



REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/00034/AOP	STONE BISHOPSTONE AND HARTWELL	03/01/18
OUTLINE PLANNING APPLICATION, WITH ACCESS TO BE CONSIDERED AND ALL OTHER MATTERS RESERVED FOR PROPOSED DEVELOPMENT OF UP TO 9 DWELLINGS LAND AT EYTHROPE ROAD ALDBURY HOMES	The Local Member(s) for this area is/are: - Councillor Brian Foster Councillor Mrs J Brandis Councillor Michael Edmonds	
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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.**
- **Build a strong competitive economy**
 - **Deliver a wide choice of high quality homes**
 - **Promoting sustainable transport**
 - **Requiring good design**
 - **Promoting healthy communities**
 - **Meeting the challenge of climate change and flooding**
 - **Conserving and enhancing the natural environment**
 - **Conserving and enhancing the historic environment**
- c) **Impact on Residential Amenities**
- d) **CIL/ S106 Issues**

The recommendation is that permission be **REFUSED**

2.0 CONCLUSION AND RECOMMENDATION:

- 2.1 This application has been evaluated against the extant Development Plan which is the starting point for all decision making. The Development Plan comprises of the Local Plan and the report 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 Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against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 or specific policies in the NPPF indicate development should be restricted.
- 2.2 It is accepted that the development would make a contribution to the housing land supply and although the Council can currently demonstrate a 9 year supply of housing (excluding

any unmet need) this development would help to maintain supply and it is therefore a significant benefit which is tempered to limited positive weight in the planning balance given the small number of dwellings proposed and extant housing supply land figures. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which limited positive weight should also be attached. Whilst the proposal is for bungalows that have an occupancy of a person(s) 55 years and over which would be a benefit of the scheme, there is no policy basis for securing this and therefore cannot be afforded any weight in the planning balance.

2.3 There would be a significant adverse impact on the rural amenities of the countryside, on the immediate greenfield site, the wider landscape character and failure to respect and complement the established predominately linear character and pattern of residential built development on the edge of Stone such that this matter should be attributed significant negative weight in the balance. Inappropriate method for surface water drainage is proposed in the form of an infiltration based scheme, which as a result of the development could result in surface water flooding. This matter has been afforded moderate negative weight in the planning balance. In addition to this the impact on agricultural land has been afforded limited negative weight.

2.4 Compliance with some of the other core planning principles of the NPPF have been demonstrated or could be achieved with the submission of acceptable further details in terms of residential amenity, car parking provision, highways, trees, ecology, heritage, archaeology and design of buildings. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally. Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 14 of the NPPF, it is considered that the benefits of the scheme would significantly and demonstrably outweighed by the harm caused by the proposal. It is therefore recommended that the application be refused on the following grounds:

- 1) The proposal would fail to comply with the core principles of the NPPF to recognise the intrinsic character and beauty of the countryside, to conserve and enhance the natural environment, securing high quality design and to reuse land that has been previously developed. The proposal would fail to respect and complement the established predominately linear character and pattern of residential built development on the edge of Stone. The development in its current form would be an intrusion into the open countryside and result in significant adverse impacts on the rural character and appearance of the site and surroundings, the character of the streetscene and the settlement character and setting of the village. Insufficient information has been provided to demonstrate whether the re-profiling of the site's ground levels would exacerbate this harm further. The proposal would constitute an unsustainable form of development contrary to GP.35 and RA.8 of the Aylesbury Vale District Local Plan and the NPPF).
- 2) Had the above reasons for refusal not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a Section 106 Agreement to secure a financial contribution towards off site sport and leisure facilities, primary education (if occupancy was not conditioned), passenger transport and cycling measures and any off site highway works and mitigation measures necessary. In the absence of such a provision, the Local Planning Authority is not satisfied that the proposal will constitute sustainable

development that fulfils a social economic and environmental role. The proposal is contrary to the requirements of policies GP86-91 and GP94 of AVDLP and the objectives of the National Planning Policy Framework to achieve sustainable development.

3.0 WORKING WITH THE APPLICANT/AGENT

- 3.1 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 / Agent and has focused on seeking solutions to the issues arising from the development proposal. AVDC works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In principle the proposal did not accord with the development plan; there are no material considerations apparent to outweigh these matters of principle and therefore the application was refused. The applicant was informed that the LPA would not be supporting the application as the development was considered unacceptable and contrary to the policies within the Local Plan and the NPPF.

4.0 INTRODUCTION

- 4.1 The Local Member, Cllr Brandis has requested that the application be considered by the Committee if recommended for refusal.

Cllr Brandis has commented as follows:

'I understand that the parish council are in favour of this planning application as there is a great need for age-related bungalows (which these would be) in Stone.

On the planning side the field is bounded on 3 sides by dwellings and the 4th side is the cemetery which presumably is classed as 'built development' since it is neither a brownfield site nor suitable for dwellings. The site is close to an area of Attractive Landscape but not an AONB. Since these would be bungalows the views would be muted. The landscape officer was concerned at the previous application but I understand the concerns have been addressed by the developers of this application.

Therefore if you are minded to REFUSE the application I would like it to come to committee on the above planning grounds so that all concerns can be addressed in a public forum'.

