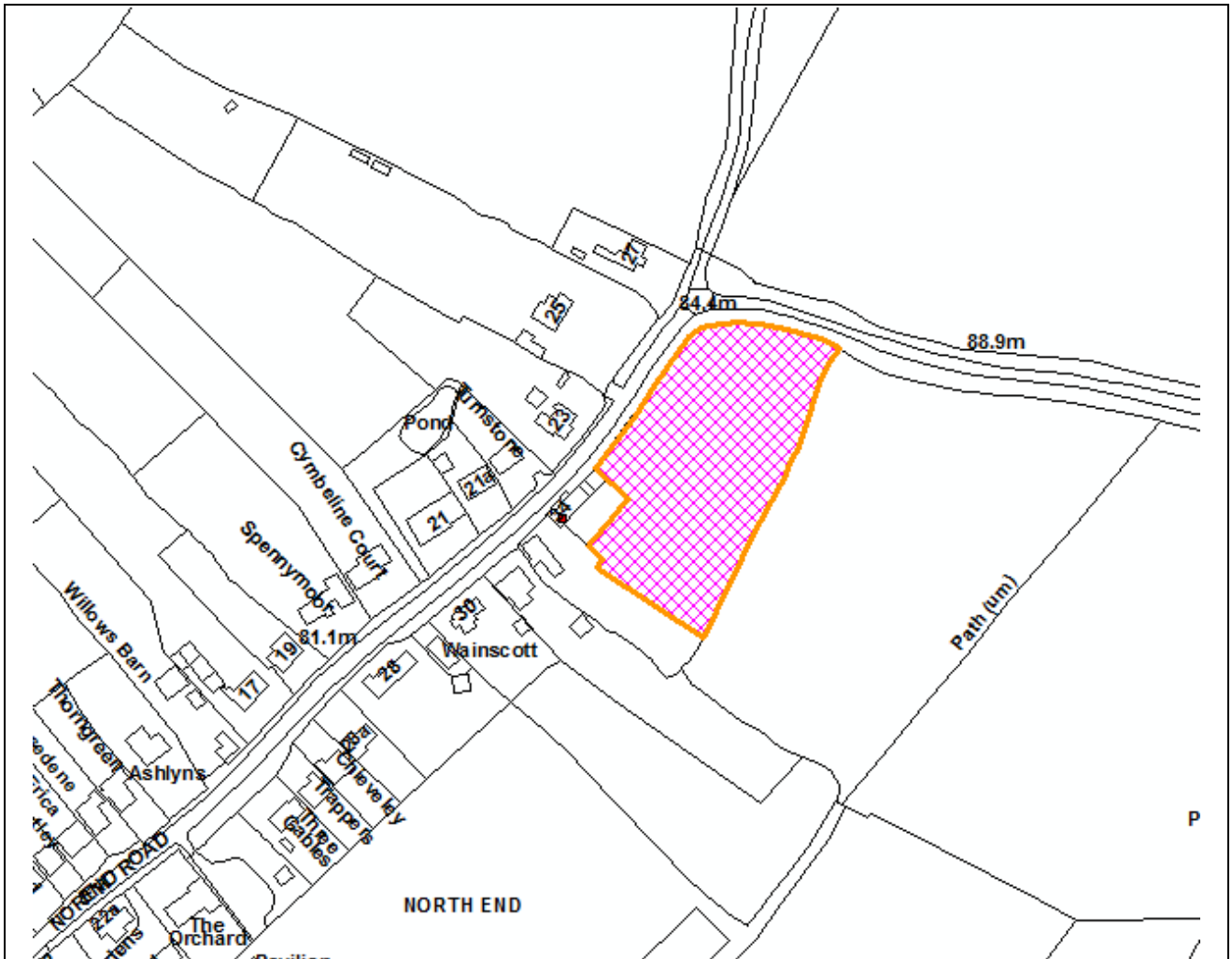


16/03311/AOP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
16/03311/AOP	STEEPLE CLAYDON The Local Member(s) for this area is:  Councillor John R Chilver	13/09/16
<p>Outline application with access and layout to be considered and all other matters reserved for the erection of nine two-storey self-build dwellings with access, parking and amenity space Land Adjacent To 34 North End Road MK18 2PG Mr, Mrs and Mrs Cox, Hunter and Powell</p> <p>STREET ATLAS PAGE NO. 57</p>		

**1.0 The Key Issues in determining this application are:**

**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) **Compliance with the requirements of the Steeple Claydon Neighbourhood Plan – the principle of the development**
- c) **Whether the proposal would constitute a sustainable form of development:**
  - **Building a strong competitive economy**
  - **Delivering a wide choice of high quality homes**
  - **Promoting sustainable transport**
  - **Conserving and enhancing the natural and historic environment**
  - **Promoting healthy communities**
  - **Good design**
  - **Meeting the challenge of climate change and flooding**
- d) **Impact on landscape and existing residential amenity.**
- e) **Developer contributions**

**The recommendation is that had the Authority been in the position to be able to determine the application it would have APPROVED the application subject to the completion of a s106 agreement to secure the financial contributions identified and the imposition of relevant conditions; or in the event that the S106 cannot be satisfactorily completed that it would have been REFUSED and that Officers proceed on this basis with the appeal scheme.**

