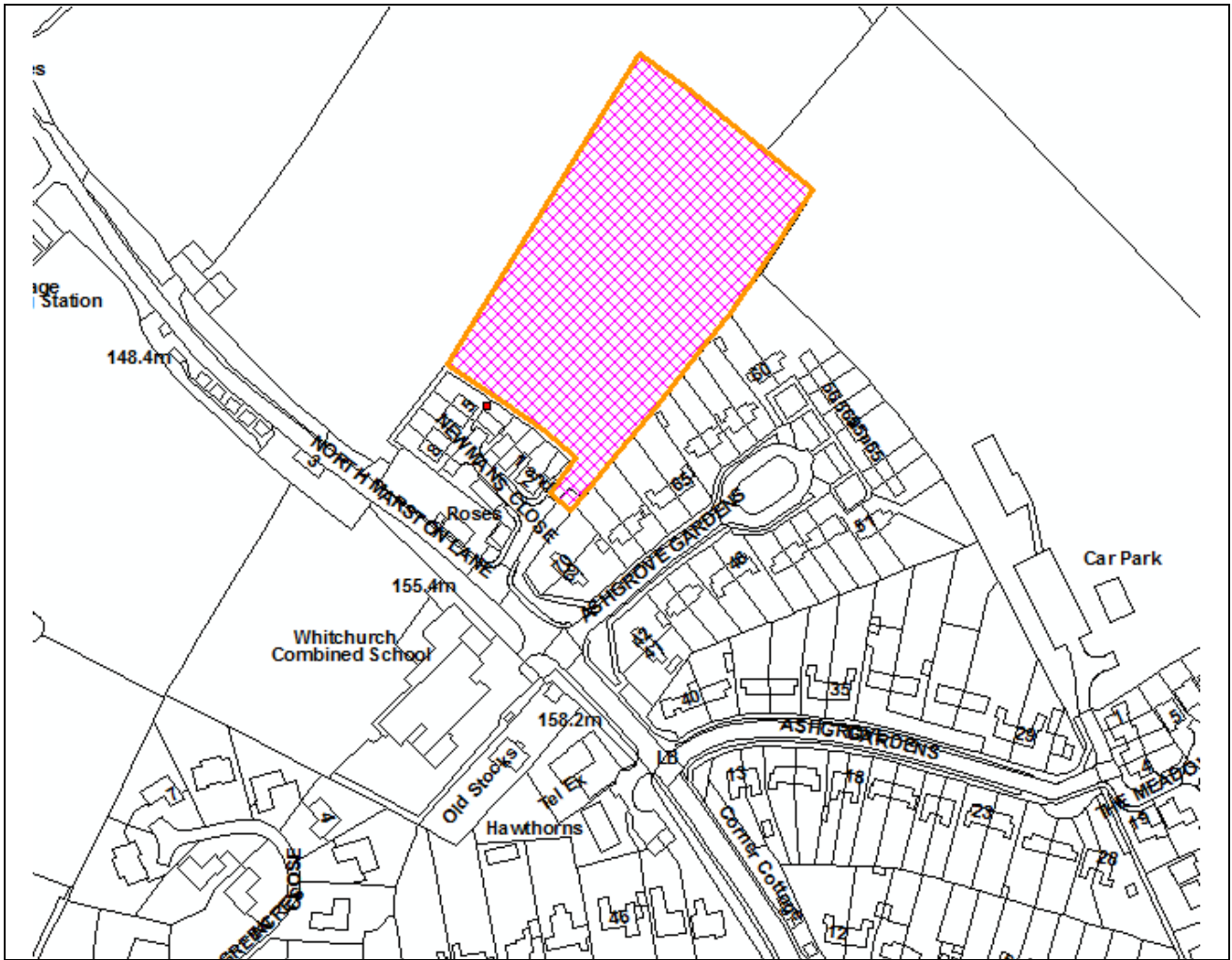


16/02244/AOP



© Crown Copyright and database right 2011. Ordnance Survey 100019797

REFERENCE NO	PARISH/WARD	DATE RECEIVED
16/02244/AOP	WHITCHURCH The Local Member(s) for this area is/are: - Councillor Mrs J Blake	16/06/16
OUTLINE APPLICATION WITH ACCESS AND LAYOUT TO BE CONSIDERED FOR A SITE FOR 22 DWELLINGS LAND ADJOINING NEWMANS CLOSE NORTH MARSTON LANE J CURTIS STREET ATLAS PAGE NO.86/87		

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:

- Building a strong competitive economy
- Delivering a wide choice of high quality homes
- Promoting sustainable transport
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment
- Promoting healthy communities
- Good Design
- Meeting the challenge of climate change and flooding

c) Impact on residential amenities.

d) Developer contributions

The recommendation is that permission be **GRANTED subject to condition and completed S106 agreement**

