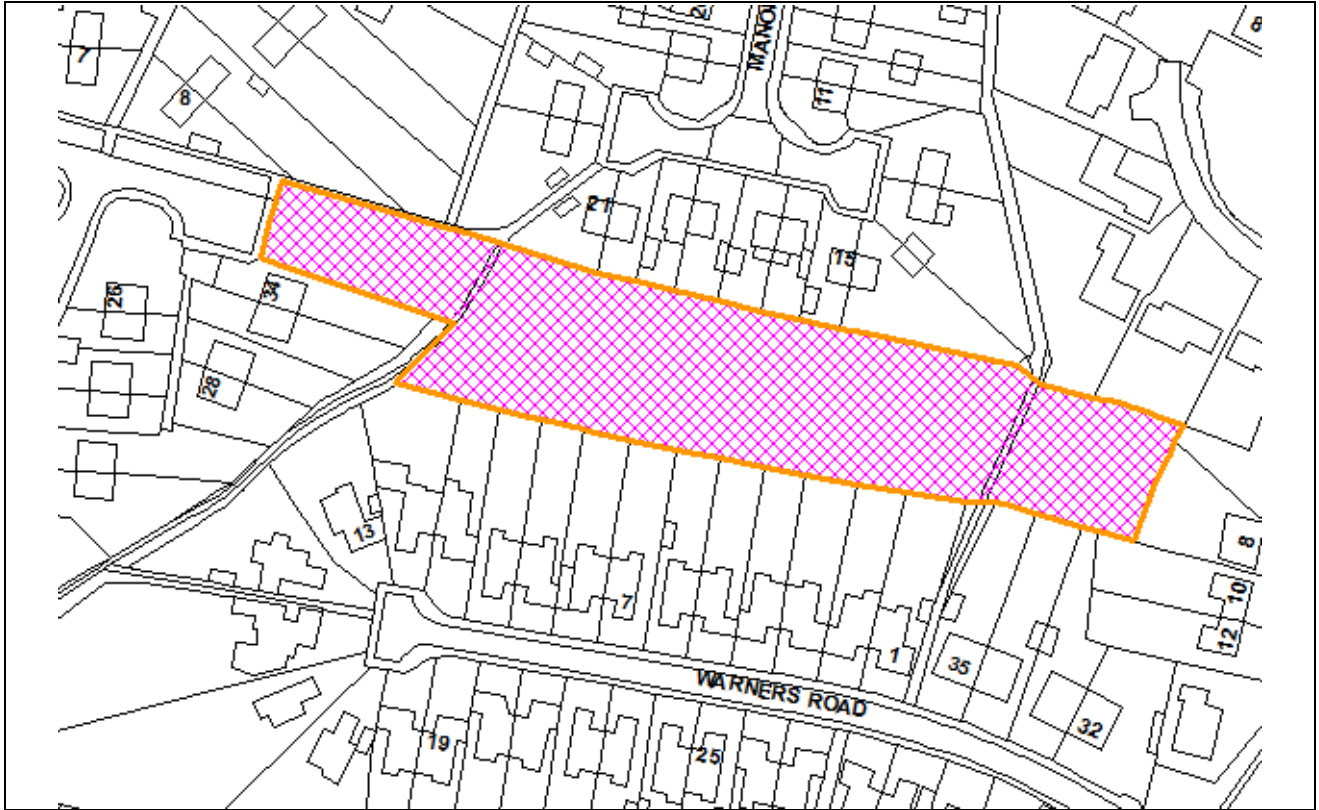


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REFERENCE NO	PARISH/WARD	DATE RECEIVED
15/02242/AOP	NEWTON LONGVILLE The Local Member(s) for this area is/are: -	06/07/15
OUTLINE PLANNING APPLICATION FOR THE ERECTION OF 6 TWO-BED AND 9 THREE-BED DWELLINGS, NEW ACCESS AND ASSOCIATED PARKING LAND BETWEEN COBB HALL ROAD ANDDRAYTON ROAD	Councillor N Blake Coucnilor B Everitt	
DIOCESAN TRUSTEES (OXFORD) LTD		
STREET ATLAS PAGE NO. 57		