## **2.0 Conclusion**

- 2.1 The application has been considered in the light of the Development Plan and NPPF guidance. The report has assessed the application against the made SCNP, the saved AVDLP policies and core planning principles of the NPPF and considered whether the proposal represents a sustainable form of development.
- 2.2 It is accepted that the proposal would accord with policies SC1 and SC2 of the SCNP and with policies GP8, GP24, GP35, GP38, and GP40 of the AVDLP. The development would make a positive contribution to the housing land supply and would represent an economic benefit.
- 2.3 It is acknowledged that the site is in a sustainable location with good access to public transport and local facilities, would have no adverse impact on the historic environment, and would have potential to result in no adverse impact on residential amenity. In terms of these issues, although there is no positive benefit arising from the development there is likewise no harm, and they can be accorded neutral weight in the planning balance.
- 2.4 At this stage, due to the lack of progress in relation to a s106, the proposals would however give rise to harm in terms of the need to promote healthy communities. This factor has a negative impact, although an appropriate legal agreement is now being drafted to address this concern which would be overcome by the satisfactory completion of a s106.
- 2.5 Weighing all factors in the planning balance, and having regard to the NPPF requirement that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole, it is recommended that the Committee resolve that had the Council been in a position to determine the application, with a view to approval subject to the satisfactory completion of a s106 agreement and conditions, or if agreement could not be reached, refusal for reasons considered appropriate and for officers to proceed with the appeal on this basis..

## **3.0 INTRODUCTION**

- 3.1 The Council has been made aware that the Applicant has submitted an appeal to the Planning Inspectorate against the non-determination of the Council to be heard under the written representations procedure. As an appeal has been lodged the Council is no longer able to determine this application, but must indicate to the Planning Inspectorate how the planning application would have been progressed had the Council been in a position to do so. The Council's statement is due on 21 June 2018.
- 3.2 The appealed application needs to be considered by committee as the Parish Council has raised material planning objections and confirms that it will speak at the Committee meeting.
- 3.3 The Local Member has requested that the application be considered by the Committee for the following reasons: "There is considerable local concern and opposition to this application based on a range of issues including environmental impact, traffic danger, proximity to a sharp bend, lack of safe pedestrian access to the village centre, lack of sustainability and a history of flooding in the vicinity".

## **4.0 SITE LOCATION AND DESCRIPTION**

- 4.1 The site is located on the northern edge of Steeple Claydon, on the eastern side of North End Road. The site extends to an area of approximately 0.52 hectares and rises gradually from west to east, with vegetation to the boundaries of the site and the majority of the site is open grassland.
- 4.2 The site is adjoined by residential development along its southern edge, including 34 North End Road, a detached brick dwelling with slate roof and split eaves dormer windows, that fronts on to North End Road with garden area to the rear. To the south of 34 North End Road is Holbrook Cottage, a two storey rendered dwelling with slate roof, positioned

perpendicular to North End Road and with a garden that is contiguous with the southern boundary of the appeal site. Further to the south still are a range of mainly detached two storey dwellings that vary considerably in age, style and design.

- 4.3 Residential development is located opposite the site, on the western side of North End Road, up to the point that North End Road turns through 90-degrees. This comprises a series of mainly detached two storey dwellings with variation in scale, form and design. Open fields adjoin the site to the east (albeit the land to the east benefits from detailed planning permission for the erection of 60 dwellings) and north.

## **5.0 PROPOSAL**

- 5.1 The application, as originally submitted, sought outline planning permission with access and layout to be considered for the erection of twelve two-storey self-build dwellings with all other matters reserved for subsequent approval.
- 5.2 Following the receipt of technical consultation responses the Applicant amended the scheme and submitted a revised plan omitting Plots 1-3, thus reducing the proposal from 12 dwellings to 9 dwellings.
- 5.3 The application is accompanied by Site Layout and Location Plans, a Flood Risk Assessment, an Ecological Appraisal, a Transport Statement, and a Design and Access Statement.
- 5.4 The proposed development would be served via a new access off North End Road, along the western boundary of the site and approximately 20m to the north of 34 North End Road. The access drive would extend south-eastwards in to the site, before turning on to a north-east alignment through the central section of the site, and incorporating turning areas at the north-eastern end and a short spur in the south-eastern corner of the site. The proposed dwellings would front on to the access way with garden areas contained mainly to the rear of the dwellings, and varying in depth between 12m and 15m. 2 parking spaces would be provided within the curtilage of each dwelling.
- 5.5 The design and access statement indicates that each dwelling would two storey in scale and proposed plots would be made available to the self-build market, for which the general infrastructure and access would be delivered up-front.

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 Whilst there is no formal planning history on the site, on the adjoining site to the east outline planning permission (15/01490/AOP) was granted in June 2016 for the erection of up to 60 dwellings. An application for Reserved Matters approval (17/00543/ADP) for 60 dwellings was subsequently approved in September 2017, which detailed 5 dwellings adjoining the eastern boundary of the current site.

## **7.0 PARISH/TOWN COUNCIL COMMENTS**

- 7.1 The Parish Council object to the revised proposals on the following grounds:
- 7.2 "The site owners made no representation during the extensive public consultation associated with the village Neighbourhood Plan which is now formally 'made' and therefore there is no policy relating to this site's development. Policy 1 of the Neighbourhood Plan provides for developments of up to 5 dwellings on sites of less than 0.2 Ha within the village settlement boundary. The revised proposal is for 9 dwellings and therefore does not comply with the Neighbourhood Plan. We note that the reduction in housing numbers has been achieved through the simple removal of 3 units turning the resulting space into recreational space. There will be recreational space in the adjacent development and the site is a short walk from the recreation ground. The parish council is concerned about the maintenance responsibilities relating to this land. There are serious concerns about the safety of the road access onto North End Road and its proximity to the sharp blind bend. It is recognised that this may be resolved to the satisfaction of Bucks CC Highways and we would accept their professional requirements. There are serious concerns about the flooding problems in this area of North End Road and we note Bucks CC's response

relating to this issue. We are not sufficiently qualified to provide a technical response but we believe this to be a serious issue relating to this development. There was a high level of local objection to the original proposed scheme and we see no significant changes to the proposed development that would remove their objections. The council has received no positive comments regarding this development or had representations from the site owners.”