5.0 SITE LOCATION AND DESCRIPTION

- 5.1 The site comprises of a largely rectangular parcel of land, covering approximately 0.61hectares of land to the north-east of Eythrope Road in Stone. The land is agricultural land and consists mainly of grass.
- 5.2 To the north of the site lies two detached residential dwellings (Littleworth Cottage and Willow Springs) which are accessed via a track to the north-west of the application site. This track also serves No.56 Eythrope Road a residential dwelling to the west of site. Beyond the properties to the north are fields of agricultural land. Located to the east of the site lies a cemetery and allotments which are also abutted by agricultural fields, with a pair of semi-detached, residential properties being located to the south-east of the site (No.36 & No.38 Eythrope Road). To the south of the site, across the Eythrope Road are residential properties forming the built-up area of Stone.
- 5.3 The site lies at the southern edge of Brill-Winchendon Hills Area of Attractive Landscape and the site is situated approximately 120 metres to the north of Stone's conservation area.

6.0 PROPOSAL

- 6.1 This application seeks outline planning permission for residential development of up to nine bungalows with all matters reserved for subsequent approval except access. Access for the proposed development is sought via Eythrope Road. Whilst it is noted that matters in respect of appearance, layout, scale and landscaping are reserved, an indicative layout has been submitted as part of this application showing an in-depth layout development. The supporting information advises that the development will be of a single storey, consisting of two and three bedrooms. The dwellings are intended to be occupied by a person(s) of 55 years and over.

7.0 RELEVANT PLANNING HISTORY

- 7.1 16/04282/AOP - Outline planning application, with access to be considered and all other matters reserved for proposed development of up to 21 dwellings including access – Withdrawn

8.0 PARISH/TOWN COUNCIL COMMENTS

- 8.1 “The Planning Committee’s recommendation to support the application received a majority vote in favour by the full Council at its meeting on 5th February 2018 for the following reasons:
- Issues raised with the previous application have all been addressed
 - Now as 9 single storey properties for those ages 55+, it meets a demand for those wishing to downsize and provides a spacious and peaceful environment
 - Blocked views from the neighbours should be minimal
 - Homes should blend in and suit the area in which they are being built”.

9.0 CONSULTATION RESPONSES

- 9.1 Biodiversity: No objection: however further information will be required at reserved matters to ensure ecological enhancement measures are delivered by the proposal.

These proposals involve the development of a greenfield site and are therefore likely to have a negative impact upon biodiversity if unmitigated. An ecological impact assessment has been submitted. It is considered that this report acts as an accurate account of the species and habitats found at the time of the assessment. A condition has been requested for an Ecological Mitigation and Enhancement Plan to be submitted at reserved matters, detailing how the development will result in net ecological gain. This will need to include those measures listed in the ecology report as a minimum requirement.

- 9.2 Environmental Health: Raised no objections (comments do not relate to air quality and contaminated land). Eythrope Road is a no through road and the site is a reasonable distance from the nearest major road (A418). The site is approx. 1.4km from the proposed HS2 railway route. There are no industrial/commercial developments close to the site. It is considered unlikely that environmental noise will have a significant adverse impact on the future occupiers of the site.
- 9.3 Affordable Housing: The current policy for providing affordable housing applies to sites of 25 dwellings or above or 1 hectare or more (unless a Neighbourhood Plan indicates otherwise). As this site appears to fall below the threshold, affordable housing would not be a requirement.

- 9.4 SUDs: Buckinghamshire County Council as Lead Local Flood Authority has reviewed the information provided in the Flood Risk Assessment (5th March 2018, Abington Consulting Engineers). The LLFA objects to the proposed development due to concerns of the viability of an infiltration based scheme.
- 9.5 The LLFA are of the opinion that infiltration is not a viable method of surface water disposal at this site; this is due to demonstrated low rates of infiltration and the high groundwater within the area.
- 9.6 Infiltration testing: The applicant has not carried out infiltration testing to full BRE365 standard. The details provided were not sufficient enough for the LLFA to assess as no details of how long the test took, nor a comparison of time and water depth were provided, these details are imperative to understanding the feasibility of infiltration. The trial pit data showed the base of the trial pit consisted of clay with low permeability. The LLFA are of the opinion that the clay will inhibit infiltration.
- 9.7 Groundwater concerns: Groundwater was encountered at this site at 1.5m below ground level, according to the calculation detail provided the depth of the proposed infiltration feature is proposed to be 1m. This would leave a 0.5m freeboard between the base of the infiltration component and the water table, and this is not acceptable.
- 9.8 Re-profiling the site: The Flood Risk Assessment has suggested that ground levels could be re-profiled to address the risk of groundwater ingress, further detail must be provided in regards to re-profiling. Details of how high the ground levels will be raised should be provided at this stage.
- 9.9 The LLFA are of the opinion that infiltration is not a viable method of surface water disposal at this site; we would request that details of an alternative scheme are provided in line with the SuDS hierarchy outline in paragraph 080 of the Planning Practice Guidance. We would encourage the applicant to consider the use of active rainwater harvesting with a minor outflow to the foul network within the area.
- 9.10 Archaeology: The Buckinghamshire Historic Environment has noted a number of records which are relevant. The application submission included an archaeological desk based assessment which provided the following summary:
- 9.11 *"... No heritage assets have been recorded on the PDA, but a large number of archaeological remains and find spots of prehistoric, Roman, Saxon, medieval and post-medieval date have been discovered in the study area. In particular, the location of a Mesolithic, Neolithic and Bronze Age flint scatter has been marked as an Archaeological Notification Area and partially borders the PDA to the east. An extensive Saxon and Roman cemetery was discovered during sand quarrying in the 19th century on the south side of the A418, on the west side of Stone, and later during the construction of the County Lunatic Asylum. Archaeological evaluation during 1989 and 1992 in the same location failed to find any further burial evidence, but a Neolithic pit and Iron Age pottery were encountered. Further burials and late Bronze and Iron Age settlement activity were discovered to the north of the A418 during sand quarrying and archaeological investigations. Many find spots of Roman and Saxon date have also been recorded in gardens to the west and east of Eythrope Road, some within 20m of the PDA...."*
- 9.12 *... If required by the LPA, any direct impact of the new development on potential buried archaeological remains could be mitigated by measures to investigate and record the presence/absence, nature and significance of the potential archaeological assets. This could be achieved by a programme of archaeological works prior to or during development."*
- 9.13 If planning permission is granted for this development then it may harm a heritage asset's significance if a condition is not imposed requiring the developer to secure an appropriate investigation, recording, publication and archiving of the results. As such a phased

condition has been requested to ensure this information is submitted to the Local Planning Authority.