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 sufficient supply of homes**
 - **Promoting sustainable transport**
 - **Conserving and enhancing the natural environment**
 - **Conserving and enhancing the historic environment**
 - **Promoting healthy and safe communities**
 - **Achieving well designed places**
 - **Making effective use of land**
 - **Meeting the challenge of climate change and flooding**
 - **Supporting high quality communications**
- c) **Impact on existing residential amenity**
- d) **Developer contributions**

e) Other matters

The recommendation is that permission be **deferred and delegated** to Officers for approval following the satisfactory completion of a Section 106 agreement in respect of securing financial contributions towards off-site leisure and education; any permission to be subject to such conditions as are considered necessary (as set out in the report). Or if a legal agreement is not completed, for the application to be refused by Officers for reasons considered appropriate.

2.0 CONCLUSION AND RECOMMENDATION

- 2.1 The application has been considered in the light of the Development Plan and NPPF guidance. The report has assessed the application against the overarching objectives of the NPPF and it has been considered whether the proposal represents a sustainable form of development. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.2 The development site comprises redundant land within the built up area with previous permissions for housing development. The development would make a contribution to the housing land supply which, is a benefit to be attributed significant weight in the planning balance, albeit it tempered by the scale of the development to moderate weight. In addition, there would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population to which moderate weight should be attached.
- 2.3 Compliance with some of the other objectives of the NPPF have been demonstrated in terms of promoting sustainable transport, preserving residential amenities and promoting healthy communities. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally.
- 2.4 The assessment has also concluded that whilst the proposal would impact on the natural environment, the site specific characteristics together with the biodiversity measures and

planting proposed would provide sufficient physical and visual containment to the site, and it is not considered that the development would unacceptably intrude on neighbours and would have limited impact upon the local landscape such that this factor should only be afforded limited negative weight.

- 2.5 Weighing all the above factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, it is considered that this is a balanced judgement and that the limited impact of the development would not significantly and demonstrably outweigh the benefits in that balance and there is therefore a presumption in favour of this as a sustainable development.

3.0 INTRODUCTION

- 3.1 The application has been submitted by Diocesan Trustees (Oxford) Ltd, however members attention is drawn to the fact that the application relates to land which is owned by Aylesbury Vale.
- 3.2 Members of the planning committee are advised that whilst AVDC has an interest as partial landowner, the council (AVDC) are the local planning authority with responsibility for regulating the development of land. Members are advised of the need to consider planning applications under the legislative framework, in coming to a decision on the proposals, and can only determine the proposals on the basis of the relevant planning issues.
- 3.3 This application was considered by the Development Management Committee on 19 May 2016 when it was resolved that the application be deferred and delegated to officers for approval following the receipt of satisfactory completion of a legal agreement and planning permission was subsequently granted on 10 November 2017.
- 3.4 Following the District Council's decision to grant planning permission a legal challenge was made by a third party interest who applied to the High Court for a judicial review of the planning permission. Ground 1 related to the committee resolution to grant planning permission for residential development 'delegated to officers... subject to such conditions as are considered appropriate and to include a condition requiring that a reserved matters application be made within 18 months of the date of permission and that any permission arising from that application be implemented within 18 months'. In exercising delegated powers AVDC issued the planning permission requiring implementation within 3 years instead of the 18 months required by the Committee. But that matter was neither raised with members nor addressed in the delegated report published by the Council. The claimant also raised 2 further grounds in its claim which in summary challenged the adequacy of the Defendants decision making, the reasons for granting the application and

the purpose for which the S106 education contribution was to be applied, namely for a different purpose to that stated in the committee report and failure to have regard to material considerations namely the representations of the proposed Claimant.

3.5 The claimant was granted permission to proceed on all 3 grounds on the 4 February 2018, the Council conceded by sealed consent order dated 29 March 2018 that the Claimant's application for judicial review should be allowed on ground 1. The council did not concede the further grounds. A copy of the Consent Order is appended to the report for Members reference.

3.6 The application has been remitted back to AVDC to re determine. The application needs to be determined by committee as the Parish Council on the basis of the original comments already provided on the application and confirms that it will speak at the Committee meeting.