1. CONCLUSION AND RECOMMENDATION

- 1.1. This proposal relates to a site located on the north-western edge of the village, outside the existing built up area. It is a greenfield site, currently in agricultural use comprising part of an existing pasture field, but adjoined on two sides by residential development, with the remaining two sides adjoining the wider open countryside surrounding the village. Whitchurch, as a larger village, is considered to be a reasonably sustainable location for development and is likely to need to accommodate some growth to contribute towards the emerging housing needs of the district.
- 1.2. The application has been evaluated against the extant Development Plan and the NPPF and the Authority has assessed the application against the core planning principles of the

NPPF and whether the proposals deliver “sustainable development.” Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

- 1.3. In terms of sustainable development and relevant policies of the NPPF, the proposal would contribute to all three dimensions, economic, social and environmental, notwithstanding that there is some adverse impact in terms of the environmental role. The development would make a contribution to housing land supply, albeit there is no requirement to provide affordable housing, though the proposal does include a good proportion of smaller dwellings and bungalows to provide a mix of dwelling types. Whilst the Council can currently demonstrate a 5 year housing land supply, it is nevertheless a significant benefit of the proposals in the planning balance given considerable positive weight having regard to the NPPF key policy to boost the supply of housing. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in local population to which moderate positive weight should be attached.
- 1.4. The proposal has been found to have some adverse weight in respect of landscape impact based on localised impacts and loss of rural character / countryside and loss of BMV / agricultural use, a negative impact to which limited adverse weight should be given. In respect of the core principles, as indicated there is some adverse impact in respect of loss of the intrinsic countryside character and effect on the natural environment and it is noted that it does not seek to re-use previously developed land.
- 1.5. Compliance with other sustainable development policies have been found in respect of promoting sustainable transport, biodiversity, trees, preserving residential amenity, promoting healthy communities, good design, conserving the historic environment and meeting the challenge of climate change and flooding, representing an absence of harm and afforded neutral weight accordingly. Necessary and appropriate conditions and obligations will ensure that the proposal is supported by the necessary infrastructure.
- 1.6. Overall, the proposal has been found to comply with the development plan and there are no material considerations that indicate a decision otherwise. Weighing all the above factors into the planning balance, and having regard to the NPPF as a whole, its supporting guidance, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 14 of the NPPF, it is considered that, the adverse impacts would not significantly and demonstrably outweigh the benefits.
- 1.7. It is therefore recommended that permission be GRANTED subject to the S106 legal agreement which has already been completed and the following conditions:
 1. Approval of the details of the scale and external appearance of the building(s), and the landscaping of the site (hereafter called 'the reserved matters') shall be obtained in writing from the Local Planning Authority before the development is commenced.

Reason: The application is for outline planning permission

2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission.

Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun before the expiration of 18 months from the date of approval of the last of the reserved matters.

Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. This permission shall relate to the application plans originally submitted as amended by the following:
JFC001 Rev E (Location Plan)
JFC002 Rev E (Site Plan)

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

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

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

- There shall be no changes in ground levels;
- No materials or plant shall be stored;
- No buildings or temporary buildings shall be erected or stationed unless these are elements of the agreed tree protection plan.
- No materials or waste shall be burnt within 20 metres of any retained tree; and.
- No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

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

6. The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition 1 above shall include details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding

land, with reference to fixed datum point. The building(s) shall be constructed in accordance with the approved details.

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

7. The details to be submitted for approval in accordance with condition 1 above shall include a scheme for the provision and future maintenance and management of all areas of amenity open space / landscaping on the development to include details of who is to be responsible for the maintenance. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure a satisfactory environment for the occupiers of the development and to comply with policy GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

8. The development shall not begin until details of the adoptable estate road have been approved in writing by the Local Planning Authority and no dwelling shall be occupied until the estate road which provides access to it from the existing highway has been laid out and constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with NPPF guidance

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

In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with NPPF guidance.

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

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with NPPF guidance.

11. Before the development hereby permitted is commenced a Construction Management Plan (CMP) shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out otherwise than in accordance with the approved CMP which shall include the following:
 - a) parking and turning for vehicles of site personnel, operative and visitors;

- b) loading and unloading of plant and materials
- c) piling techniques if necessary
- d) erection and maintenance of any security hoarding and lighting
- e) measures to prevent mud from vehicles being deposited on the highway
- f) measures to control the emission of dust, noise and dirt during construction
- g) a scheme for recycling / disposing of waste resulting from demolition and construction works
- h) hours of construction and demolition

Reason: In the interest of the amenity of the area and to minimise any adverse impacts on the living conditions of nearby residents and users of the highway network in accordance with NPPF guidance.

12. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with NPPF guidance.

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

- Discharge Rates
- Discharge Volumes
- Sizing of features - attenuation volume.
- BRE-365 infiltration rate tests - copies of test pit location plan and logs required.
- Groundwater level monitoring.
- Full consideration of all available SuDS features as outlined in the CIRIA C753 SuDS Manual (2015), with justification for their exclusion to be included in a Surface Water Drainage Strategy.
- Detailed drainage layout with pipe numbers, sizes and gradients complete with full construction details, together with storage volumes of all SuDS features
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change event should be safely contained on site.