## **8.0 CONSULTATION RESPONSES**

- 8.1 Biodiversity - No objection subject to further information being required at reserved matters to ensure ecological enhancement measures which are considered to be neutral are established on site.
- 8.2 Education – no requirement for education contributions on this scheme as it falls below the BCC threshold
- 8.3 Leisure – a financial contribution is required towards a specific off-site leisure project which is to be identified by the Parish Council.
- 8.4 Archaeology - The site contains medieval to post-medieval ridge and furrow cultivation and this may be masking buried archaeological remains from a number of periods. If planning permission is granted for this development then it is likely to harm a heritage asset's significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 141. Any consent granted for this development should be subject to the following phased condition:

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

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

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

- 8.5 BCC Highways – no objections subject to conditions
- 8.6 Environmental Health – no comments
- 8.7 SuDS – the revised layout removes properties from the existing surface water pathway which has removed dwellings from the existing risk. Whilst BCC had maintained an objection on the requirement for additional information since the appeal was lodged they have now agreed that the outstanding matters can be required by condition.

## **9.0 REPRESENTATIONS**

- 9.1 21 letters of representation have been received which raise the following objections:
  - Proposed development contravenes the recently made Neighbourhood plan.
  - the developers chose not to engage with the SCNP team or to discuss how their proposed development could suit the interests of the village.

- there are 60 houses being built on the adjacent land, and 95 houses due to be built 50 meters up the road (on Buckingham Road), this side of the village is in danger of becoming very congested.
- North End Road remains the only single track road in the village with no foot path on either side. It has a blind 90 degree bend and is used as a commuter cut through with vehicles traveling at dangerous speeds. The siting of the access to this development is clearly unsuitable. Further houses and traffic on this road, and particularly on this dangerous bend could be catastrophic.
- The transport increase of 55 daytrips is underestimated in the submitted Transport Statement. A more realistic traffic generation figure would be 176 daytrips.
- The proposed HS2 maintenance depot on the edge of Steeple Claydon will increase the number of large and heavy goods vehicles driving through the village.
- A safe cycling path to Padbury that can link to the path to Buckingham should be levied via a s106.
- The pond (No 1 on the environmental survey) my house GCN's - it has not dried out this year and is just behind the allotments which are host the many amphibians.
- Wildlife inhabit the field – badgers, various mating/nesting woodpeckers, pheasants, squirrels, etc.
- The Flood Risk Assessment, included with the application, notes but fails to adequately anticipate the likely exacerbation of flash flooding, which currently occurs during heavy rainfall at a low point in the vicinity of the junction of North End Road and Tudor Gardens.
- The existing foul and surface water drainage systems are inadequate and can not cope with current loads irrespective of claims by Anglian Water.
- The infrastructure of the village would be put under serious pressure by the extra residents: the primary school is oversubscribed, the shop is located on a corner notorious for accidents, healthcare facilities would be overwhelmed, insufficient recreational facilities, infrequent and limited public transport, lack of affordable housing for villagers.
- The development is outside the village footprint.
- The village will lose its identity and sense of community.
- The proposed density would be out of keeping within the context of the street scene and linear style of the area.
- Loss of green field pasture land, established hedgerows, and breeding habitat.
- Being proposed as self-build plots the building work could result in years of disruption, and design of the dwellings may not be consistent.
- Overlooking and loss of light to existing neighbouring dwellings,
- Inadequate number of parking spaces which could result in additional on-street parking in a very dangerous spot.
- The development may raise ground water levels and flood neighbouring dwellings.
- Who would maintain the proposed open space?

## 10.0 EVALUATION

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

- 10.1 The starting point for decision making is the Development Plan. For the purposes of this report, the Development Plan consists of the adopted Aylesbury Vale District Local Plan and the Steeple Claydon Neighbourhood Plan. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposals constitute sustainable development having regard to Development Plan policy and the NPPF as a whole.
- 10.2 National planning policy is set out in the NPPF (March 2012). At the heart of the NPPF is the presumption in favour of sustainable development. The NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- 10.3 The presumption in favour of sustainable development in decision-taking is explained at paragraph 14 of the NPPF. It means, unless material considerations indicate otherwise: Approving development proposals that accord with the development plan without delay; and, Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 10.4 NPPF paragraph 198 explicitly applies the principle set out in S38(6) of the Planning and Compulsory Purchase Act 2004 to adopted Neighbourhood plans, stating that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

#### ***Steeple Claydon Neighbourhood Plan***

- 10.5 Steeple Claydon Neighbourhood Plan (SCNP) was formally made in September 2017. It forms part of the Development Plan against which planning applications in the area are to be assessed. The SCNP has regard to national policy and is in general conformity with the strategic policies of the Development Plan and contributes to the achievement of sustainable development. The SCNP is therefore considered up to date and its policies carry full weight.
- 10.6 The SCNP policies that are relevant to the assessment of this application are:

Policy SC1: Steeple Claydon Settlement Boundary The Neighbourhood Plan designates a Steeple Claydon Settlement Boundary, as shown on the Policies Map. Other than the schemes provided for in the Neighbourhood Plan, proposals for housing development within the Settlement Boundary will be supported, provided:

- i) They comprise generally no more than 5 houses on a site not exceeding 0.20 hectare unless evidence can be provided to support a larger scheme; and
- ii) Buildings should be no higher than the adjoining or surrounding buildings, in keeping with the character of the village, unless special circumstances can be demonstrated to show there will be no adverse impact on the character and appearance of the area. Development proposals on land outside the Settlement Boundary will not be permitted in the countryside unless:

Development proposals, other than for rural housing exception schemes, on land outside the Settlement Boundary will not be permitted in the countryside unless:

- iii) They support the sustainable growth and expansion of a business or enterprise in the countryside area, both through the re-use of redundant or disused buildings and well-designed new buildings;
  - iv) They promote the development and diversification of agricultural and other land-based rural businesses including meeting the essential need for a rural worker;
  - v) They support sustainable rural tourism and leisure developments that benefit businesses in the countryside area, communities and visitors, and which respect the character of the countryside; or
  - vi) They comprise a single dwelling of outstanding architectural quality in a location that does not harm the character of the countryside and for which there is a special justification.

Policy SC8: Design Development proposals will be supported, provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape. Proposals must in particular have regard to the following design principles:

- The value of individual designated heritage assets in defining the character of the street scene, the significance of which should not be undermined by new development that will result in obscuring views to these assets
- The prominence of buildings and land at key junctions in the village, which help define the legibility of the village, including West Street/Chalons Hill, West Street/North End Road, West Street/Addison Road, Addison Road/Vicarage Lane, Vicarage Lane/Queen Catherine Road and Queen Catherine Road/Buckingham Road, should be reflected in the orientation, scale and height of new buildings in those locations
- The public views of open countryside between buildings on the south side of Queen Catherine Road

### **AVDLP**

- 10.7 Steeple Claydon is listed in the Aylesbury Vale District Local Plan as an Appendix 4 settlement where limited small-scale development is considered acceptable in principle. This position is supported by the Settlement Hierarchy Assessment (Sept 2017) which identifies Steeple Claydon as a 'Larger Village'.
- 10.8 However, AVDLP policies RA13 and RA14 relating to the supply of housing district wide are now considered as out of date, given that these identified housing targets for the plan period up to 2011 and the evidence relating to the districts need has changed significantly since these policies were adopted, and are not consistent with the NPPF policies to significantly boost the supply of housing based on up to date evidence.
- 10.9 A number of saved policies within 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. They all seek to ensure that development meets the three dimensions of sustainable development and are otherwise consistent with the core planning principles set out at paragraph 17 of the NPPF.
- 10.10 In addition, the NPPF (at para 49) advises that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year housing land supply. At present, figures from September 2017 (from the addendum to the Buckinghamshire HEDNA) show that there is currently a 9 year supply of housing land. The development of the site for housing would make a contribution to maintaining the supply of housing for the district.



- 10.11 However it is acknowledged that this continues to be an interim position as no element of unmet need that the Authority will be asked to accommodate in Aylesbury Vale is included. It would not be appropriate to include that unmet need element in the housing requirement as any potential unmet need figure is not agreed with other HMA authorities as yet. This means that para 49 of the NPPF is no longer engaged.
- 10.12 In addition, a number of general policies of the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance in this particular case are GP2, GP8, GP24, GP35, GP38, GP39, GP40, GP45, GP59, GP86, GP87, GP88, GP91, GP99. They all seek to ensure that development meets the three dimensions of sustainable development and are otherwise consistent with the policies which seek to deliver a wide choice of high quality homes of good design, to promote healthy communities and ensure necessary supporting infrastructure and facilities to serve those communities.
- 10.13 This report will first assess the development proposal against the up to date Development Plan, and will then go on to consider other material considerations including NPPF and PPG.

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

- 10.14 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 considered by 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 Plan has been submitted along with supporting documents for examination by an independent Planning Inspector, and the adoption of the Vale of Aylesbury Local Plan is planned to be in 2018.
- 10.15 Currently this document can only be given limited material weight for the purposes of decision making at this stage, as it is still too early in the planning making process, however the evidence that sits behind it is a material consideration.

#### **b) Compliance with the requirements of the Steeple Claydon Neighbourhood Plan on the principle of development**

##### ***Policy SC1***

- 10.16 Policy SC1 supports the principle of development within the settlement boundary provided it comprises *"generally no more than five houses on a site not exceeding 0.2 hectares unless evidence can be presented to support a larger scheme"*, and that *"Buildings should be no higher than the adjoining or surrounding buildings, in keeping with the character of the village, unless special circumstances can be demonstrated to show there will be no adverse impact upon the character and appearance of the area."*
- 10.17 The application site lies within the settlement boundary designated on the policies map in the SCNP. It is not allocated for development and falls to be considered under Policy SC1 criteria for development within the settlement boundary.
- 10.18 The PC object that the proposal is for 9 dwellings and do not feel that the proposal complies with the Neighbourhood Plan, as the number of dwellings proposed is more than the 5 that is generally supported by policy SC1. However, it is considered that policy SC1 does not preclude the provision of a greater number of dwellings than 5 given the flexibility of the policy indicated by the use of the word *"generally"*. In addition, at the NP Examination the Examiner added the wording *"unless evidence can be presented to support a larger scheme"* on the basis that the policy would otherwise be too restrictive and contrary to the NPPF which seeks to promote sustainable development in rural areas and optimise the potential of a site to accommodate development.