4.0 SITE LOCATION AND DESCRIPTION

4.1 The application site comprises some 0.5ha of land in the centre of the village. It is an elongated site positioned between Manor Road to the north, Drayton Road to the east, Warners Road to the south and Cobb Hall Road to the west.

4.2 The site is largely flat and overgrown with trees and shrubs with hedgerows along parts of the site boundaries. At the western end of the site is a grassed and overgrown area at the end of the turning head of Cobb Hall Road, which is owned by the District Council. The remainder of the land is owned by the applicants.

4.3 Two footpaths (Footpath 11 and 12) cross the site in a north-south direction, one linking Warners Road with Whaddon Road to the east and one linking Manor Road with Westbrook End to the west.

4.4 On the north side, the properties in Manor Road backing onto the site are two-storey semi-detached dwellings and detached two-storey properties in St Faiths Close, whilst on the south side the Warner Road properties backing onto the site are bungalows.

5.0 PROPOSAL

5.1 This application seeks outline planning permission for the erection of six two-bed and nine three-bed dwellings, new access and associated parking. This application would renew the outline permission approved in 2012 under reference 11/01767/AOP for the same development on the same site. The previous permission was renewal of an earlier original outline planning permission 07/00347/AOP for the same development. Only access is considered as part of this application together with parking. The same indicative layout drawing approved in the previous permissions has been submitted for this application.

- 5.2 All housing is indicated to be two-storey and they would follow a linear form along an east-west axis with the main access road formed from the cul-de-sac at the end of Cobb Hall Road. The layout show 12 houses positioned along the southern boundary facing the rear of the semi-detached properties located in Manor Road to the north, with three units facing west at the eastern end of the site.
- 5.3 Vehicular access is shown to be taken from the turning head in Cobb Hall Road with an estate road extending along the northern boundary of the site terminating in a turning head at the eastern end of the site. An existing footpath running along the northern side of the proposed estate road is outside the application site and unaffected. Two additional footpaths crossing the site at either end would be retained.
- 5.4 The committee should be aware that two previous applications for the same development have been approved by committee in 2008 and 2012. This application is in effect a further renewal of the time expired permissions.

6.0 RELEVANT PLANNING HISTORY

- 6.1 00/01139/AOP - Erection of 7 no. 3 bedroom and 5 no. 2 bedroom dwellings – Withdrawn
- 6.2 07/00347/AOP - Erection of 6 No. two bed & 9 No. three bed dwellings, new access and associated parking – Outline Granted
- 6.3 11/01767/AOP - Application to extend the time limit of 07/00347/AOP (Erection of 6 two bed and 9 three bed dwelling, new access and associated parking) – Granted

7.0 PARISH/TOWN COUNCIL COMMENTS

7.1 Newton Longville Parish Council oppose the application for the reasons originally provided on the application. The Parish Council's objections can be summarised as follows:-

- Impact on neighbours
- Access rights questionable
- Questions sustainability of development
- Very constrained narrow site and cramped layout impacting on future occupiers and existing neighbours. Provision should be made for informal green space.
- Request Grampian condition to secure safe access.
- No provision for affordable housing.
- Questions validity of assumptions in Transport Statement on rural nature of highway network and speed limit of 30mph and speed reduction measure needed for pedestrians and cyclists safety in Westbrook End
- No cycle parking provision.
- Contributions should be made for public transport.

7.2 A copy of the full Parish Council comments are appended to this report.

8.0 CONSULTATION RESPONSES

8.1 Environment Agency – Low environmental risk and comments of Lead Local Flood Authority (LLFA) should be sought.

8.2 LLFA – No objections subject to condition.

8.3 Rights of Way Officer – No objection subject to condition.

8.4 Education – No objection subject to mitigation contribution for secondary school places.

8.5 Highways – No objection subject to previous conditions reapplied.

8.6 Leisure – No objection subject to a financial contribution towards off-site leisure.

8.7 Tree officer – No objection subject to condition

8.8 Ecology – Updated review - No objection subject to conditions

9.0 REPRESENTATIONS

9.1 A total of 19 neighbour replies had originally been received comprising 19 objections and one neutral comment on right of way. The original grounds for objections can be summarised as follows:-