- 9.14 Highways: The proposed site is located along Eythrope Road which is an unclassified road subject to a 30mph speed limit. Eythrope Road benefits from a pedestrian footway on the south west side, road does not benefit from street lighting and there are no public transport links within the vicinity of the site. The nearest bus stops are located over the desired 400m minimum walking distance on the main A418 Aylesbury Road outside Stone Village Hall. Therefore, the location of the proposed site would be considered to be sustainable in transport terms. It is noted that Eythrope Road has a high level of on-street parking. A Transport Statement has been submitted as part of this application.
- 9.15 The assessment shows that in 2021 with all the developments that the junction would operate over capacity on the Bishopstone Road arm of the junction. While this is concerning this is not as a result of the additional traffic associated with this development and therefore, is not a reason for refusal of this application. In regard to concerns regarding displaced parking Eythrope Road a parking survey has been undertaken. The Highway Authority determined that there is sufficient space to accommodate 36 on street parked vehicles.
- 9.16 The indicative site plan (Drawing No.16094 (D) 013) includes the provision of a footway as part of the access. However, this does not extend to meet the existing footway to the east of the site. There is a concern with requesting this on character grounds and therefore a dropped kerb crossing point would need to be provided either side of the access to the footway on the opposite side, however there remains a concern regarding connectivity to the village. Therefore, contributions towards passenger transport and cycling are required to improve the attractiveness these to residents of the site.
- 9.17 There are 27 proposed parking spaces within the limits of the site, Aylesbury Vale District Council as the Parking Authority should make an informed decision on the quantum of parking required for this scale in development. Highway Authority are satisfied that there is adequate turning and manoeuvring space within the site limits, therefore this negates the risk of any vehicle having to wait or reverse onto the highway.
- 9.18 Highway Authority has no objections subject to conditions regarding the new access, visibility splays and a construction management.
- 9.19 Arboricultural Officer: A tree survey is included with the supporting documents for the application, it shows tree cover is mainly to the boundaries of the site, with the most important features to the eastern boundary. It does not appear that any trees will need to be removed to allow the development to proceed, although due to proximity there is potential for harm to occur.
- 9.20 Indicative landscape design proposals show potential for an increase in tree numbers, although the palette appears limited to small/medium trees of mainly ornamental value.
- 9.21 Neutral – further information required at reserved matters stage. Based on the information currently available it is considered that the proposals have potential for harm to existing trees, but there is also good potential for new planting - it is possible that the proposals could ultimately have positive arboricultural impacts, so no objection is raised at this stage. However, trees are a material planning consideration, and a full Arboricultural Impact Assessment and planting design statement would be required as part of any detailed/reserved matters application. As such, a condition has been requested requiring details of all trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected during construction work. In addition to pruning details, tree planting and the replacement of trees that are found to be dead, dying, severely damaged or diseased.
- 9.22 Landscaping: Following my review of the submitted application documents and Landscape Design Report, Reference is made to the comments on the previous application on this

site, reference number: 16/04282/AOP. It is accepted that there have been various design changes to this application in comparison to the last (16/04282/AOP), including a reduced footprint and lower storey heights. Despite these changes, concerns remain in regard to the development resulting in significant landscape character and visual impacts.

- 9.23 When considering the reduction in building height, there would still be impact on the surrounding visual receptors as identified previously, as views into the open countryside and the wider landscape beyond would be obstructed and reduced. Similarly the reduced building footprint on the site from 21 to 9 dwellings would still result in partial in-depth development and sub-division of a green field site, which has had no previous development on it, this change would be irreversible and significant for the site and its immediate setting.
- 9.24 The principal concerns with this application are; the conflict of the proposed development with the existing settlement pattern of Stone; and extension of the settlement into the open countryside. For similar reasons as those set out in my previous comments, it is considered that the proposed development is contrary to the existing pattern of development, proposing in-depth housing where there is no previous evidence of this. The proposed scheme fails to respect or complement the physical characteristics of the site and the surroundings, and as a consequence there is conflict with saved policy GP.35 of the Aylesbury Vale District Local Plan (AVDLP).
- 9.25 The application site contributes to a sense of place and has scenic qualities. Development on the site would impact on the experience of a number of receptors (as identified previously), as well as adversely impacting on the landscape qualities of the site, of which cannot be mitigated by introducing a hedge to the road frontage. Which leads me to believe that development on this site would be contrary with saved policy RA.8 of the AVDLP.
- 9.26 Education: Education contributions from housing are not required where it can be demonstrated that the accommodation will not generate additional children into the education system (e.g. homes which are exclusively for the elderly). As this scheme is for housing for the over 55s we would not require a contribution unless it was not possible to control the age of the occupants in which case it is likely that we would require contribution towards the expansion of primary school provision in the area.