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in order to ensure that there is a satisfactory solution to managing flood risk in accordance with NPPF guidance.

14. 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 should set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SUDS component including on individual plots) following construction with details

of who is to be responsible for the maintenance. The plan shall subsequently be implemented in accordance with the approved details. (NB see informative below).

Reason: The reason for this being a pre-start condition is to ensure that maintenance arrangements have been put in place and agreed before any works commence on site that might otherwise be left unaccounted for in accordance with NPPF guidance.

15. The development shall be implemented in accordance with measures to enhance the biodiversity on the site, to include the outline recommendations and mitigations detailed in section 4 of the Ecological Report from the ecological consultant AA Environmental Limited dated March 2016, the full details of which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To comply with the requirements of the National Planning Policy Framework, , The Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981(as amended).

Informatives

- The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:-
Development Management
9th Floor, County Hall
Walton Street, Aylesbury
Buckinghamshire
HP20 1UY
Telephone 0845 2302882
- I26 Surface Water It is contrary to the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
- I46 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- I47 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such willful obstruction is an offence under S137 of the Highways Act 1980.

- It is noted that the Granville Drainage Statement proposes that individual permeable paving parking bays and garden soakaways and should be maintained by individual residents including the maintenance of permeable paving (particularly for shared access drives); however, this is unlikely to be reasonable as very few of them will have either the expertise or resources to perform this function. It is therefore recommended that a Management Company is set up with the routine maintenance for permeable paving and any soakaways included within their remit. This Management Company could also have responsibility for the areas of amenity open space.

2. INTRODUCTION

- 2.1. The application is brought before committee because Whitchurch Parish Council has raised material planning objections and request that it is considered by committee.
- 2.2 This application was originally considered under officer delegated powers and recommended to be approved subject to the completion of a S106 agreement in March 2017, in consultation with the chairman of the committee. Whilst at that stage the Parish Council had made objections to the proposal, they had not requested that the application be determined by committee.
- 2.3 On that basis, the legal agreement has been completed and secures the provision and future maintenance of on-site open space and SUDS, financial contributions to off-site leisure and education and related monitoring contribution. The Parish Council has now submitted a further letter of objection, referring to their original comments and noting that they are prepared to speak at committee should the application be considered there.

3. SITE LOCATION AND DESCRIPTION

- 3.1. The site comprises part of an open pasture field which lies to the northeast of Newman Close, off North Marston Lane on the north western edge of the village. It comprises 0.75ha of relatively flat land, with a slight slope downhill along its north-western edge.
- 3.2. The southwest is a recent small scale residential development of affordable dwellings on Newman Close; further residential semi-detached dwellings lie to the south-east in a small cul-de-sac, Ashgrove Gardens. There are no physical boundaries along the northwest and northeast edges of the site as the field boundaries lie beyond these, with open countryside adjoining to the north-west and north-east.
- 3.3. Nearby dwellings are of a modest suburban character. There is a mix of types from bungalows, and detached/semi-detached houses, which make up Ashgrove Gardens and Newman Close. They are constructed in a red/orange brick with plain clay tiled roofs. Whitchurch combined school lies on the south-west side of North Marston Lane opposite the end of Newman Close with the main built up area of the village lying to the east.

4. PROPOSAL

- 4.1. The application seeks outline planning permission with the means of access and layout, to be considered at this stage, for the erection of 22 dwellings, and associated garages and

sheds. The application has been amended since first submitted reducing the number of dwellings from 24 to 22 and provides the following housing mix: 10 x 2 - bed and 12 x 3 - bed, in the form of 2 x detached bungalows, and 20 x semi-detached. The development would have a density of around 30 dwellings per hectare. Parking is generally provided on plot. The amendments were sought to improve relationships between dwellings, dwellings of more traditional scale and to seek a layout that better reflected the location of the site on the interface between edge of village and countryside and so provide a softer countryside edge to include more generous areas for planting and landscaping

4.2. The access would be via the existing field gate at the southern end of Newman Close, with the existing turning head extended into the site and new road running in a semi-circular form towards the northern corner of the site. The proposed dwellings would be sited either side of the road in the southern part of the site, and on one side in the north-western part so that the dwellings front the road with views of the open countryside beyond. The areas along the north-western and north-eastern boundaries would be left open with new landscaping areas and field boundaries of native hedgerows.

4.3. The application is supported by the following documents:

- Transport statement
- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Ecological Report
- Heritage Asset Impact Assessment
- Agricultural Land Report

4.4. The proposal (originally for 24 dwellings) was the subject of pre application consultation with the community (Whitchurch and Oving Parish Councils and residents living near the site). An original proposal to include a small parking area to serve the nearby recreation ground and school was not taken forward as it was not well supported and considered to be too far from the school to be used.