10.19 In relation to part i) of SC1, whilst the quantum of development proposed would exceed the notional limits of the policy, there is, in this case, evidence to support a marginally larger scheme in that:

- the density of the proposed development is directly comparable to the adjoining development to the east;
- there is an established requirement to make the best use of land, in a manner compatible with the surroundings, and the proposals achieve an appropriate balance in this regard;
- the site is well-contained visually and physically by surrounding development and the established road infrastructure, representing a logical, 'rounding-off' site in the context of the larger development recently approved at the adjacent site. (this is dealt with in greater detail later in the report).
- There are no site-specific constraints that would otherwise limit the developable area of the land;

10.20 Part ii) of policy SC1 requires that buildings should be no higher than the adjoining or surrounding buildings and be in keeping with the character of the village. The application is in outline form so does not at this stage include any elevational details of the proposed dwellings however the height of the proposed dwellings is indicated within the Design and Access Statement as being two storey, which is comparable to the height of the surrounding buildings and could be controlled by imposing a condition on any planning application that may be issued. As set out above the density of the proposal would be directly comparable to the adjoining development to the east, and the proposed layout would respect the character of the adjacent development. It is therefore considered that there would *be no adverse impact upon the character and appearance of the area as a result of the proposal.*

10.21 As such it is considered that the proposal would not be precluded in principle as having regard to policy SC1 of the SCNP and a more detailed assessment on the details of the proposal are dealt with below.

### ***Policy SC8***

10.22 Another SCNP policy that is relevant to this assessment is SC8 (Design) which advises that proposals will be supported where their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape.

10.23 As noted above, the proposed scheme is in outline form with only access and layout for consideration at this time, with details of the full design to be submitted for approval at the Reserved Matters stage. Notwithstanding such, it is considered that the layout of the proposed dwellings would be reflective of the wider pattern of surrounding development, including that of the neighbouring development to the east. Furthermore, as set out in relation to policy SC1 above, the density of the proposed development, the spacing between dwellings, and the two storey height of the proposed dwellings are considered appropriate and in keeping with the character and appearance of the surrounding locality.

10.24 As such it is considered that the proposal would accord with policy SC8 of the SCNP

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

10.25 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.

10.26 As set out above, Steeple Claydon is identified in the Settlement Hierarchy Assessment (September 2017) as a 'Larger Village' being one the district's "larger, more sustainable

villages that have at least a reasonable access to facilities and services and public transport, making them sustainable locations for development". The Hierarchy identifies Larger Villages as sustainable locations for development.

- 10.27 The SCNP sets out that the parish has a primary school, a village hall, a church and a Methodist chapel. There are two public houses, shops, a post office, a dentist and a GP surgery.
- 10.28 Buckingham is the closest town around 4 miles to the north, Winslow is around 4.5 miles to the east and Bicester is 7 miles to the west of the village. From Aylesbury, Steeple Claydon is around 9.5 miles to the north-west.
- 10.29 The SCNP recognises that Steeple Claydon is a sustainable location to accommodate some new development, and it is considered that the proposed site is sustainably located in relation to the facilities and services provided within the village.

### **Build a strong competitive economy**

- 10.30 The Government is committed to securing and supporting sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
- 10.31 It is considered that there would be economic benefits in terms of the construction of the development itself, and its operation and resultant increase in population contributing to the local economy.

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

- 10.32 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. Paragraph 50 of the Framework requires that the local planning authority should plan for a mix of housing based on current and future demographic trends, and meet the needs of different groups in the community.
- 10.33 It is considered that the proposal in delivering 9 new houses would make a worthwhile contribution towards the supply of deliverable housing land, and that the indicated mix would be acceptable in this context.
- 10.34 The proposal would be below the AVDLP policy threshold for requiring affordable housing provision.

### **Promoting sustainable transport**

- 10.35 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 principles in the NPPF Chapter 4 'Promoting Sustainable Transport'.
- 10.36 This is an outline application and only access and layout is to be considered at this stage; the proposal would be served by a new access onto North End Road, an unclassified road subject to a 30mph speed limit. In the vicinity of the site North End Road does not benefit from any street lighting or pedestrian footways.
- 10.37 The site is currently agricultural grassland and therefore would not be expected to generate any existing vehicle movements. The submitted Transport Statement (TS) suggests that each of the proposed dwellings would be likely to generate 4.582 vehicle movements per day (0.634 in the AM peak and 0.450 in the PM peak). The County Council Highways Officer has conducted their own assessment and is broadly satisfied with these findings. It must however be determined whether the proposed access arrangements and adjoining highway network are adequate to accommodate these vehicle movements.