10.0 REPRESENTATIONS

10.1 33 Representations were received raising the following objections:

- Increased traffic
- Maintenance of Eythrope Road
- Highway Safety for all users
- Parking
- Capacity of Eythrope Road
- Overdevelopment
- Loss of privacy
- Loss of Light
- Overbearing
- Scale
- Visual Appearance of Eythrope Road
- Noise/ disturbance
- Visual Intrusion
- Appearance of development
- Density
- Light pollution
- Due to location of access Disturbance to residents using their driveways
- Acknowledgement of reduction in housing numbers
- Publicity

- Outline permission – plans only indicative – comfort that an application for further dwellings won't be put forward and/ or changes to indicative plans
- Access road into adjoining land in same ownership
- Capacity of sewers
- Significant adverse landscape and character impact
- Determination process
- Biodiversity
- Comments previously raised by landscape officer on previous scheme
- Air pollution
- Village Design Statement for Stone and Hartwell
- Flooding
- Impact on the cemetery
- Occupancy
- Emergency Service access affected
- Maintenance/ changes to boundary treatment
- Reference to a government initiative – A green future

11.0 EVALUATION

- 11.1 a) The planning policy position and the approach to be taken in the determination of the application:
- 11.2 Members are referred to the Overview Report before them in respect of providing the background information to the Policy. The starting point for decision making is the development plan, i.e. the adopted Aylesbury Vale District Local Plan (and any 'made Neighbourhood Plans as applicable). S38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF.
- 11.3 Stone does not have a neighbourhood plan and therefore consideration falls on the relevant policies in the AVDLP in context of paragraph 14 of the NPPF.
- 11.4 ***b) Whether the proposal would constitute a sustainable form of development having regard to:***
- 11.5 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). It is only if development is sustainable that it would benefit from the presumption set out in paragraph 14 of the NPPF. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits 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.
- 11.6 It is acknowledged that the NPPF promotes sustainable development and encourages consolidation of smaller rural settlements where it will enhance or maintain the vitality of rural communities. In terms of its broader location, Stone is identified in AVDLP as an Appendix 4 settlement implying that this is considered to be appropriate to allow "limited small-scale development" at the settlement. In the Settlement Hierarchy Assessment 2017, Stone is identified as a 'large village'. Large Villages typically have a population of between 2,000 and 3,000 and have between 8 to 10 of the key criteria (within 4 miles of a service centre, employment units or more, food store, pub, post office, GP, village hall, recreation facilities, primary school, hourly or more bus service and train station). On this basis, it is therefore accepted that Stone is a sustainable location for limited new housing

development subject to a scale of growth that could reasonably be considered sustainable not only in terms of its impact on the localised site and surrounding 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.

- 11.7 Also in association with the progression of VALP a number of sites have been assessed in the HELAA (May 2016) in terms of whether they could contribute towards the supply of housing for the District. The HELAA is an important evidence source to inform plan-making but does not in itself determine whether a site should be allocated for housing or whether planning permission should be granted. The site was identified within the HELAA (STO001) as unsuitable for housing or employment development as *“development of this site would result in the loss of long distance views out of the settlement. The site is also in an area of Attractive Landscape and development would also be likely to have a harmful landscape and visual impact. There are also biodiversity impacts to be addressed with semi improved grassland surrounded by hedge with mature trees. Site has access issues and pedestrian/footway improvements would be required”*.

11.8 **Building a strong competitive economy:**

- 11.9 The NPPF states that the Government is committed to securing and supporting sustainable economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development. The NPPF advises that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. It recognises town centres as the heart of their communities and pursue policies to support their viability and vitality.
- 11.10 There would be economic benefits derived from this development in terms of the construction of the development itself and the resultant increase in population contributing to the local economy. These benefits include the creation of jobs during construction, extra demand for goods and services and increased local spending from the resultant increase in population, which would be positive and long lasting to the local economy. It is therefore considered that the proposal would give rise to future economic benefits which should be afforded limited positive weight in the overall planning balance, given the scale of the development proposed.

11.11 **Delivering a wide choice of high quality homes:**

- 11.12 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.
- 11.13 With regards to housing supply, at present, the Council can demonstrate a 9 year supply housing supply (based on the findings of the HEDNA) as published in the Aylesbury Vale District Council – Five year housing land supply position statement, August 2017 (compared with 5.8 years previously). This scheme would provide a contribution of 9 dwellings to the housing supply for the District which is a significant benefit and would assist in boosting the District’s housing supply. It is considered that the scheme could be delivered within a reasonable time, subject to approval due to the development being small scale. The Buckinghamshire Housing and Economic Development Needs Assessment Update 2016 (HEDNA) identifies Aylesbury Vale as requiring predominantly 2 and 3 bedroom properties. The submitted design and access statement outlines that there will be a mixture of 2 and 3 bedroom properties. As such the proposal would result in an acceptable mix of dwellings.

