wendover Parish Council (WPC) - Objection. As this is considered a major development due to the fact there are ten houses WPC is concerned about the access routes. The area in question is a greenfield site. There are concerns that it is close to the sewerage works, there will be loss of ecological habitat and a potential flood risk – where will surface water drain? WPC would suggest that a full biodiversity survey is carried out along with a traffic analysis report together with a request for more information regarding the application.

## **7.0 CONSULTATION RESPONSES**

- 7.1 BCC Education – Comments to be reported.
- 7.2 **BCC Highways** - There appears to be an adequate level of visibility. The existing estate road would accommodate simultaneous two way vehicle flow, whilst pedestrian movements are catered for by the existing footways which are present along both edges of the carriageway. The proposed access carriageway leading into the application site is shown as 4.8m wide which would be an adequate width to accommodate the vehicle movements associated with this proposal. The proposed footway is shown as approximately 1m wide, this should be improved to 2m wide. There appears to be adequate room for delivery/service vehicles to manoeuvre in order to exit the site in a forward gear by using the proposed turning head between plots 5 and 6. There are concerns that the four parking spaces shown on the north east edge of the main access carriageway into the site are located remote from the proposed dwellings. This may result in residents parking on-street adjacent to their property, potentially restricting the turning and manoeuvring area for larger vehicles. Would request amended plans to show a revised parking scheme and widened footway.

Comments are awaited on the amended plans.

- 7.3 **SuDS** – No objections subject to conditions. Various options investigated. Surface water is proposed to be discharged into an existing sewer in Aylesbury Road which discharged to Wendover Brook. Surface water will be stored within the proposed permeable paving and attenuation tanks and discharged at a rate of 2 l/s. Detailed storage calculations will be required to ensure sufficient storage for the 1 in 30 year storm event and that no surface water runoff leaves the site in a 1 in 100 year storm plus climate change allowance. Permission will be required from Thames Water to discharge into the sewer system to ensure it has sufficient capacity. All SuDS features must be maintained and managed.
- 7.4 **Biodiversity** – These proposals involve the development of a greenfield site and are therefore likely to have a negative impact upon biodiversity if left unmitigated. A Preliminary Ecological Appraisal has been submitted which is generally considered to be satisfactory however, there are opportunities to incorporate biodiversity in and around the development such as bat and bird boxes. Recommend condition.
- 7.5 **Environmental Health** – No comments to make.
- 7.6 **Landscape Officer** - The non technical summary of the LVIA concludes *'The site has an assessed high landscape sensitivity and a small magnitude of landscape impact. The significance of landscape character is minor, i.e. not significant'*. (LVIA, paragraph 1.5) however the proposed development cannot have such a small magnitude of landscape impact, when the scale, duration of landscape effect and the reversibility of the scheme on the existing base line site and surrounding landscape are combined. The proposed development would be permanent, non reversible and would extend the settlement pattern of the village further into the AONB.

The LVIA assesses the landscape character impacts during construction: *'In summary, both the proposed site itself and the local landscape in general, are assessed as having high landscape sensitivity. For the proposed site, it is assessed to be subject to a small magnitude of change, due to the minor loss or alteration to one or more key elements or features, and the introduction of elements that may be prominent but may not be uncharacteristic when set within the attributes of the receiving landscape'*. (LVIA, paragraph 10.6). The Council's Landscape Officer disagrees that the development would lead to a small magnitude of change, it would lead to a medium/large magnitude of change and be uncharacteristic when set within the attributes of the receiving landscape, as the proposals would lead to back land development, highly urban in appearance out of scale and context with the surrounding landscape and at odds with the current settlement pattern and landform.

*'As part of the suburban fringe of this part of Wendover, the introduction of construction features and facilities, construction lighting, together with general construction activities for a project of this small scale will not be unfamiliar or uncommon features in the local landscape'*. (LVIA, paragraph 10.11) This site is not part of the suburban fringe, it is the edge of settlement, on the transitional rural fringe, it may be possible to view other construction works in the nearby vicinity, this does not mean that visual receptors would be immune to this, and the impact should be underestimated. The LVIA continues on this point: *'it would result in a perceptible change in the existing view, and would form an apparent small element in the wider landscape that may be missed by the observer or receptor. This would result in a small magnitude of change'*. (LVIA, paragraph 10.12). In this sentence the assessment admits that there would clearly be a noticeable change in the view, however qualifies this by stating that it may be 'missed' by onlookers, and therefore would result in a small magnitude of change. These assumptions are disputed and the magnitude of change has been underestimated.