- 10.38 Given the speed limit along North End Road, visibility splays of 43 metres are required either side of the access, measured from a point 2.4 metres back along the centre line of the access to the nearside kerb. It is noted that sufficient visibility splays are detailed on the submitted layout plan.
- 10.39 A number of objections have been received which highlight the proximity of the proposed access to the sharp bend on North End Road. The submitted plans demonstrate that the proposed access would benefit from an adequate level of visibility commensurate with the posted speed limit, and the proposed access is located as far from this sharp bend as possible. The BCC Highways Officer, is satisfied that vehicles would be unlikely to be travelling at the full extent of the speed limit as they travel around this sharp bend. Mindful of this it is not considered this development would have a severe impact on highway safety, and therefore would not warrant a refusal for this reason.
- 10.40 This application follows a recent residential development on the land to the east of the site (ref. 15/01490/AOP), as part of that permission a new footway is to be provided along North End Road, which would travel directly along the boundary of the application site and connect to the existing footway provision within Steeple Claydon. Given these footway improvements it is considered that the proposed development would be accessible by pedestrians and satisfactorily linked to the village.
- 10.41 With regards to the proposed internal layout; footways have been provided along both edges of the carriageway within the site, however these footways are only 1m. In order to provide suitable access for all pedestrians these footways would need to be widened to 2m, however, this minor amendment can be secured by way of condition. The proposed internal carriageway is shown at an initial 5.5m wide, which narrows to 4.8m further into the site, which would be acceptable to accommodate the vehicles associated with this proposal. A tracking drawing has been submitted showing the path of a refuse vehicle manoeuvring throughout the site, and the Highways Officer is satisfied that these manoeuvres can be catered for without such vehicles being forced to reverse onto North End Road to the detriment of highway safety.
- 10.42 AVDLP policy GP24 requires that new development accords with published parking guidelines. The Council's adopted SPG "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development.
- 10.43 The proposal is in outline form only and as such we do not have details of the proposed dwellings or their bedroom numbers. The layout plan indicates 9 detached dwellings which would accommodate 3-4 bedrooms each. This would result in a requirement to provide a maximum number of 27 parking spaces (3 per dwelling). The proposed layout would have the capacity to be able to achieve this standard and such spaces would be conditioned to be laid out and retained for the purpose of the parking of vehicles.
- 10.44 The proposal would therefore have the potential to comply with policy GP24 of the AVDLP and the guidance set out in the NPPF.

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

- 10.45 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. AVDLP policy GP35 is also relevant for outline schemes and seeks to ensure that development proposals should respect and complement features and characteristics of the site and area.

#### ***Landscape***

- 10.46 The proposal would consist of the development of a greenfield site and therefore it is inevitable that it would have an impact upon the character and appearance of the site itself and its immediate environs. The application is not accompanied by an LVIA. The site is not within any specific landscape designation. However, it is clear that the landscape character will change as a result from its current open and rural character to that of a more sub-urban context. The site is located in the countryside at the edge of the village and, with the exception of a small collection of dwellings to the west, is beyond the built-up area of the settlement. The site is contiguous with and visually part of a much wider area of open space, the northern part (east of the application site) of which is the subject of permission to develop 60 dwellings and work has now commenced. The proposed development would be clearly visible from vantage points along the public footpath which runs through the middle of the adjacent site which when developed would be reduced. It is also visible from along North End Road, the allotments, and to a lesser amount from the recreation ground to the southwest and housing to the south east.
- 10.47 According to the Aylesbury Vale Landscape Character Assessment 2008 (AVLCA) the site falls within the Claydon Bowl LCA and Twyford Vale LCA. As with all boundaries it is difficult to identify specific physical landscape character changes between the two sites when on the site. With respect to the Claydon Bowl LCA, the AVLCA describes the landscape character as being that of a cohesive agricultural landscape with a high amenity value which is crossed by rights of way.
- 10.48 In considering the development to the east it was accepted that whilst the proposal would involve the extension of the existing settlement into open countryside and would have an adverse impact on the character and appearance of the immediate area and views over it from higher ground locally (notably development in and around Chestnut Leys) the development would nevertheless be closed off by a clearly defined boundary provided by North End Road. Further, land levels to the north and east of North End Road rise such that longer distance views towards the site from these directions are restricted.
- 10.49 The impact of the proposal on the character of North End Lane also needs to be considered. For the vehicular access into the site, a visibility splay is required. Hedgerow loss to achieve this will be kept to a minimum as the hedge is already set back from the edge of the carriageway by a verge and ditch. The proposal also includes the provision of strip of open space and structural planting to the southern part extending into the site. Taken all together, whilst there will be some change to the character of this part of North End Road, the changes are such that the rural edge to Steeple Claydon provided by the rural character of the road at this point will be substantially maintained.
- 10.50 The proposal would have an approximate density of 17.5 dph which is appropriate to its edge of village location and if the proposed open amenity land were to be omitted from the site area calculation the proposed dph would be comparable to the 24 dph approved on the adjoining land to the east, and the layout and scale of the proposal would respect that of the pattern of development in the area.
- 10.51 It is considered that in landscape terms the proposal would not be unduly at odds with the prevailing character of the village and its rural setting. The proposal would comprise the development of a greenfield site in a rural setting and as such would result in an adverse negative landscape impacts, although the impact is localised and the visual impact of the proposal would be mostly experienced in the immediate vicinity of the application site rather than on any longer distance views.
- 10.52 In summary, the level of harm would be limited to being localised and the development would be viewed in the context of existing and approved development such that scheme would not adversely conflict with the aims and objectives of SCNP policy SC1 and SC8 , AVDLP policy GP35 and the NPPF guidance.

### ***Trees and hedgerows***

- 10.53 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value. The application is not supported by a tree report.
- 10.54 It is noted that there are a number of trees within the site, although these are generally contained to the site boundaries and the layout plan shows that the dwellings could be sited so as to limit impact upon the health and long-term retention of the trees. Trees will need to be carefully considered as part of any detailed application. This matter could be addressed by a condition requiring the submission of an a full Arboricultural Impact Assessment and details for the tree protection and landscaping of the site at the reserved matters stage.
- 10.55 At this outline stage, it is considered the proposal could be designed so as not to have any significant adverse impact on trees or hedgerows. It is therefore considered that that the proposal is in accordance with GP39 and GP40 and relevant NPPF advice.