5. **RELEVANT PLANNING HISTORY**

5.1. None.

6. **PARISH COUNCIL COMMENTS**

6.1. Whitchurch Parish Council – Original: OBJECTION

- Development will adversely affect the landscape character in an Area of Attractive Landscape. (RA8).
 - Development is outside the existing boundary of the village and will contribute to coalescence with the neighboring settlement of Oving. (RA2).
 - It will adversely affect the character and appearance of the rural area as well as the individual identity of the village (RA13 & RA14). It does not satisfactorily complete the settlement pattern, and it will intrude into the countryside. It exceeds the 5 dwellings permitted and it is not already enclosed by existing development. (RA14).
 - The proposal reduces open land which contributes to the form and character of the village. (RA2).
 - Previous refused applications exist for similar sites in Whitchurch, usually outside the village boundary.

- There is little support for sustainability. Few employment opportunities. Public transport availability is poor. 22 additional homes would increase congestion on village roads, namely North Marston Lane.
- Scale of the development is inappropriate to the size of the village.
- Would set precedent for future development beyond the village boundary.

6.2 Amended plans: The decision of the Parish Council is to OBJECT to this amended application, on the same grounds as the previous opposition. The re-arrangement of the site layout and amended road scheme does not change the view of the PC that the development is unsuitable for the location and the traffic implications are significant for North Marston Lane and surrounding village roads. On the contrary, the new road scheme gives rise to concerns that further extended development may be sought on the other side of the access road.

7. CONSULTATION RESPONSES

- 7.1. **Highway Authority** – No objections subject to conditions. Proposal is acceptable in highway terms. Response recommends 5 conditions to seek details of the adoptable estate road, construction of means of access, that parking and garaging is laid out prior to occupation, that provision is made for site operatives vehicles and that precautions are taken to prevent mud and debris being deposited on the local highway.
- 7.2. **Anglian Water** – No objections subject to conditions. Suggests a condition to require the submission and approval of a foul water strategy by the LPA and its implementation before occupation.
- 7.3. **SUDs** – No objections subject to conditions. No objection, subject to 2 suggested conditions, the first relating to a surface water drainage scheme, to ensure there is satisfactory flood risk management prior to construction. The second condition requiring a whole life maintenance plan for the full drainage system.
- 7.4. **Housing** – No objection. Proposal is both under 1 Ha and seeks to provide less than 25 dwellings, so affordable housing policy does not apply.
- 7.5. **Environmental health:** no objections
- 7.6 **Biodiversity** – Objection. Concerned that not enough information supplied to prove the development provides net gains to biodiversity. Ecology report provides accurate account of habitats and species on site, but does not provide sufficient recommendations to demonstrate how the proposal generates net gains ecological gains as requested under the NPPF. Details of landscaping proposals including habitats to be created, establishment management regimes and species is required.
- 7.7 **Heritage:** The proposal will not have a strong visual connection with either the Whitchurch CA or nearby listed buildings and is considerably geographically separates from any heritage asset. The new development will be seen in the context of views containing the development at Ashgrove Gardens and The Meadows and no harm would arise.
- 7.8 **BCC Education** – No objection subject to securing appropriate contributions to mitigate the impact of the development on the local school.

8. REPRESENTATIONS

- 8.1. A total of 105 letters have been received, all of which raise objections. The salient objections raised are as follows:
- Development would destroy valuable farmland and harm the appearance of an Area of Attractive Landscape.
 - Development is outside the village boundary intruding into open countryside. Developments should avoid greenfield sites, and make use of infill areas or brownfield sites instead.
 - Development would contribute to coalescence with Oving.
 - Justification for development is not sufficient. There is no further need for more houses within the village.
 - Development does not provide affordable housing, so is not beneficial to local community.
 - Development would adversely affect the character and setting of Whitchurch
 - Development will adversely affect the existing residents in Newman Close and Ashgrove Gardens by means of loss of privacy, light and views.
 - Approval would set a precedent for further development.
 - North Marston Lane is already busy. 22 dwellings would add to the congestion making it more dangerous, especially for school children attending the nearby school.
 - Cars parked on-street along North Marston Lane and in Newman Close make the junction with Newman Close difficult to pull out safely.
 - Very few local employment opportunities and infrequent bus service. School is at maximum capacity and doctor's surgery under pressure. Development is not sustainable.
 - Development will worsen problems with water pressure and drainage.
 - Proposal will completely destroy the abundance of bats, badgers, deers, hedgehogs, foxes and birds which is cruel and unnecessary.

9. EVALUATION

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

9.2. Members are referred to the Overview Report before them in respect of providing the background information to the policy framework when coming to a decision on this application. The application should be considered in the context of paragraph 14 of the NPPF whereby there is a presumption in favour of granting planning permission for sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

9.3. The extent to which the proposal accords with relevant policies of the AVDLP is set out below.

9.4. There is no Neighbourhood Plan in place, nor is one being prepared

Whether the proposal would contribute towards sustainable development in the context of the policies of the NPPF

9.5. The Government's view of what "sustainable development" means in practice is to be found in paragraphs 18 to 219 of the NPPF, taken as a whole (paragraph 6). Para. 17 also contains the core principles that should underpin decision taking. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits associated with the issues 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.