- 11.14 Whilst the contribution of the development to housing supply is normally considered to be a significant benefit, this should be tempered to limited positive weight in the planning balance given the number of dwellings proposed and extant housing supply land figures. Policy GP.2 of AVDLP outlines that developments of 25 dwellings or more, or sites of 1 hectare or more there is a requirement to provide the provision of on-site affordable housing. The proposed development seeks the erection of 9 dwellings on a site area of less than 1 hectare and therefore there is not a requirement to provide affordable housing. As part of this application the planning statement advises that the proposed new dwellings are to be bungalows for the occupation of people which are aged 55 years or over, which the applicant/ agent envisages can be secured in perpetuity by a suitable worded condition or obligation. Whilst the proposal is for elderly accommodation which would be a benefit of the scheme, there is no policy basis for securing this and no information has been provided to demonstrate there is a need for this form of accommodation, therefore this cannot be afforded any weight in the planning balance.
- 11.15 It is considered the proposal would make a worthwhile contribution towards the supply of deliverable housing land in the District and this factor is afforded limited weight in the overall planning balance given the relatively low number of dwellings proposed.
- 11.16 **Promoting sustainable transport:**
- 11.17 The NPPF at para 32 seeks to encourage sustainable transport modes and to ensure safe and suitable access to new development. It is necessary to consider whether the proposed development is located where the need to travel will be minimised, the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved. The site is considered to be locationally sustainable having regard to the availability of modes of transport such as buses and that there would therefore not be a reliance on the private car and other options are available.
- 11.18 The proposed development would be accessed via Eythorpe Road which is an unclassified road subject to a 30mph speed limit. There is a pedestrian footpath to the south-west of the application site on Eythorpe Road. There are no public transport links within the vicinity of the site, with the nearest bus stops being located over the desired 400m minimum walking distance on the main A418 Aylesbury Road outside Stone Village Hall. Whilst this is noted, it is considered that on balance the proposed site would be considered to be sustainable in terms of transport.
- 11.19 The submitted Transport Statement includes a cumulative impact of the developments in Stone and the affects these will have on the junctions in the area. Especially the Bishopstone/ Oxford Road/ Eythorpe Road junction. A concern has been raised by BCC Highways in regard to the Bishopstone Road arm of the junction and that by 2021, with all the developments, the assessment has shown that this junction would be operating over capacity. The Highways Engineer has confirmed that this concern is not as a result of the additional traffic associated with this particular development, it is therefore considered that a reason for refusal on this basis could not be sustained.
- 11.20 A further concern raised by BCC Highways was in regard to the displacement of parking on Eythorpe Road. A parking survey was submitted as part of this application, however there were discrepancies with the survey and the transport assessment which was submitted and therefore the Highways Engineer carried out an independent assessment. This assessment considered available on-street parking (excluding driveways), proposed site access and the Aylesbury Vale Parking Standards. From this assessment it is considered that the proposed scheme would not have a significant impact in regard to displaced parking and therefore would be sufficient space to accommodate 36 on-street parked vehicles. In addition to this, whilst the submitted refuse vehicle tracking shows an overhang with the refuse vehicle entering the site and the parked vehicles. Notwithstanding this, the Highways Engineer is satisfied that the site can accommodate a refuse vehicle.

- 11.21 As outlined above, the access for existing driveways was taken into consideration when assessing the availability of on-street parking as a result of the proposed development. The development itself is therefore not considered to cause disturbance to residents using their driveways.
- 11.22 The indicative plan shows the provision of a footpath within the site. The proposed footpath is shown to stop at the site's access rather than extending to meet the existing footway which is located to the east of the site, which starts outside No.24 Eythrope Road. Given the character of the area there has been a concern with requesting the footways to meet and therefore dropped kerb crossing point would need to be provided either side of the access to the footway on the opposite side. This provision alone would not alleviate the concerns with the development's connectivity to the rest of the village and as such, contributions towards passenger transport and cycling would be required in order to alleviate this matter. The off site highway works and mitigation in the form of dropped kerb crossing point on either side of the access to the footway on the opposite side would be secured via an obligation.
- 11.23 A number of concerns have been raised in terms of increased traffic, capacity of the road, highway safety for all users (vehicles, pedestrians and cyclists) and access for emergency services. The impact of these matters has been assessed as part of this application by Bucks County Council Highways who has raised no objection to the proposed development. A number of matters which have been raised relate to existing issues within the area which could be increased as a result of the development. It is unreasonable for Local Planning Authorities to try and resolve existing issues within an area for a development of this scale. The Local Planning Authority can only seek to address matters which directly relate to the development. It is therefore considered that in this instance, due to the scale of the development, matters would not be significantly increased to warrant the refusal of this application when compared to the existing arrangement.
- 11.24 AVDLP policy GP24 requires that new development accords with published parking guidelines. SPG 1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development. The proposed scheme (indicatively) seeks to provide 2 and 3 bedroom properties which would require two spaces per dwelling. The indicative plan shows the parking will be provided in the form of garages, driveways and parking bays, with four visitor spaces being shown. The site has potential to deliver sufficient parking and cycle provision in accordance with SPG 1 "Parking Guidelines" and policy GP24 of the AVDLP. The site's parking and cycle provision would be considered as a reserved matter.
- 11.25 In regards to the maintenance of Eythrope Road, if the road is an adopted highway the maintenance of the road would be the responsibility of the Highway Authority, however if the road is an unadopted highway this would be a private matter.
- 11.26 Overall the proposed development, in regard to highway matters and parking provision has been afforded neutral weight in the planning balance.
- 11.27 **Conserving and enhancing the natural environment:**
- 11.28 *Landscape Impact:*
- 11.29 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 of the adjoining rural area. Regard must be had to how the development contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and preventing any adverse effects of pollution, as required by the NPPF. AVDLP Policy GP35 seeks to ensure that development

proposals should respect and complement features and characteristics of the site and area.