### ***Biodiversity***

- 10.56 Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 10.57 The proposal involves the development of a greenfield site and is therefore likely to have a negative impact upon biodiversity if left unmitigated. An ecological assessment has been produced and submitted in support of this application by the consultant ecologist James Johnston Ecology, September 2016. This report details the species and habitats currently found on the proposed development site. Whilst there are few ecological limitations relating to the development of the site a precautionary approach is recommended in respect of the potential presence of Great Crested Newts and reptiles within ditches on the boundary of the site, although this approach relates only to the timing of the works associated with the potential re-siting of the ditch.
- 10.58 The council's Ecological Officer considers that this report acts as an accurate account of these features at the time of the assessment.
- 10.59 The report includes a number of enhancement provisions although in addition it is considered that integrated bat boxes, to be built into the south facing brickwork high into the gables of the dwellings bordering the open space, permeable fencing to be used throughout the development (to allow movement across gardens), and provision for Swifts under the northern facing eaves of each of the dwellings is required to be implemented on site and this could be controlled by condition to ensure this development secures the net ecological gains required under NPPF.
- 10.60 No GCNs were identified on site therefore the Natural England 3 test process is not required, nor is a licence required. Overall it is considered biodiversity issues have potential to be mitigated.

### ***Agricultural Land***

- 10.61 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 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 (2.2 ha) falls well below this threshold.
- 10.62 The application is not accompanied by evidence to demonstrate the agricultural land classification. Council records indicate the land is within category 3, but it is not distinguished between 3a and 3b, also the site is situated close to Category 4 land. As such it is not considered that the site comprises the best and most versatile agricultural land (i.e. Grade 3a or better) and does not appear to be in any active agricultural use.

## **Conserving and enhancing the historic environment**

- 10.63 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.
- 10.64 There are no designated or undesignated heritage asset buildings in the immediate vicinity of the site that would be affected by the proposals, with the nearest listed building being Rhenolds Close, located to the south west and sufficiently distant such that its setting would not be affected by the proposals.

### ***Archaeology***

- 10.65 The site contains medieval to post-medieval ridge and furrow cultivation and this may be masking buried archaeological remains from a number of periods. Development of this site has the potential to harm a heritage asset's significance, however, conditions can be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results prior to the submission of reserved matters and therefore the proposal would conform with NPPF paragraph 141 and policy GP59 of the AVDLP and accord with the statutory duty.

### **Promoting healthy communities**

- 10.66 The NPPF seeks to promote healthy communities by facilitating social interaction and creating healthy, inclusive communities. Policies GP86-88 and GP94 seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would normally be required to meet the needs of the development.
- 10.67 The development would be for only 9 units, although with a total gross floor space of more than 1000sqm and therefore falls above the threshold for developer contributions set out in the updated NPPG. A financial contribution towards an education project is not required in this case as the proposal, being for only 9 dwellings, is below the County Council's threshold. However, a financial contribution towards an off-site leisure project is required to be secured by a legal agreement. A specific project for the funding to be put towards is currently being identified by the Parish Council and Members will be informed of this detail at the DMC meeting.
- 10.68 This would adequately address the aims of the NPPF to achieve healthy communities, and the requirements of policies GP86-88 and GP94 of the AVDLP

### **Good design**

- 10.69 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 and respond to local character, creating a safe, accessible and visually attractive environment.
- 10.70 SCNP policy SC8 (Design) advises that proposals will be supported where their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape.
- 10.71 The application is in outline form with only access and layout to be considered at this stage. The layout shows the nine detached dwellings based around a cul-de-sac form which is reflective of the wider pattern of development in the area, including that development approved at the adjacent site.
- 10.72 The spacing between the proposed dwellings, the density of the proposed development and the indicated scale being 2 storey are all considered appropriate to the site and its surroundings.
- 10.73 The application, being in outline form, does not include at this stage details of the design or external appearance of the dwellings and this will be considered as a reserved matter. The applicant explains that the proposed dwellings would likely be 'self-build' plots and whilst

the design of the dwellings would come forward at the reserved matters stage it is somewhat inevitable that there would be variations in their form and appearance which could provide visual interest to the development.

- 10.74 Given the outline nature of the proposal, appropriate materials, means of enclosure and a full landscaping scheme would be reserved by condition.
- 10.75 The proposed layout is considered acceptable and the proposals would have potential to deliver a detailed scheme of an appropriate form of design within the local context, in accordance with SCNP policy SC8 and GP35 of AVDLP and NPPF advice.

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

- 10.76 The application is accompanied by a Flood Risk Assessment which confirms that the site is located within Flood Zone 1 and therefore considered to be at low risk of flooding. Furthermore the FRA reviews the drainage related implications of the development, both surface and foul, and confirms that there are no substantive issues or constraints connected with the development.
- 10.77 The amended layout removed 3 plots from the existing surface water pathway and provides an area of open amenity land instead; this revision has removed dwellings from the existing risk. However, there remain issues that have not been addressed, however following the appeal BCC as LLFA advise that the following information can be secured by condition :
- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
  - Demonstrate that water quality, ecological and amenity benefits have been considered
  - Consideration of de-culverting the watercourse on the Southern Boundary, reasonable justification must be provided if the culvert is to be retained.
  - Restriction of runoff to 2.3 l/s which is the calculated mean annual maximum flow rate (Qbar) for all storm events as according to the Flood Risk Assessment (*Ref: CV8160150/MW/004*, dated: 27<sup>th</sup> June, Author: Glanville)
  - Full construction details of all SuDS and drainage components
  - Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
  - Survey from the point of proposed discharge within the ditch through to the outfall at Padbury Brook. Any arising issues within the ditch that will affect capacity will need resolving prior to connection of the onsite drainage works.
  - Details of the proposed point of discharge, confirmation of ownership, condition and capacity. If the applicant is crossing third-party land the relevant permissions will need demonstrating.
  - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus 40% climate change storm event should be safely contained on site.
  - Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
    - Flow depth
    - Flow volume
    - Flow velocity
    - Flow direction



- Development shall not begin until a “whole-life” maintenance plan for the site has been submitted to and approved in writing by the local planning authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) during and following construction, with details of who is to be responsible for carrying out the maintenance. The plan shall subsequently be implemented in accordance with the approved details.
- If the road is to be adopted, the developer will agree to enter into a deed of easement pursuant to Section 38 of the Highways Act 1980 to allow the Highway Authority to access the SuDS system to preserve the integrity of the highways system, for the purpose of emergency repair and maintenance.