The Operational stage assessment concludes similar results to the Construction Stage. *'The introduction of this building within a substantial landscape framework will not be uncharacteristic when set within the existing attributes of the local receiving landscape. It can be determined that the introduction of features that are similar to other existing*

*residential development found adjacent to the site. The magnitude of change on landscape character is determined to be small – (minor loss or alteration to one or more key elements or features, and the introduction of elements that may be prominent but may not be uncharacteristic when set within the attributes of the receiving urban fringe landscape)’. (LVIA, paragraph 10.14) The development would be uncharacteristic, as the site is the back gardens of properties 197-207, and it would be out of character for backland development to take place within a sensitive landscape designation in this rural location.*

The LVIA proceeds to highlight a series of key view points from where to assess the greatest visual impact. View Point 2- the view clearly represents the edge of the settlement, with buildings forming the edge of Aylesbury Road east of the photograph, and as you look west the landscape in the backdrop is more vegetated and becomes more rural in nature. This is not a suburban fringe and the proposed development would be far more apparent to the west than it has currently been assessed. There would be vegetation clearance necessary to accommodate the proposed buildings and infrastructure, and this would be incongruent with the rural nature of the western part of this view, as the edge of settlement is clearly seen to the far east along the road. Another view point in which the visual impact has been underestimated, is View Point 7- this view clearly shows the edge of settlement. The proposed access way would significantly alter this view, large amounts of existing vegetation would need to be removed making the character of this area far more urban than it is at present. This would be the view for both pedestrians accessing the allotments and for residents, and it seems they have not been considered in this assessment, only road users. The assessment fails to assess a full range of visual receptors- and has not considered the residential receptors along Aylesbury Road (197-207), that would overlook the site and have direct views of the proposed development. Users of the allotments adjacent the site would be greatly impacted by the proposed development further view points in closer proximity to the site from the allotments from where there would be greater visual impact should have been included. The LVIA has also not considered the impact of increased night time visual effects. A housing development situated within the AONB on the rural edge of the settlement would have significant adverse effects on the surrounding landscape in terms of night time visual experience.

**7.7 Chiltern Conservation Board (CCB) –** Objection as the application erodes the landscape character of the Chilterns. This harmful impact is manifested through the introduction of a backland form of development which erodes the division between the urban edge and rural AONB within the land to the south of Aylesbury Road and to the west of Lionel Avenue. The CCB would draw attention to AONB Management Policy L8, landscapes close to existing and new areas of development should be maintained and enhanced to conserve, enhance and extend natural capital, green infrastructure, character and amenity, biodiversity, and opportunities for recreation. Also D1, the natural beauty of the Chilterns AONB should be conserved and enhanced by encouraging the highest design standards, reinforcing local distinctiveness and respecting the landscape, settlement character and special quality of the AONB. The supporting text to AONB Management policy states that ‘the boundary of the AONB is long and sinuous, curling around many towns and villages. The interface between the AONB and these communities is important and the quality of landscape in this belt is often under pressure.

The high tests that apply within an AONB require the conservation and enhancement of natural beauty. By adding backland development here the relationship between the urban edge of Wendover and the AONB is permanently altered in a manner that alters this landscape context.

The site falls within the Southern Vale character area in the Aylesbury Vale Landscape Character Assessment (2011) and this site falls between the two parcels of the Wendover foothills east and west. This relationship, within the AONB, serves to reinforce the gently sloping landform which rises steeply to the south, beyond the site and in which there is a transition from open arable fields in the southern vale to more wooded landscapes in the

foothills. The Board recommends that permission is refused. No overriding exceptional circumstances have been presented which demonstrate that the development is in the public interest whereas great weight is given to conserving the landscape and scenic beauty of the area.