- *Sustainable location*

9.6. The NPPF promotes sustainable development and encourages development to be located in the most sustainable locations, as does the AVDLP and the emerging VALP though the latter does propose to allocate growth more widely throughout the district including, where appropriate, at the villages in order to support those rural communities. In terms of its broader location, the village of Whitchurch has been identified in the Council's Settlement Hierarchy Assessment 2017 as a larger village where some growth is to be accommodated (a total of 1963). The submission plan indicates that allocations for 22 new homes are needed, taking into account existing commitments and permissions at the village since the start of the plan period. Whitchurch lies 5 miles north of Aylesbury and 7 miles south of Buckingham. In terms of the provision of services and facilities, Whitchurch is reasonably well served by existing facilities including two shops, primary school, village hall, pub, GP facility, garage and recreation ground. In addition, it is served by two bus routes linking to the larger settlements of Aylesbury and Buckingham and beyond.

- 9.7. The Council's latest HELAA (2017) identifies the site as suitable noting that a development of around 22 homes could be designed sensitively to complement the local context. The application site is proposed to be allocated to meet that need though as the plan has yet to be tested at examination, that has limited weight.
- 9.8. On this basis, it is accepted that Whitchurch is a sustainable location for new housing development but the proposal will need to be considered not only in terms of its local impact on the site and surroundings but also in terms of the wider capacity of the village to accept further population growth, having regard to its impact on the infrastructure and local services and the community itself. This is assessed further below.

Building a strong competitive economy

- 9.9. The Government is committed to securing and supporting sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
- 9.10. It is considered that there would be economic benefits arising from the construction of the development itself and a more permanent contribution to the local and wider economy arising from the new residents. The development would thus make a contribution to economic growth and recovery at national level. The NPPF again makes it clear that these are important matters which should be given weight in planning decisions" (paragraph 19). In this context, given the number of houses proposed, it is therefore considered the economic benefits of the scheme should be afforded moderate weight in the overall planning balance.

Delivering a wide choice of high quality homes

- 9.11. The need to boost the supply of housing is a key component of government policy and a fundamental element of that is to ensure that a wide choice of high quality homes is delivered that meets the needs of all groups within the community, that widens opportunities for home ownership and creates sustainable, inclusive and mixed communities.
- 9.12. The housing mix proposed would provide a good range of sizes and types of dwellings, the proposed bungalows being a welcome inclusion. There is no requirement for affordable housing as the site is below the policy thresholds, but it would provide a reasonably high proportion of smaller units (45% two bed).
- 9.13. It is considered the proposal would make a worthwhile contribution towards the supply of deliverable housing land and this factor is considered a significant benefit to be afforded moderate weight in the overall planning balance given the number of dwellings proposed.

Promoting sustainable transport

- 9.14. The NPPF makes clear that transport policies have an important role to play in achieving sustainable development but also to contributing to wider sustainability and health objectives. Development that generates significant movement should be 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.
- 9.15. The village is served by a reasonable level of facilities with the local school being opposite the sites in North Marston Lane and the doctors surgery along Oving Road. The majority of the remainder of the facilities are located towards the village centre, around 1.5 km. These are all within reasonable walking distance and relatively easy cycling distance. There are bus stops on Oving Road (providing a local service) and on the High Street (providing additional services to Aylesbury, Buckingham and Milton Keynes) giving reasonable access to these larger centres via public transport.
- 9.16. To address the likely highway impacts arising from the development, the application is accompanied by a Transport Statement (TS) which concludes that the proposal will add about 10% to the traffic flow along North Marston Lane, with the existing junction continuing to operate well within capacity.
- 9.17. BCC state that the existing access is suitable for the development, and taking into account the numbers of dwellings proposed and the likely traffic generation in peak hours. Whilst the PC and local residents have expressed concerns regarding highway impacts, particularly during school 'peak' times, as North Marston Lane is subject to much on street parking and some 'congestion' at those times, BCC highways considers that any conflict with school traffic will be minimal. BCC also confirms that the site is well served by public transport with bus stops within reasonable walking distance and a number of local facilities within the village.
- 9.18. The proposed dwellings would be served by on plot parking, 2 parking spaces for the 2 bed dwellings and one of the 3 bed, and 2 parking spaces plus garage for the remainder of the 3 bed dwellings. No communal or on street parking provision is indicated. This would result in an 'over provision' in respect of the 3 bed dwellings where the standard is for a maximum of 2 spaces. However, given that there is no dedicated on street or visitor parking, this would be an appropriate provision for the site in this location. Each plot is also provided with a shed / bike store. The proposal will therefore comply with policy GP24 which seeks to promote sustainable transport options appropriate to the scale, type and location of a development.

- 9.19. On this basis no objection is raised and overall it is considered that a safe and suitable access will be provided, and that there will be no adverse impact on the current operation of the local highway network. It is therefore considered the site is sustainably located and it has been demonstrated that the proposal would not have an unreasonably adverse impact on highway safety or convenience and would not be contrary to NPPF advice and therefore this factor should be afforded neutral weight in the planning balance.