- Loss of green/open space
- Pressure on limited school places which is over capacity
- Pressure on local amenities and facilities
- Loss of Kite/Bat/wildlife habitat
- Traffic congestion and highway safety
- Pressure on sewerage system
- Access for emergency and public service vehicles
- Noise and pollution from access road/intrusive
- Impact on residential amenity/loss of privacy from overlooking
- Disturbance from construction work
- The land is needed for other purposes in the village eg a green play space, allotments and cemetery

9.2 Since the re-advertisement and consideration of the application a further 10 letters of representation have been received, in part reiterating those earlier points raised above, and the following additional material planning considerations;

- The land is needed for other purposes in the village eg a green play space, allotments and cemetery
- There is insufficient width to allow two way traffic given the current residents parking on the access road.
- The proposal would result in loss of amenity and overlooking given the variation in ground levels
- The application has not been implemented in line with the timescales set and therefore there is not certainty for local residents
- The density of the development is inappropriate
- The residents of the site would likely be dependant on the private car
- Inadequate parking provision

10.0 EVALUATION

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

10.1 Members attention is drawn to the overview report appended to this report which sets out the background information to the policy framework when making a decision on this application and also provides an up date on the housing land supply position and the progress on the emerging local plan.

10.2 The starting point for decision making is the Development Plan. For the purposes of this report, the Development Plan consists of the adopted Aylesbury Vale District Local Plan. 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 (February 2019) and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the

development plan need to be considered and applied in terms of their degree of consistency with the NPPF, NPPG and other material considerations. Determination of the application needs to consider whether the proposals constitute sustainable development having regard to Development Plan policy and the NPPF as a whole

Whether the proposal would constitute a sustainable form of development.

- 10.3 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 7 to 211 of the NPPF, taken as a whole (paragraph 3). The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development for both plan-making and decision-making. It is only if a development is sustainable when assessed against the NPPF as a whole that it would benefit from the presumption in paragraph 11 of the NPPF. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.
- 10.4 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.
- 10.5 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, Newton Longville is identified in the AVDLP as an appendix 4 settlement, implying that it is considered to be appropriate to allow limited small scale development of the settlement. In the Settlement Hierarchy Assessment (September 2017), Newton Longville is identified as a medium village. Medium settlements were defined as typically having a population of between around 600 and 2,000 and have between 6 – 7 of the key criteria (within 4 miles of a service centre, employment of 20 units or more, food store, pub, post office, GP, village hall, recreation facilities, primary school, hourly or more bus service and train station). They are sustainable settlements which have access to key services and facilities and it is expected that some limited development could be accommodated without causing any environmental harm and that this level of growth is also likely to help maintain existing communities.
- 10.6 Newton Longville comprises a larger size population of 1876 at the upper end of the definition for a medium village but relatively poorly connected to a large service centre

(Milton Keynes being located nearly 6 miles away), although it is closer to the train station at Bletchley and the facilities therein. With regard to key services available at a local level, they include an hourly bus service to the Horwoods and also to Milton Keynes and Leighton Buzzard), a village hall, a combined school, recreation grounds, a church, a post office, a pub and retail shops. A number of medical/GP facilities are also accessible close-by in Bletchley. Newton Longville is assessed within the Settlement Hierarchy (2017); scoring 6 out of 11 key criteria, and the HELAA (2017) indicates this site (NLV004) as having the potential for 15 housing units, given the two previous approvals.

- 10.7 Given the range of facilities and amenities, and access to public transport Newton Longville can be considered a sustainable location. However, consideration needs to be given not only to the appropriateness of development and its localised impact on the site and surroundings but also in terms of the capacity of the settlement to accept population growth having regard to the impact on infrastructure and local services and the community itself. These issues are considered in more detail under the headings below.

Build a strong competitive economy

- 10.8 The Government is committed to securing and supporting sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
- 10.9 It is considered that there would be economic benefits from this development in terms of the construction of the development itself through the creation of temporary construction jobs as well as creating a demand for local suppliers of goods and services from the small increase in the population brought about by the development that would contribute to economic growth which would be positive and long lasting to the local economy.
- 10.10 It is therefore considered that these benefits should be afforded weight in favour of the proposal, albeit tempered by the small scale of the proposal. However, these benefits would need to be weighed against any adverse impacts arising, which are considered below.