## **8.0 REPRESENTATIONS**

8.1 23 representations have been received making the following comments:

21 responses supporting the development:

- More appropriate than larger greenfield land releases proposed around Aylesbury
- Beneficial to local housing supply
- Small development not overlooked and discretely located
- No intrusion into green belt
- Limited impact on existing services and infrastructure
- Welcome new housing
- Wendover badly needs smaller infill developments to meet needs of family housing
- Sympathetic design on area
- Good mix of detached and semi-detached family homes
- Easy and safe access to schools
- Application has taken note of traffic and drainage considerations
- Would not have noticeable impact on additional vehicular movement
- Existing properties still left with larger than average gardens

2 responses objecting to the development:

- In principle there is no objection to the development but concerned about access to the site by large vehicles (deliveries and refuse) as entrance to the site is narrow and access obstructed by parked vehicles on an almost permanent basis by local residents and uses of the allotment site.
- The Committee of the Wendover Ashbrook Allotment Association has no objection to the potential development of the site for housing but object to the contrived and substandard access to the site from the cul-de-sac. Concerned about footway width and vision splays and the barely achievable swept paths. Plans ignore the fact that the cul-de-sac is habitually parked up by residents, visitors and allotment holders. The proximity of the housing access point to the allotment gate is unacceptable as it is in regular use. The layout plans show trees planted with their trunks virtually on the allotment boundary which with shade and root-growth would compromise the viability of the allotment plots alongside the boundary fence.

## **9.0 EVALUATION**

### ***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 framework when coming to a decision on this application. The determination of the application should be considered in the context of



paragraph 14 of the NPPF whereby there is a presumption in favour of granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits if it is demonstrated that the development represents sustainable development. 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 (Framework) 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 Framework.

#### Aylesbury Vale District Local Plan (AVDLP)

- 9.2 The overall strategy of the Aylesbury Vale District Local Plan (AVDLP) is to seek to concentrate the majority of growth (65% housing and employment) at Aylesbury with the remaining 35% in the rural areas. The latter was to be concentrated at a limited number of settlements. Insofar as this overall strategy is one which is based on the principle of achieving sustainable development, it is considered that this is still in general conformity with the Framework. 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 and not considered to be consistent with the Framework. Development proposals on sites are to be considered in the context of policies within the Framework which sets out the presumption in favour of sustainable development at paragraph 14.
- 9.3 Wendover is listed in the Aylesbury Vale District Local Plan as an Appendix 4 settlement but it is one of the larger settlements in the District such that larger developments can be considered acceptable in principle provided that they conform to other policies in the Plan.
- 9.4 A number of general policies of the AVDLP are considered to be consistent with the Framework 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 Policies GP8, GP24, GP35, GP38 - GP40, GP45, GP88 and GP94.

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

- 9.5 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 published and subject to public consultation in summer 2016. Following consideration of the consultation responses, and further work undertaken, changes have been made to the draft plan. A report has been considered by the VALP Scrutiny Committee on 26 September and Cabinet on 10 October 2017 on the proposed submission plan. The Cabinet's recommendations were considered by Council on 18 October 2017. The proposed submission was the subject of consultation from 2 November to 14 December 2017. 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.
- 9.6 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 as these present a strategic picture. Of particular relevance is the Settlement Hierarchy Assessment (September 2017) which identifies Wendover as a strategic settlement which has a range of services and facilities and is well served by public transport and it offers a sustainable opportunity to accommodate future development. Also of importance is The Housing and Economic Land Availability Assessment (HELAA)

(January 2017) which 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.. This site is not identified in the HELAA.