10.78 The proposed dwellings would be required to be constructed to modern standards of design and sustainability to accord with current building regulations.

10.79 Overall, on the basis of the information currently submitted, it has not been demonstrated that the proposed development would be resilient to climate change and flooding and further information has been requested.

#### **d) Residential amenities**

10.80 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.

10.81 The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings.

10.82 The site is adjoined by residential development to the south and to the west, on the opposite side of North End Road. At this stage, the matters of the detailed appearance and scale of the proposed development are reserved for approval at a later date and it is therefore not possible to make detailed assessments relating to the direct impacts the proposed development would have on existing neighbours or future occupiers of the development. However, an assessment has been made on the layout as far as possible in relation to the amenities of neighbouring residents.

10.83 The amended layout plan removed 3 plots from the land immediately to the rear of the boundary of 34 North End Road, and this area is now to be used as open amenity space.

10.84 The proposed dwellings on the site would be sufficiently distant from No 34 as to not impact adversely on the residential amenities of existing occupiers.

10.85 In addition to the above, the access to the development would be located some 20.0m to the north of No 34, reducing as the access 'winds' in to the site. This enables the provision of a landscape buffer between the boundary of No 34 and the access way and, even though this narrows to approximately 8.0m on the eastern corner of No 34, the separation distance is considered sufficient to provide a landscape buffer that would mitigate any potential for undue disturbance.

10.86 Holbrook Cottage is located to the south of No 34, but with a garden area contiguous with the southern boundary of the site. The nearest proposed dwelling (Plot 1) would be off-set from Holbrook Cottage by approximately 60m across the proposed open amenity space, with the distance and general relationship between the buildings such that the proposed dwelling would not adversely impact on either loss of light, privacy, or character of outlook.

10.87 23 - 27 North End Road are all located on the western side of North End Road, opposite the application site, with 25 and 27 North End Road set well back from the road. The disposition of the proposed dwellings on the site and, in particular, the distances that would be retained between the rear elevations of Plots 6-9 and the front of 23-27 North End Road

are such that there would be no adverse consequences for loss of light, privacy, or character of outlook.

- 10.88 Furthermore, the proposed access would be on to North End Road at a point off-set from the front of 23 North End Road. The degree of off-set and likely frequency of use of the access is such that there would be no adverse amenity consequences in terms of noise or general disturbance.
- 10.89 It is acknowledged, that the land to the east of the site benefits from planning permission for the erection of 60 dwellings, and that residential development would extend up to the eastern boundary of the site, however, the back-to-back distances between the approved and proposed dwellings would appear acceptable in relation to levels of light and outlook, and any potential privacy issues would be considered at the reserved matters stage.
- 10.90 Moreover, none of the existing buildings surrounding the site would impact adversely on the future amenities of potential occupiers, and the proposed dwellings would also have a satisfactory relationship with one another.

It is considered the proposed development has the capacity to ensure a satisfactory level of residential amenity for existing and future occupiers in accordance with GP8 of AVDLP and NPPF advice.

#### **e) Developer contributions**

- 10.91 The WMS on Small-scale Developers of 28 November 2014 states “Due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought.” This is reflected in the guidance of the PPG (Reference ID: 23b-031-20161116). However, Court of Appeal Judgement (May 2016), paragraph 30 makes it clear that this policy does not automatically override the Development Plan, but forms a material consideration.
- 10.92 Whilst the proposed development would only be for 9 units, the total gross floor space of development would exceed 1000sqm such that it would fall above the threshold for developer contributions as set out in the updated NPPG. The proposal, being for only 9 dwellings, is below the County Council’s threshold and as such there would be no requirement for a financial contribution towards an education project in this case. The proposal would however attract a requirement for a financial contribution towards an off-site leisure project and details of this are to be set out in a Planning Obligation Agreement to secure its delivery. The Parish Council are currently identifying a specific project which the funding would be put towards.
- 10.93 It is considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 places into law the Government’s policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development of this nature if the obligation does not meet all of the following tests; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 10.94 In addition, although the application describes the proposed dwellings as ‘self build’ units, there would be no policy reason that such dwellings would be restricted to this type by condition. In order to benefit from any exemption from CIL requirements the applicants are required to submit part one of the Self-Build Exemption Claim Form (Form 7) and no such certification has been submitted. The application must therefore be considered against the normal policy requirements. The applicants have only now agreed to making contributions through the S106 and an appropriate legal agreement is being drafted.
- 10.95 Therefore, in the context of this application, the development is in a category to which the regulations apply. The requirement for the above measures, if the proposals were to be supported, would need to be secured through a Planning Obligation Agreement. These are necessary and proportionate obligations that are considered to comply with the tests set by

Regulation 122, for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related in scale and kind to the development. Specific projects are to be identified within the Section 106 in accordance with the pooling limitations set out in CIL Regulation 123 to ensure that the five obligations limit for pooled contributions is not exceeded.

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