Deliver a wide choice of high quality homes

- 10.11 Local planning authorities are charged with delivering a wide choice of sufficient amount of and variety of land 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. In supporting the Government's objective of significantly boosting the supply of homes, paragraph 61 states that within this context, the size,

type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes. Key to the consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land.

- 10.12 The latest housing land supply position statement (April 2019) sets out the Council can demonstrate 5.64 years worth of deliverable housing supply against its local housing need. The April 2019 position statement replaces the June 2018 position statement and takes into account the 2019 revised NPPF, the new Planning Practice Guidance and the latest situation on the emerging Vale of Aylesbury Local Plan which is currently being examined. The overview report attached sets out the detailed clarification and background information on the HEDNA position, the new Housing Delivery Test and the approach to not include any element of unmet need.
- 10.13 In terms of the time conditions for the submission of reserved matters application and the subsequent implementation of any such consent discussion took place with the applicants regarding the possibility for a reduced timeframe condition (18 months) following the aspirations raised by Members. Officers and the applicant understood the Committees' concerns regarding the length of time that the site has had a consent for development. However, having discussed the background to the site, the applicants advised that had the site solely been within the ownership of the Diocesan Trustees then it was certain that it would have been developed already. In this instance the site is not in sole ownership of the applicant, as Aylesbury Vale District Council own part of the site and therefore requiring joint venture arrangements, overage arrangements, contracts, transfers etc to be in place prior to the marketing of the site. As such, in all this time the site has not actually been marketed yet.
- 10.14 Further, national guidance in the PPG is clear that "if the local planning authority considers it appropriate on planning grounds they may use longer or shorter period, but must clearly give their justification for doing so". Whilst we did set out reasoning for the proposed reduced time period to seek to demonstrate why the shorter time was necessary, the applicants did not consider that this was a reasonable request which led to further discussions taking place. These discussions concluded that in light of the circumstances set out above and the steps involved in progressing this site to marketing stage it was agreed that it would not be justified to request an 18 month condition in this instance.

- 10.15 There is no reason that the site could not be delivered within the next five year period making a contribution to housing land supply having regard to the current 5 year housing land supply (5YHLS) position. This proposal would contribute to the housing land supply and provide a choice of quality homes to which significant weight should be given, albeit tempered by non-planning delays in delivery to date and relatively modest scale of development, in accordance with paragraphs 47 and 49 of the NPPF.
- 10.16 In respect of affordable housing the scheme does not meet the thresholds for securing such provision on site as outlined in AVDLP policy GP2 which refers to the provision of 25 dwellings or more or a site area of 1ha or more. Neither threshold is met.

Promoting sustainable transport

- 10.17 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.18 As noted above, Newton Longville offers a number of local services and facilities and is located just under 6 miles from Milton Keynes, providing access to a larger service centre and employment opportunities. It is also noted that there are local buses connecting the settlement to Milton Keynes and Leighton Buzzard, with access to Bletchley train station 1.7 miles away. The submitted Transport Assessment concludes that the proposal is in an accessible location to a range of destinations with a choice of transport modes, and would not negatively impact on the local highway network.
- 10.19 The site is at the end of a cul-de-sac and the proposal comprise a new two-way access road from the end of Cobb Hall Road into the site with 15 houses located along its length on the south side and at the eastern end with a turning head. Two public footpaths cross the site. Public Footpath 12 Newton Longville Parish passes in a north-east to south-westerly direction, linking Manor Road with Westbrook End and, Via Footpath 10, east to Warner's Road. Public Footpath 11 Newton Longville Parish passes in a general north to

south direction, linking Whaddon Road and the Village Centre with Warner's Road, then beyond to Moorfield and Brookfield Road. Pedestrian access to the village centre with services amenities nearby are all within 10 minutes walking distance from the site.