- 11.30 As part of this application the comments received by the landscape officer are reflective of the comments received on the previous scheme (ref: 16/04282/AOP) for the site, which sought outline permission for up to 21 dwellings. The comments received as part of this application acknowledge the changes to scheme and therefore comments received from the Landscape Officer have been taken into consideration when assessing the landscape impact.
- 11.31 The village of Stone lies on the edge of National Character Area 109- Midvale Ridge. This site exhibits key characteristics of the character area, notably ; *Mixed pastoral and arable landscape with large geometric fields divided by hedges and regularly spaced hedgerow trees.*
- 11.32 The A418 is a notable feature in this landscape as it runs along the ridge, in the location where a major route would have historically run. Predominantly the landscape is made up of arable fields with smaller paddocks around the settlement. The village of Stone is located between the great estates of Eythrope to the north west and Hartwell to the south east.
- 11.33 The site itself is located within the Area of Attractive Landscape, Brill- Winchendon Hills (AAL). There is a strong sense of place, the landscape undulates around the settlement which is located on the ridge, highly distinctive of this landscape character. RA8 of the AVDLP states that “*development proposals in these areas should respect their landscape character. Development that adversely affects this character will not be permitted, unless appropriate mitigation measures can be secured*”. The application site itself contributes to a sense of place and has scenic qualities. The landscape qualities of the site would be adversely impacted as they cannot be mitigated through the introduction of a hedge to the front of the site. In addition to this, there are a number of visual receptors which would be affected by the proposed development. The proposed development is therefore considered to be contrary to saved policy RA8 of the AVDLP.
- 11.34 LCA 9.9 landscape guidelines seek to ‘Conserve and Enhance’ the characteristics of the landscape that makes up the LCA, as described above. Statements of relevance with regard to this application are;
- 11.35 -*Conserve the overall balance of irregular shaped field parcels and mature hedges over the rolling landform to the eastern end.*
-Maintain the condition and extent of improved and semi-improved grassland wherever possible.
- Maintain and improve the connectivity of habitats, particularly woodland fragments and neutral and unimproved grassland
- 11.36 This area of land to the north of Eythrope Road is rural in character and provides an attractive setting at the edge of the village, positively contributing to the character of this section of Eythrope Road. It is acknowledged that there are residential properties located to the north of Eythrope Road, however they are largely sited to the east of the site. As you move from east to west along Eythrope Road to the north, the density of dwellings decreases providing a transitional area between the built-up area of Stone’s village to the rural countryside. As such, whilst it is acknowledged that there are residential properties, to the north of Eythrope Road, surrounding the site, these are sporadic and therefore contribute to transitional character of the site. Eythrope Road is considered to be a physical boundary between the built-up area of Stone to the south and rural edge to north. As such, a formal arrangement of residential dwellings on this site, as currently proposed, would result in an encroachment into the open countryside, being visually intrusive and causing harm to the openness of the site and intrinsic rural character of the area. In addition to this, the submitted Flood Risk Assessment suggests that ground levels could be re-profiled to address the risk of groundwater ingress. Other than this statement, no further information

has been submitted to demonstrate whether this would be required and the extent of re-profiling the ground levels. Given insufficient information has been provided in regard to this matter, this approach could exacerbate the existing impact identified given the sensitive character of the area.

- 11.37 This application is a resubmission of a previously withdrawn scheme (ref: 16/04282/AOP) which sought the erection of up to 21 dwellings. In order to mitigate the significant impact on the landscape character and visual impact, the number of dwellings was reduced to 9 and the dwellings have been reduced to single storey. The reduction in building height would reduce the visual impact on the surrounding visual receptors however the impact of development and sub-division of a greenfield site, which has had no previous development on it, would be an irreversible change having a significant on the site and its immediate setting.
- 11.38 The submitted illustrative site layout shows a proposed layout for the development which would comprises an average density of approximately 14 dwellings per hectare across the site. Whilst this is considered to be a relatively low density, as outlined above, the formal arrangement of dwellings in this location would result in a development that is at odds with its surroundings. As such, whilst this is noted, due to the development being of a relatively low density it is considered that the Local Planning Authority would not be able to sustain a reason for refusal on the grounds of overdevelopment.
- 11.39 The settlement has a strong linear form, which is a characteristic of villages throughout the district and the indicative arrangement of the layout is in-depth development resembling an urban layout which would be out of character with the prevailing form and layout of the village. In general the illustrative layout does not attempt to address the linear/ ribbon form and its is considered to be discordant with the local character. Whilst it is acknowledged that the layout is indicative only, it is unclear as to how a development of up to 9 dwellings could be accommodated on this site without proposing some form of in-depth development in conflict with policy GP35 of the AVDLP. As such this matter would be afforded significant negative weight in the planning balance.
- 11.40 *Agricultural Land:*
- 11.41 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 (0.61ha) falls well below this threshold.
- 11.42 The application is not accompanied by evidence to demonstrate the agricultural land classification. Council records indicate the land is within category 2 (very good quality agricultural land). As such it is considered that the site could comprise the best and most versatile agricultural land (i.e. Grade 3a or better) and the application has not been supported by a site-specific Agricultural Quality Assessment to clarify otherwise. The proposal would result in the permanent loss of the greenfield land from agricultural production and, in the absence of evidence to the contrary, this loss of potentially versatile agricultural land (albeit at the moderate end of the scale and a relatively small amount) would be in conflict with paragraph 112 of the NPPF. The loss of agricultural land is therefore considered a factor that should be afforded limited negative weight in the planning balance
- 11.43 *Trees and hedgerows:*