Conserving and enhancing the natural environment

- 9.20. 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.
- 9.21. In terms of the impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Development should have regard to the character or identity of the settlement and the adjoining rural area. AVDLP policies GP35 and RA8 are also relevant and seek to ensure that development proposals respect and complement features and characteristics of the site and area, landscape character, and avoid reducing open land that contributes to the form and character of rural settlements.
- 9.22. Landscape / countryside impact – The site adjoins the existing built edge of the north-western part of the village and is within the Quainton / Wing Hills AAL. Policy RA8 notes that the AALs have particular landscape features and qualities that are considered appropriate for particular protection and that development proposals that adversely affect this character will not be permitted unless appropriate mitigation measures are secured. The recent review of these areas concluded that it remains worthy of designation and should be carried forward in the new VALP having been the subject of a review of policy RA8 of AVDLP.
- 9.23. The site lies on relatively high ground within the immediate area and it is visible in views from the north and partially along North Marston Lane. In these views it is seen as part of a larger field but in most it is against the backdrop of existing housing in Ashgrove Gardens and Newmans Close, the former occupying some of the higher land in the area.

- 9.24. The applicant's LVA acknowledges that the site and its surroundings are within an area of medium to high landscape quality, but note that whilst the wider landscape is pleasant, attractive and rolling, that within the site is reduced somewhat by its proximity to the edge of the settlement where currently there is little natural screening. Whilst this may be so and is a relevant factor to consider in the context of the site, it is considered that the landscape character of the site itself is not diminished by this. The applicant's LVA also makes the point that it is a characteristic of the local landscape for settlements to be visible on the tops of the local ridges.
- 9.25. The site occupies the higher part of the larger field such that the proposed development will maintain this 'hilltop' characteristic and will not extend down the slopes in an uncharacteristic form. Furthermore, following the amendments made to the proposed layout, which now shows the proposed dwellings to be sited away from the most sensitive north east and west boundaries, it will incorporate a soft edge buffer to the countryside with room for new planting and amenity areas to provide a good defensible boundary, somewhat more robust than the current one. This will provide appropriate mitigation measures to ensure compliance with RA8 and minimize the impact on the landscape and AAL.
- 9.26. The extent of the proposed built development would encroach no further north west or north east than the existing adjoining development, thus the extent to which it will be seen to intrude into the wider countryside beyond will be limited. In addition, for these reasons, it will not significantly reduce the open land around the village nor will it lead to coalescence with Oving which is some distance away separated by fields and would thus not be contrary to RA2.
- 9.27. Overall, it is considered that the proposal will respect and complement the physical characteristics of the site and its surroundings and in that regard will accord with policies GP35 and RA8 and the NPPF. However, there will be adverse impacts on the natural environment as a result of the proposed development, through loss of part of this green field, some adverse effect on landscape character and on the intrinsic rural character of the site and wider area. However, the impact will be relatively localized and would not result in built incursion further to the north-west and north-east beyond the line of the existing adjoining developments in Newmans Close and Ashgrove Gardens. The overall amount of development would not be significant and would be seen against the backdrop of existing built development where it can be viewed and would be seen as a characteristic hilltop development. As such it is concluded that moderate negative weight should be given to these adverse impacts.

- 9.28. Agricultural land – Paragraph 112 of the NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land (BMV) and, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. There is no definition as to what comprises “significant development” in this context but the threshold above which Natural England are required to be consulted has been set at 20 hectares so the site (0.75 ha) falls well below this threshold.
- 9.29. The applicant has confirmed in the submitted agricultural report that the site comprises approximately 67% Grade 2 (0.5 ha.) and 33% Grade 3b (0.25 ha.); as such its development would result in the loss of best and most versatile land as well as the permanent loss of the existing agricultural function of this part of the larger field. The applicant notes that the grade 2 land is significantly enclosed by lower grade land, thus affecting the extent to which it provides practical and usable agricultural land. However, it is not entirely surrounded and overall, whilst the site area is substantially lower than the trigger in para. 112, regard should be given to the amount of loss of BMV, which is attributed limited negative weight in the planning balance.
- 9.30. Biodiversity – Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible. The site has been assessed as being of limited ecological value with only limited evidence of badgers being recorded as present. Measures to ensure their protection such as retention of existing field hedgerow boundaries, and inclusion of post and rail fencing with gaps are proposed.
- 9.31. Further enhancements including the provision of new planting to provide additional habitats, bat and bird boxes, and sensitive lighting scheme. The Council’s Ecology Officer however, suggests that these do not amount to specific measures to respond to the particular site characteristics to demonstrate net gains in biodiversity, as required by the NPPF. However, it is considered that there is no reason why these cannot be sought via suitable conditions to ensure that net gains are achieved and to secure other habitat improvements. Overall, this should be afforded neutral weight in the balance.
- 9.32. Trees and hedgerows – Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value. The existing boundary hedgerows and few trees along the south-east boundary will be retained to continue to contribute to the visual and ecological appearance and value of the site. There are no trees on this site itself that will be affected.