- 10.20 In order to allow simultaneous two way vehicle and pedestrian flow the proposed vehicular access should be a minimum of 4.8m wide. This is clearly demonstrated on the submitted plans and it is accompanied by a 2m wide footway which stretches from within the site along the site frontage and links with the existing footway provision to the west of the site in Cobb Hall Road, and with public footpath links as set out above. As such the proposed highway arrangements would be acceptable to accommodate the vehicle and pedestrian/cycle movements associated with this proposal.
- 10.21 Policy GP24 of AVDLP requires that new development accords with published parking guidelines. SPG1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development. Within the site 29 parking spaces are provided against the AVDC standard maximum of 30 spaces of an adequate size that also benefit from the required level of manoeuvrability which is considered satisfactory and justified by the Transport Statement demonstrating that likely car ownership levels would amount to 26 spaces with 3 visitor spaces. 15 cycle spaces are also proposed, one for each dwelling. The internal layout to accommodate a turning head at the eastern end of the site would ensure large service/refuse vehicles could use this area for their turning manoeuvres in order to exit the site in a forward gear.
- 10.22 In summary, the County Council comment that the current application follows the previous applications 07/00347/AOP and 11/01767/AOP, and from a highway perspective appears to be identical. No alterations are proposed to the proposed layout as set out under the original applications and subject to conditions there is no objection to the proposal. It is considered the proposal would have an acceptable impact on the safety and convenience of highway users and would comply with AVDLP policy GP24 and NPPF advice.
- 10.23 On balance, it is therefore considered the proposal would not adversely impact on highway safety and therefore this factor should be afforded neutral weight in the planning balance.

Conserving and enhancing the natural environment

- 10.24 In terms of consideration of impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside and recognise the intrinsic character and beauty of the countryside. Regard must be had as 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. The following sections of the report consider the proposal in terms of impact on rights of way, landscape, agricultural land, trees and hedgerows and biodiversity and contamination.

- 10.25 In addition, GP35 requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines.
- 10.26 In terms of the impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Permission will not be granted for development that impairs the character or identity of the settlement or the adjoining rural area. Regard must be had to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains and preventing any adverse effects of pollution, as required by the NPPF.
- 10.27 The application site comprises a neglected overgrown plot of land within the settlement surrounded by housing. It is not a designated or protected site of any landscape value or ecological merit but serves as surplus land with self-seeded vegetation. The proposed indicative layout has been designed having regard to the site context and it is considered it would not have a significantly greater impact on the surrounding landscape or visual amenities of the area since, the proposed layout would follow the linear form of the site retaining the characteristics of surrounding development. Specific impacts on ecology and heritage are considered below.
- 10.28 On the basis of this assessment, it is therefore considered the proposal would have an impact on the natural environment compromising the site itself but the impact upon the wider landscape would be minimal and therefore this impact should be afforded limited negative weight in the planning balance.

Biodiversity

- 10.29 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.
- 10.30 The application is supported by an ecological appraisal, and the Council's Biodiversity Officer confirms that there is no objection to the ecology assessment submitted in support of the application. It is considered, subject to the imposition of a condition requiring the implementation of the mitigation measures identified to protect local fauna habitats; the

proposal is acceptable and would therefore comply with the relevant NPPF advice. Overall, it is considered to afford neutral weight in the planning balance.

Conserving and enhancing the historic environment

- 10.31 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification. Paragraph 189 extends this provision to non-designated heritage assets with an archaeological interest.
- 10.32 The site itself does not contain any heritage assets. A short 6m run of boundary at the eastern end of the site abuts the rear boundary of 'The Old School' building, which is situated at the southern end of the Newton Longville Conservation Area. Whilst a building of Local Note, it is not a listed building and sits approximately 25m from the application site boundary and fronts on to Drayton Road. The proposal would follow the layout and density of the local context and respect that character of the existing built environment. The separation distance between The Old School and the nearest proposed house is approximately 40m. The outline proposal does not include scale and appearance for assessment, and they are reserved matters for further approval at a later stage. Given the existing context the proposal is not considered to adversely impact on the neighbouring conservation area.
- 10.33 It is not considered the proposal would have any significant impact on designated heritage assets. Regard has been had to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the proposal is considered to preserve the character and appearance of the adjacent conservation area and there is no harm in NPPF terms. As such the development accords with AVDLP policy GP53 and the NPPF and should be afforded neutral weight.
- 10.34 The County Archaeologist has advised previously in the original application (Ref: 07/00347/AOP) consultation response that there are no sites of archaeological interest within this area and the development is unlikely to have significant archaeological implications.