### Housing supply

- 9.7 Paragraph 47 refers to the importance of identifying a five years supply of sites to assist in significantly boosting the supply of housing. Where the Council cannot demonstrate a five-year housing land supply there is a presumption in favour of sustainable development in line with the Framework and the absence of a Framework compliant five year supply would add to the weight attached to the benefit arising from the contribution made to the supply of housing and boosting the delivery of housing generally. Having an understanding of supply is also key to fulfilling the Framework requirement to demonstrate the expected rate of housing delivery and how housing targets will be met.
- 9.8 In the absence of a figure for the Full Objective Assessment of Need which will emerge through the plan making process which will also need to consider potential unmet needs from adjoining authorities not within the Housing Market Area, the council has set out its approach in the published Five-year Housing Land Supply Position Statement. This is regularly updated and the latest version is dated August 2017. This version uses the proposed Full Objectively Assessed Need (FOAN) identified in the Buckinghamshire Housing and Economic Development Needs Assessment (HEDNA) Update December 2016 and addendum (September 2017) (970 dwellings per annum). This represents the most appropriate need requirement figure as it considers the district's own objectively assessed needs as well as that within the housing market area. Based on the findings of the HEDNA, the housing land supply document shows we have a nine year supply this year (compared with 5.8 years previously).
- 9.9 It is acknowledged that this five year housing land supply calculation does not include any element of unmet need, however at this stage it would not be appropriate to do so. Whilst the unmet need figure has progressed, it has not been tested through examination and it would not be appropriate to use a 'policy on' figure for the purposes of calculating a 5 year housing land supply for Aylesbury until the "policy on" figures and general policy approach has been examined and found sound. This means that paragraph 49 of the Framework is no longer engaged. However, there are no up to date housing supply policies in the AVDLP including Policies RA13 and RA14 (which relate to housing development within and on the edge of settlements) and therefore the planning balance exercise in paragraph 14 of the Framework must still be applied.

### Neighbourhood Planning

- 9.10 There is no 'made' Neighbourhood Plan for Wendover and the plan is in the very early stages of preparation with only a plan area being identified so no weight can be given to it.

### ***Whether the proposal would constitute a sustainable form of development.***

- 9.11 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 18 to 219 of the Framework, taken as a whole (paragraph 6). The Framework has a presumption in favour of sustainable development which should be seen as a golden thread running through plan-making and decision-making.
- 9.12 It is only if a development is sustainable when assessed against the Framework as a whole that it would benefit from the presumption in paragraph 14 of the Framework. The following sections of the report will consider the individual requirements of sustainable development as derived from the Framework 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.

### ***Building a strong competitive economy***

- 9.13 The Government is committed to securing and supporting sustainable economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development. It is considered that there would be economic benefits in terms of the construction of the dwellings and the resultant limited increase in population arising from ten dwellings which would contribute to the local economy. This matter should be afforded limited weight in the scheme's favour given the small scale of the development proposed.

### ***Sustainable Transport***

- 9.14 It is necessary to consider whether the proposed development is located where the need to travel will be minimised, the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved. As discussed above, Wendover is considered to be a sustainable settlement for some growth; however, it remains necessary to consider the application against the sustainability tests of the Framework as a whole and not just locational characteristics.
- 9.15 The development would be served from a new access leading from the existing road serving the allotments and existing dwellings off this part of Aylesbury Road. A footpath is shown to serve the development. Whilst BCC Highways have raised no principle objections to the proposal, concerns have been raised to the limited width of the footpath, which should be 2m wide and not 1m wide, and to the remoteness of some of the parking spaces to the dwellings that they would serve. Further plans have been submitted which show a 2m wide footway and further comments from the Highway Authority are awaited in this regard. Whilst the development would accord with the NPPF in terms of achieving safe and suitable access, and neutral weight can therefore be afforded to this matter in the planning balance, there are concerns regarding the car parking which is discussed below.
- 9.16 Policy GP24 of AVDLP requires that new development accords with published parking guidelines. SPG1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development. The three bedroom dwellings would require two car parking spaces to be provided (Plots 3 and 8) and these are provided to the fronts of the dwellings. The four-bedroom properties would require three car parking spaces to be provided within the curtilage and plots 1, 5, 6 and 10 can achieve this although plots 5 and 6 would have triple spaces in a row (including the single garages) which is not ideal. A further four spaces would be provided off the access road to the east of the proposed dwellings. These spaces would be remote from the dwellings they serve and as a result could lead to on-street parking to the front of the dwellings which would be unacceptable given the layout of the roadway and potential hindering of views of other road users and pedestrians. Whilst the overall provision of parking would be acceptable in terms of the number of spaces provided, the location of some is considered unacceptable and therefore this matter must be afforded limited adverse weight in the planning balance. Had there not been fundamental objections to the development the Authority would have sought the submission of amended plans to secure the provision of adequate on-site car parking to serve the development which may have necessitated the reduction of bedroom numbers for some of the dwellings.