- 9.33. The proposed layout provides areas for new planting and landscaping and it is intended that existing boundaries will be enhanced where necessary. Full details of these measures and the means by which they will be maintained and managed will be secured through reserved matters.

Conserving and enhancing the historic environment

- 9.34. The NPPF states that in determining planning applications, the desirability of sustaining and enhancing the significance of heritage assets, the desirability of new development making a positive contribution to local character and distinctiveness and the effect of an application on non-designated heritage assets, amongst other things, should be taken account of. Policy GP35 refers to the need for development to respect and complement the historic scale and context of the setting and GP53 indicates that proposals that cause harm to the character or appearance of the conservation area, their setting or any associated views of or from them should be resisted.
- 9.35. The site lies about 300m from the conservation area , a designated heritage asset and 400m from the nearest listed building, a designated heritage asset, in both cases there are intervening residential areas. The Bolebec Castle Scheduled Ancient Monument is around 750m from the site, also a designated heritage asset. It is considered however that the site does not affect any of these heritage assets and is within a part of the village characterized by modern development, such that it will have a neutral effect on these heritage assets.
- 9.36. In respect of archaeology, the applicant's Heritage Asset Report concludes that there is very low potential for the existence of archaeological remains with the development site, so no further archaeological work is likely to be required. Other heritage assets are some distance from the site and due to this and that the site is outside the main area of the settlement there is low potential for any archaeological remains to be found.
- 9.37. Overall it is concluded that the scheme will cause no harm to the significance of heritage assets, in NPPF terms, and as such the proposal accords with guidance contained within the NPPF and will satisfy this element of sustainable development.

9.38. Special regard has been given to the statutory test of preserving the (setting of the) listed building under section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. It has been concluded that the (setting of the) listed building and setting of the CA would be preserved, and so the proposal accords with section 66 and 72 respectively of the Act. In addition, no harm would be caused to the significance of the heritage asset, in NPPF terms, and as such the proposal accords with guidance contained within the NPPF.

Promoting healthy communities

9.39. The NPPF seeks to ensure that the shared use of facilities is positively planned for and by ensuring an integrated approach when considering the location of facilities. It goes on to say that the Government attaches great importance to ensuring that a sufficient choice of school places is available and that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

9.40. Policies GP86, GP87 and GP88 seek to ensure that housing proposals include sufficient public open space, outdoor play space and equipped play areas and that where such on site provision is not practicable or better made elsewhere then financial contributions may be acceptable.

9.41. Off site recreation – the Council's SPG is to be applied to all developments of 10 dwellings and over and for the size of development proposed, suggests that amenity green space will be expected to be provided on site, but that all other provision, including public open space, play space, sports and leisure provision, will be met off-site through appropriate contributions. The contribution would be towards a pavilion at Whitchurch recreation ground. The appropriate contributions are secured through the completed S106 agreement.

9.42. Education - BCC has a statutory duty to ensure that there are sufficient school places in its area. There is an established mechanism to secure such contributions to provide requisite increases in school capacity as required fit by the LEA. County Education has advised that a contribution will be required towards extending and improving existing education facilities within the area as they are already operating at capacity. The contribution would be towards the cost of additional sixth form at Waddesdon CE schools or other such project. The applicant has indicated a willingness to make a suitably justified contribution, which would be in accordance with the County's SPD. The appropriate contribution is secured through the completed S106 agreement.

- 9.43. Health –There is surgery provision within the village thus providing an accessible service to meet the needs of residents. Overall it is considered that GP94 would be satisfied and this is a factor to be afforded neutral weight.
- 9.44. Overall it is concluded that the proposal will promote healthy communities, a factor to which neutral weight should be given.

Good design

- 9.45. The NPPF states that the Government attaches great importance to the design of the built environment and it should contribute positively to making places better for people. In respect of whether a particular site is suitable for the type of development proposed it states that development should respond to local character and distinctiveness. Policy GP35 requires proposals to respect and complement the building tradition, ordering, form and materials of the locality.
- 9.46. As noted above, whilst this is an outline scheme and as such does not contain full details of design, the DAS sets out the approach to be followed which refers to both national and local guidance to ensure that the scheme will function well, add to the overall quality of the area and reflect the identity of the site and its surroundings.
- 9.47. At this outline stage, there is little detail in terms of the design quality of the proposal though the DAS indicates that appropriate local and national guidance will be followed. The amended scheme has resulted in the reduction in depth of the proposed 2 bed dwellings to a span in keeping with that set out in the Council's guidance to reflect traditional vernacular. The overall layout would provide for a soft countryside edge with a landscaped zone adjoining the site boundaries with dwellings facing towards these areas so as to provide public areas facing on to the street as far as possible.
- 9.48. Layout - The proposed layout as amended, which is for determination at this stage, shows that a suitable layout could be achieved with houses generally fronting streets and a suitable soft edge to the countryside boundaries incorporating some general amenity areas. Reasonable spaces and relationships between dwellings will be provided.
- 9.49. Density - In general the proposed density would be similar to that of the adjoining residential areas and would be appropriate to this location.