- 11.44 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 11.45 Landscaping is a matter which has been reserved. There are a number of existing trees and hedgerow around the perimeter of the site. The supporting tree survey has outlined that the most important features of the site are the eastern boundary. From the information provided, there does not appear to be any trees which would need to be removed in order to accommodate the proposed development, however due to the proximity of the trees, the proposed development may have an impact. Whilst this is noted, the indicative plans show there is potential for new planting and therefore the development could result in positive arboricultural impacts. To ensure that the development does not have an adverse impact, any reserved matters application would need to be submitted with a full Arboricultural Impact Assessment and Planting Design Statement, which would be conditioned and considered as part of a future reserved matters submission. As such, this matter has been afforded neutral weight in the planning balance
- 11.46 *Biodiversity:*
- 11.47 Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible. The application seeks residential development on a greenfield site and therefore it is likely to have a negative impact on biodiversity if unmitigated.
- 11.48 In accordance with the request from the Biodiversity Officer a Preliminary Ecological Appraisal was submitted outlining the species and habitats found during the time of the assessment. The Biodiversity Officer concurs with the findings and raises no objection subject to details of ecological enhancement measures being provided at reserved matters stage. As such, this matter has been afforded neutral weight in the planning balance.
- 11.49 **Conserving and enhancing the historic environment:**
- 11.50 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving the Listed Building, its setting and any features of special architectural or historic interest in which it possesses. In addition to paying attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Recent cases in the High Court of Appeal have placed emphasis on Local Planning Authorities ensuring that great weight is attached to these duties.
- 11.51 Saved policy GP.53 of AVDLP reflects the aforementioned duty and require development proposals to protect and enhance the significance of the Borough's Conservation Areas. Section 12 of the National Planning Policy Framework also seeks the preservation and enhancement of the historic environment.
- 11.52 Policy GP35 of AVDLP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. This is a position supported by the National Planning Policy Framework which promotes good design, responding to local character and reflecting the identity of local surroundings and materials.
- 11.53 The proposed development is located a sufficient distance from Stone's conservation area, nearby Listed Buildings and surrounding Historic Parks and Gardens (Hartwell House a Grade II* and Eythrope a Grade II) to ensure the proposed development would not have an adverse impact on any designated or non-designated heritage assets.

- 11.54 Overall, it is considered the proposed works would have a neutral impact. Consequently, there is no need to offset the impact of the proposals against any public benefit. Great weight has been applied to the consideration of this application and the impact it would have on any designated and non-designated heritage assets. As such it is considered that the local authority has discharged their statutory duty to pay special regard to the preservation of the Listed Building and conservation area as required by section 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis, this matter would be afforded neutral weight in the planning balance.
- 11.55 *Archaeology:*
- 11.56 The NPPF at paragraph 128 advises that in situations where a site includes or has the potential to include heritage assets with archaeological interest, planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 11.57 BCC Archaeology have provided comments on the proposal and state that the site is of archaeological interest and therefore to ensure the development has a neutral impact on archaeological interests of the site a condition has been requested to secure appropriate investigation, recording, publication and archiving of the results. Subject to this condition the proposal is considered to have an acceptable impact on archaeology in accordance with policy GP.59 of AVDLP and the NPPF. As the development has been identified as having a neutral weight on the archaeological interests of the site there is not a requirement to offset the impact of the proposal against any public benefit. Archaeology matters should therefore be afforded neutral weight in the planning balance.
- 11.58 **Requiring Good Design:**
- 11.59 The NPPF sets out that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development.
- 11.60 Policy GP35 of AVDLP is particularly relevant and requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. This policy is also reinforced by the Council's adopted supplementary planning guidance in the form of the New Houses in Towns and Villages Design Guide which encourages new development to recognise and respect landscape and local character.
- 11.61 The detailed design and appearance of the development is a reserved matter, however an indicative streetscene has been submitted to provide some insight into the intended appearance of the dwellings. Within the local area the dwellings are predominately two-storey with a handful of bungalows visible. The scale of the proposed development is a matter which is reserved. Whilst this is noted, and notwithstanding the above comments, the development is of a single storey which can be controlled through condition and therefore the scale is considered to be acceptable as bungalows can be found in the local area. The built form within the immediate area is typically detached properties or rows of terraces. The indicative layout shows that the site dwellings are to be detached which is reflective of the built form, however it is noted that directly to the south of the site there are a number of terraced properties forming a strong character. The local area is characterised by mixture of property appearances and therefore the indicative appearance of the dwellings is considered to be acceptable.
- 11.62 With this in mind, the indicative design and appearance of the new dwellings are considered to be acceptable. This factor is afforded neutral weight in the overall planning balance.

11.63 Promoting healthy communities:

11.64 The NPPF seeks to promote healthy communities by facilitating social interaction and creating healthy, inclusive communities. This includes the provision of active street frontages, strong neighbourhood centres, safe and accessible developments and should include the provision of sufficient choice of school places, access to high quality open spaces with opportunities for sport and recreation.

11.65 In accordance with the NPPF, policies GP.86 - GP.88 and GP.94 seek to ensure that where appropriate, community facilities are provided from the proposal and, where necessary, require financial contributions to meet the needs of the development. However, the NPPG was amended in May 2016 such that tariff-style s106 contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. In this case the proposed development would exceed 1000m² floorspace and therefore if the reasons for refusal had not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a Section 106 Agreement to secure a financial contribution towards off site sport and leisure facilities in accordance with policies GP86-GP88 of the AVDLP and the Council's SPG on Sport and Leisure Facilities and the associated Ready Reckoner. The contribution would be put towards a specific project to be agreed with the Parish Council. In addition to this, a financial contribution towards primary education would be required (if it was not condition that the development was for 55 years and over).

11.66 *Meeting the challenge of climate change and flooding:*

11.67 The NPPF at Section 10, "Meeting the challenge of climate change, flooding and coastal change" advises at paragraph 103 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.

11.68 The application site is located within Flood Zone 1. An objection has been received from Lead Local Flood Authority (SUDs Officer) in regard to the lack of a viable method of surface water disposal.