### ***Deliver a wide choice of high quality homes***

- 9.17 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). The housing supply position has been discussed above.

- 9.18 The provision of ten dwellings, comprising a limited mix of three and four-bedroom units, would add to the housing stock for the District. There is no reason that the site could not be delivered within the next five year period making a contribution to housing land supply which would be a significant benefit to which limited positive weight should be given, the level of weight being tempered owing to the number of dwellings proposed.

### ***Requiring good design***

- 9.19 The Framework seeks to secure good design; it states that development should “establish a strong sense of place”; “respond to local character and history, and reflect the identity of local surroundings and materials”; and be “visually attractive as a result of good architecture and appropriate landscaping”. Section 7 of the Framework 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”.
- 9.20 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; and which advises that new housing can display local identity by exhibiting family likeness to the dwellings around them in terms of form, shape and siting relative to road, spaces and to each other.
- 9.21 This site is located at the edge of the settlement and it currently forms the back gardens of dwellings fronting Aylesbury Road. The siting of the dwellings in this backland location would be out of keeping with the character and identity of this part of the settlement which would be to its detriment and this is also discussed later in this report. The density of the development is 24 dph and whilst this would not be unreasonable in more built up parts of the village, in this edge of settlement location the Authority would expect the density to be lower. Furthermore it is considered that the dwellings would be of a size, scale and height that would detract from the character and appearance of the locality. The dwellings would be between 9.2m and 9.5m high to the ridge and would have varying spans depths ranging from 11.5m to 14.3m deep with staggered footprints which would be significantly in excess of that which the Authority would normally expect to see. In addition there would be limited spacing between the dwellings which is symptomatic of the overall scheme representing an overdevelopment of the application site.
- 9.22 It is considered that the development would be unacceptable in that it would represent an overdevelopment of the site with the dwellings being of an unacceptable scale and size. Whilst the design detailing may not be objectionable, and appropriate materials could be secured by condition this does not overcome the fundamental objections to the development of the site in the manner sought. As such the development would be contrary to policy GP35 of the AVDLP, to the Council’s Design Guide on New Dwellings in Towns and Villages and with the aims of the NPPF in that it would fail to achieve ‘good design’ and this matter should be afforded moderate negative weight in the planning balance.

### ***Promoting healthy communities***

- 9.23 Wendover has several meeting places including public houses, churches and village halls. Consequently, there would be potential opportunities for the future occupiers of the new dwellings to interact with the local community. As such, this proposal would not conflict with the overall aims of paragraph 69 of the Framework. This matter should be afforded neutral weight in the overall balance.
- 9.24 The applicant has confirmed that the floorspace of the dwellings would exceed 1000sqm and as such there would be a need for a financial contribution towards off-site leisure provision towards a specified project which would have to be secured by a legal agreement. In addition there may be a need to make a financial contribution towards education and the comments of Bucks County Council are awaited in this regard. Whilst given the fundamental objections to the development of this site and as outlined in this report a legal agreement has not been sought, if an agreement had been entered into and the contributions secured, it is considered that this matter could have been afforded neutral weight in the planning balance. However, in the absence of a completed agreement this matter must be afforded limited negative weight in the planning balance.