- 9.50. Scale and external appearance - The DAS indicates that generally two storey dwellings, with a couple of bungalows sited on the countryside edges are proposed, which would generally be in keeping with the surrounding development which is also two storey and would be in keeping with the general character of the area. The illustrative details of the proposed dwellings respond to local character and materials and demonstrate that a suitable scale and appearance will be achieved.
- 9.51. Landscaping - The indicative landscaping proposals provide for tree screening along the north eastern and north-western boundaries and would provide a suitable boundary to this open countryside edge. The layout will also enable street and garden trees to be provided to further soften the development and assist with the assimilation of the development in this edge of village location.
- 9.52. It is concluded that whilst the scheme is in outline with full details of landscaping and external appearance to be determined at a later stage, the DAS and proposed layout demonstrate that a suitable scheme can be achieved in compliance with national and local policy. This factor is afforded neutral weight in the planning balance.

Meeting the challenge of climate change and flooding

- 9.53. The NPPF at para. 103 states that when determining applications Local Planning Authorities should ensure flood risk is not increased elsewhere, that within the site vulnerable development is located in areas at lowest flood risk and that development is appropriately flood resilient and resistant and gives priority to the use of sustainable drainage systems. The site is located within Flood Zone 1 and therefore considered to be at low risk of flooding.
- 9.54. The proposal is accompanied by a Surface Water Drainage Statement. The statement has considered relevant available information regarding the nature of the site and topography in formulating a sustainable drainage strategy with private soakaways for each dwelling and roads and footways draining to infiltration trenches located at the edges of the development. The system is designed to contain 1:100 storm events plus climate change and to not increase flooding risk to properties outside the site. Details of the SUDS maintenance schedule are also provided.
- 9.55. No fundamental objections are raised by BCC Flood Management though a number of conditions are recommended to secure the submission of further detailed strategies and appropriate mitigation, including a whole life maintenance scheme for the proposed SUDS scheme. This can be secured via appropriate condition.

- 9.56. In terms of building design and construction, the dwellings themselves will need to meet the fabric first approach as required by Building Regulations. In addition it is noted that each dwelling will be provided with bin and cycle storage areas to facilitate recycling and encourage the use of sustainable means of transport.
- 9.57. Overall, it is considered that the development will be resilient in this regard and this factor should be afforded neutral weight.

Impact on residential amenity

- 9.58. AVDLP Policy GP8 states that permission will not be granted where proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising and one of the core principles of the NPPF is to seek a good standard of amenity for all existing and future occupants.
- 9.59. The proposed development will change the outlook for existing residents in Newmans Close and Ashgrove Gardens who currently have views from the rear of their properties over the existing open field and to the open countryside beyond. However, there is no right to such a view and therefore no weight can be given to this.
- 9.60. Given that the separation between dwellings would meet minimum guidance in terms of back to back distance in respect of the dwellings in Newmans Close and those in Ashgrove Gardens have generous rear gardens, with the flank elevations of the proposed dwellings facing these areas with a narrow landscaped strip to supplement the existing boundary hedgerow, it is considered that no undue loss of light, privacy or outlook to existing residential properties would arise..
- 9.61. The proposed layout would provide for satisfactory distances between dwellings, with reasonable private garden areas. The layout also incorporates bin and cycle storage areas, as noted above. Whilst the site is not sufficiently large to accommodate all its required on site open space, there is scope for areas of amenity space and the Oving Recreation Ground is within reasonable access in addition to the other facilities within the village.
- 9.62. Overall it is considered that the level of residential amenity provided would be acceptable, to comply with GP8 and the NPPF.

Developer Contributions

- 9.63. As noted above, financial contributions will be required towards off-site sport and leisure provision and education. The future maintenance of the areas of landscaping and amenity space and to provide for whole-life maintenance for the SUDS can be secured via conditions.
- 9.64. It is considered that above requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010 (as amended). 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.
- 9.65. In the context of this application the development is in a category to which the regulations apply. The requirement for all of the above named measures, if the proposals were to be supported, would need to be secured through a Planning Obligation Agreement. These are necessary and proportionate obligations that are considered to comply with the tests set by Regulation 122 for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related to the scale and kind of development. Specific projects are to be identified within any Section 106 in accordance with the pooling limitations set forth in CIL Regulation 123 to ensure that the five obligations limit for pooled contributions is not exceeded.
- 9.66. A completed S106 agreement is now in place which secures the necessary obligations and therefore the proposal would accord with AVDLP policies GP86-88, GP90 and GP94.

10. **WORKING WITH THE APPLICANT / AGENT**

- 10.1 In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant and has focused on seeking solutions to the issues arising from the development proposal.

Case Officer: Philippa Jarvis	
-------------------------------	--