11.69 The infiltration was not carried out in accordance with the full BRE365 standard. The testing for the site was carried out once and it is understood that the trial pit collapsed during testing. As such, insufficient information has been provided to ascertain whether infiltration is a suitable method for disposing of surface water. From reviewing the trial pit data, the base of trial pit consisted of clay with low permeability and therefore the Lead Local Flood Authority consider that the clay will inhibit infiltration.

11.70 In addition to this, concern have been raised in regard to groundwater. Groundwater was encountered at this site at 1.5m below ground level, according to the calculation detail provided the depth of the proposed infiltration feature is proposed to be 1m. This would leave a 0.5m freeboard between the base of the infiltration component and the water table, and this is not acceptable as it is not in accordance with best practice as outlined by the Ciria SuDS manual. The groundwater mapping provided by Jeremy Benn Associates further raises concern for the viability of an infiltration based surface water drainage scheme as the information provided states for a 1% Annual Exceedance Probability Event (1% chance of occurring within any given year) groundwater is expected to be between 0.025-0.5m below ground level.

11.71 The submitted Flood Risk Assessment has suggested that ground levels could be re-profiled to address the risk of groundwater ingress, further detail must be provided in regards to re-profiling. Details of how high the ground levels will be raised should be provided at this stage. With the absence of the above and insufficient information, it is

unclear as to whether the site could be adequately drained and the impact this may cause. Whilst this is noted, given this application is for outline permission with all matters being reserved except access, the above concerns can be secured via a condition requiring this information to be submitted at reserved matters stage and therefore it is considered that this concern is not significant to warrant the refusal of the above application. This matter is afforded moderate negative weight in the planning balance.

11.72 c) Impact on residential amenities:

- 11.73 The NPPF at paragraph 17, under the heading “Core planning principles” sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.
- 11.74 The proposal is for residential development comprising of up to 9 dwellings. The indicative siting of the dwellings and the separation from the nearest properties would ensure that no loss of amenity would occur in terms of access to light, overshadowing, outlook and privacy. These impacts are further mitigated by the development being of a single storey. The detailed layout submitted with any subsequent reserved matters application would assess the amenities for future and existing occupiers but it appears from the indicative plans that adequate separation distances can be achieved to ensure that a satisfactory level of amenity is achieved.
- 11.75 The proposed development is considered not to be of a scale which would raise any significant concern in regard to air pollution, noise and disturbance due to the additional number dwellings and the vehicle trips associated with the development. The new access being located adjacent to existing residential properties is to serve a relatively small number of dwelling and therefore is considered not to have any adverse impacts in regard to light pollution to these adjacent properties from the vehicles entering and leaving the access.
- 11.76 Overall, it is considered that the proposal would have an acceptable impact on residential amenities in accordance with saved policy GP.8 of AVDLP and the advice within the NPPF, and this is attributed neutral weight in the planning balance

11.77 Developer Contributions:

- 11.78 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.
- 11.79 In the context of this application the development is in a category to which the regulations apply. The requirement for a financial contribution towards off site sports and leisure, primary education (if a condition was not imposed requiring the dwellings to be occupied by person(s) 55 years or more), passenger transport and cycling measures, off site highway works and mitigation, 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.

11.80 Other Matters:

- 11.81 Reference to Government Initiative (A Green Future): The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. They are not to be undertaken in isolation, because they are mutually dependant. Therefore, to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The environmental dimension to sustainable development would be reflective of this government initiative.
- 11.82 Publicity: Concerns have been raised in regard to Council's notification of the application and it being inadequate. In accordance with the Council's statutory requirement a site notice was placed at the application site notifying the public of an application.
- 11.83 Determination Process: The application has been 'called in' by Cllr Brandis to Development Management Committee as Officers were minded to refuse the application. As such, Officers do not have delegated authority to determine this application. Development Management Committee is a public meeting which local residents are able to attend and are offered the opportunity to speak at the meeting to put forward their views.
- 11.84 Maintenance/ changes to boundary treatment: The maintenance of boundary treatment is a civil matter which falls outside of the planning process. In regard to changes in boundary treatment, if the application were to be approved and Officers considered it important to further control boundary treatment (above the requirements in the General Permitted Development Order) a condition could be imposed further controlling the boundary treatment for the site.
- 11.85 Type of Application: It is applicant/agents discretion to decide whether they wish to apply for outline planning permission or full planning permission. This application has all matters reserved except access. If permission were to be granted, the matters which are reserved and shown as indicative would need to be submitted in a further application. This would allow residents the opportunity to comment and Officer's to assess the detailed application being proposed.
- 11.86 Capacity of the sewers: The proposed development is considered not to be of a significant scale that would warrant concerns in regard to the capacity of the sewers.
- 11.87 Impact on the Cemetery: The proposed development is considered to be relatively small scale and therefore not considered to raise significant noise concerns to the users of the cemetery. In addition to this, the development is to be of a single storey mitigating the visual impact of the site when viewed from the cemetery.
- 11.88 Access road into adjoining land in same ownership: The indicative plan does show an access to a parcel of land to the north-east of the site which is within the same ownership as this application. This layout is only indicative as layout is a reserved matters. Concerns have been raised that if this development is granted, permission would be sought for this adjoining parcel of land. Local Planning Authorities cannot prevent applications from being submitted on surrounding parcels of land. If an application were to be submitted, residents would have the opportunity to provide comment and the scheme would need to be assessed on it own individual merits in accordance with planning policy and legislation.
- 11.89 Stone & Hartwell Village Design Statement (2003): Representations have been received referencing this document. This document was not adopted and therefore holds no weight.