### ***Meeting the challenge of climate change, flooding and coastal change***

- 9.25 The site itself is not within an area of known fluvial or surface water flood risk, although the site is within an area where there is a risk of groundwater emergence which could result in flooding (as advised by BCC SuDS Team). Further information in the form of a Surface Water Drainage Strategy has been submitted by the application to address the concerns expressed by BCC SuDS in respect of the treatment of surface water as a result of the impact of the development and to ensure that the aim of discharging surface run off as high up the hierarchy of options as possible is achieved (i.e. infiltration, to a surface water body, to a surface water sewer and then to a combined sewer). The Strategy proposes two surface water drainage strategies which have established that infiltration is not possible and that the second option of discharging surface water to an existing surface water sewer which discharges into Wendover Brook would have to be utilised (since the applicant could not gain consent from the landowner to discharge straight into the water body). Surface water runoff would be stored within the proposed permeable paving and attenuation tanks before being discharged at a rate of 2 l/s. On the basis of the information submitted BCC SuDS Team have raised no objections to the development but further information would be required by condition to ensure that the necessary detail and consents are secured and that the SuDS schemes are maintained in the long term.
- 9.26 Having regard to the above matters it is considered that the development would have a neutral impact on flood risk, and this element should be afforded a neutral weight in the planning balance.

### ***Conserving and enhancing the natural environment.***

- 9.27 Regard must be had as to how the proposed development 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 Framework. In addition, GP35 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; and the effect on important public views and skylines.
- 9.28 In terms of the impact on the landscape, the site is located at the edge of the settlement of Wendover and is also within the Chilterns AONB and therefore there is the potential of wider landscape impacts. The Council's Landscape Officer has been consulted on the scheme and has concerns with the development of the site.

- 9.29 The non technical summary of the LVIA concludes 'The site has an assessed high landscape sensitivity and a small magnitude of landscape impact. The significance of landscape character is minor, i.e. not significant'. (LVIA, paragraph 1.5) however the proposed development cannot have such a small magnitude of landscape impact, when the scale, duration of landscape effect and the reversibility of the scheme on the existing base line site and surrounding landscape are combined. The proposed development would be permanent, non reversible and would extend the settlement pattern of the village further into the AONB.
- 9.30 In addition the Council's Landscape Officer disagrees with the LVIA comments that the development would lead to a small magnitude of change, as it is considered that it would lead to a medium/large magnitude of change and would be uncharacteristic when set within the attributes of the receiving landscape, as the proposals would lead to back land development, highly urban in appearance which would be out of scale and context with the surrounding landscape and at odds with the current settlement pattern and landform.
- 9.31 It is considered that the site is at the edge of the settlement, on the transitional rural fringe, and whilst it may be possible to view other construction works in the nearby vicinity, this does not mean that visual receptors would be immune to this, and the impact should be underestimated. The LVIA continues on this point: *'it would result in a perceptible change in the existing view, and would form an apparent small element in the wider landscape that may be missed by the observer or receptor. This would result in a small magnitude of change'*. (LVIA, paragraph 10.12). In this sentence the assessment admits that there would clearly be a noticeable change in the view, however qualifies this by stating that it may be 'missed' by onlookers, and therefore would result in a small magnitude of change. These assumptions are disputed and the Council's Landscape Officer considered that the magnitude of change has been underestimated.
- 9.32 The Operational stage assessment concludes similar results to the Construction Stage. *'The introduction of this building within a substantial landscape framework will not be uncharacteristic when set within the existing attributes of the local receiving landscape. It can be determined that the introduction of features that are similar to other existing residential development found adjacent to the site. The magnitude of change on landscape character is determined to be small – (minor loss or alteration to one or more key elements or features, and the introduction of elements that may be prominent but may not be uncharacteristic when set within the attributes of the receiving urban fringe landscape)'*. (LVIA, paragraph 10.14) However, the development would be uncharacteristic, as the site forms the back gardens of properties 197-207 Aylesbury Road and it would be out of character for backland development to take place within a sensitive landscape designation in this rural location.
- 9.33 It is considered that the proposed development would be far more apparent than assessed by the applicants. There would be vegetation clearance necessary to accommodate the proposed buildings and infrastructure, and this would be incongruent with the rural nature of the western part of this view, as the edge of settlement is clearly seen to the far east along the road. Furthermore the proposed access way would significantly alter this view, with large amounts of existing vegetation needing to be removed making the character of this area far more urban than it is at present. This would affect all receptors (including residents, pedestrians and users of the allotments), not just road users. The LVIA has also not considered the impact of increased night time visual effects. A housing development situated within the AONB on the rural edge of the settlement would have significant adverse effects on the surrounding landscape in terms of night time visual experience.
- 9.34 The NPPF requires planning policies and decisions to encourage the effective use of land by re-using land which has been previously developed provided it is not of high environmental value. Private residential gardens are excluded from the definition of previously developed land. With regard to the Chilterns AONB the NPPF states that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection and that permission should be refused for major

developments in these areas except in exceptional circumstances and where it can be demonstrated that the development is in the public interest. A full assessment of this has not been provided by the applicants in terms of this wider assessment and the cost of and scope of developing elsewhere outside of the AONB.

- 9.35 It is considered that the proposed development of the site would result in clear harm to the character and appearance of the locality in that it would fail to preserve or enhance the rural amenities and character of this site which is located at the edge of the settlement, within the Chilterns AONB and which does not comprise previously developed land. The development by reason of its scale, density and size would represent an incongruous form of development which would erode the appearance of the area and would detract from the local landscape and this part of the Chilterns AONB to its detriment. As such the development would be contrary to Policy GP35 of the AVDLP and to the aims of the NPPF and it is considered that significant negative weight must be afforded to this matter in the planning balance.

#### *Biodiversity*

- 9.36 Biodiversity have confirmed that they are satisfied with the survey and mitigation measures contained in the appraisal submitted by the applicants although there will be opportunities to incorporate further opportunities for biodiversity in and around the development in the form of integrated bat and bird boxes and this could be secured by condition along with the enhancement measures submitted in the ecological appraisal which includes a review of the site potential and constraints, extent and location of proposed works (e.g. gapping up of hedgerows), details of aftercare and maintenance of habitats. This absence of harm is afforded neutral weight in the planning balance.

#### *Trees and hedgerows*

- 9.37 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value. The development proposes to keep the existing boundary vegetation and strengthen and supplement it as necessary and to also include ornamental tree planting to the front of the proposed plots. Whilst there may be some loss of vegetation within the site since it currently comprises the back gardens of several properties, it is not considered that there would be any significant loss that would be detrimental overall. Had the scheme been otherwise acceptable, landscape conditions could have been imposed to ensure a satisfactory scheme is submitted and maintained. On this basis it is considered that this matter should be afforded neutral weight in the planning balance.

#### ***Impact on the amenities of the neighbouring residential properties.***

- 9.38 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. A key principle of the NPPF is to seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 9.39 In this instance the proposed development would maintain a reasonable distance to the 'new' rear boundaries of the existing properties of nos 197-207 Aylesbury Road such that it is not considered there would be any unacceptable loss of privacy or overlooking to the properties. Both the proposed dwellings and the existing dwellings affected would have an acceptable amount of private amenity space available. Although the garden to No.197 would be significantly curtailed, it is not considered that the available amenity space would

be so small as to justify this matter weighing negatively in the planning balance. The relationship between the proposed dwellings would be acceptable. Flank windows at first floor windows serve bathrooms or ensembles and had the scheme been otherwise acceptable, these could have been conditioned to be obscurely glazed and fixed shut to ensure amenity levels are maintained.

- 9.40 Having regard to the above matters, it is considered that the impact on residential amenities would be acceptable and that the development would accord with policy GP8 of the AVDLP and the NPPF in this regard. As such this matter should be afforded neutral weight in the planning balance.

### ***Developer contributions***

- 9.41 The applicant has recently confirmed that the floor space for the development would exceed 100sqm and therefore there would be a requirement to enter into a legal agreement to secure a financial contribution towards off-site leisure provision and potentially towards education. It is considered that these 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. From April 2015 there are restrictions on the pooling of planning obligations. Local authorities can no longer pool more than five S106 obligations together (dating back to March 2010) to pay for a single infrastructure project or type of infrastructure.
- 9.42 In the context of this application the development is in a category to which the regulations apply. The requirement for a financial contribution towards 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 to the scale and kind of development.
- 9.43 In the absence of a completed and acceptable S106 agreement, the development is considered to be unacceptable and this matter must be afforded limited adverse weight in the planning balance.