Achieving well designed places

- 10.35 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.36 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
- 10.37 Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides.
- 10.38 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.
- 10.39 Policy GP.35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP.45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site.
- 10.40 The submitted Planning, Design and Access Statement provide some background on the design vision and evolution of the proposals based on the original approval for the same development. The design responds to the linear rectangular form of the site and responds to the scale and layout of the local built context, respecting the layout of spaces within a village setting. The indicative layout of the outline proposal is considered to provide a logical solution to the physical constraints of the site and efficiently utilise this redundant space that respects character of the surrounding area and the prevailing pattern of development within the village. The detailed design on scale, appearance and boundary treatment are subject to further consideration for approval at the reserved matters stage.

10.41 In terms of the design impact of the proposal it is considered the proposal amounts to a satisfactory development of the site and subject to further approval of detailed matters, the proposal would comprise an appropriate form of design in the context of the site, in accordance with GP35 of AVDLP and NPPF advice. As such, it is considered this factor should be afforded neutral weight in the planning balance.

Meeting the challenge of climate change and flooding

10.42 The NPPF at Section 14, 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 163 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. The site is located within Flood Zone 1 and therefore considered to be at 'low risk' of flooding.

10.43 As the Local Lead Flood Authority, BCC have raised no objections to the development subject to conditions. It is not considered that the proposed development would materially increase or exacerbate flood risk on the site, nor in the wider locality. The engineer has no objection to the proposal subject to a condition to treat run-off and implementation of a SUDS strategy. Therefore, the proposed development would be resilient to climate change and flooding in accordance with the NPPF. This matter should therefore be afforded neutral weight in the planning balance.

Impact on residential amenities

10.44 The NPPF at paragraph 127 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. Policy GP8 of AVDLP seeks to protect the residential amenity of nearby residents whilst a core planning principle of the NPPF also seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

10.45 It is considered that the proposed layout would be of a form that would achieve a satisfactory level of amenity for the residents of the development and that the proposal would not detrimentally impact on the amenities of any existing neighbours to the site. Sufficient separation distances between dwellings is proposed and the relationship of the proposed development to those neighbouring properties would be such that there would be no undue overlooking between properties resulting from the proposal. Furthermore the

proposed and existing properties would benefit from a reasonable level of light, outlook and amenity in general and the scheme makes provision for sufficient amenity space for the new properties.

- 10.46 It is considered the proposed development would ensure an adequate level of residential amenity for existing and future occupiers in accordance with GP8 of AVDLP and NPPF advice. It is therefore considered this factor should be afforded neutral weight in the planning balance.

Promoting healthy communities

- 10.47 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life - styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.
- 10.48 Policies GP.86-88 and GP.94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development.

Leisure

- 10.49 The proposed development would not be of a sufficient scale to make provision for on site public open space. However, the developer would be required to make a financial contribution of £44,550 towards off-site leisure provision for specific projects, which would need to be secured by a legal agreement.

Education

- 10.50 County Education have advised that there would be an education requirement arising from the development amounting to 3.4 secondary school places and requests a mitigation contribution of £77,542 to fund the additional school place demand arising from this proposal through expansion of school facilities. The County Council have identified the contribution would be required to be spent on a multi-use games area to support the expansion of the Cottesloe School and is therefore part and parcel of “additional secondary school facilities at The Cottesloe School” as required by the local education authority who would be party to the s.106 agreement. The increase in pressure from the development means that the contribution is necessary to make the development acceptable and that the contribution is directly related to the development and is fairly and reasonable related in scale and kind to the development. The calculation is transparent, the amount is equal to

the requirement per the calculation and the facility is provided for the school directly affected by the development. The contribution has been agreed by the applicant.

- 10.51 Overall, it is considered that the development would adequately address the aims of the NPPF to achieve healthy communities and the requirements of AVDLP policies GP86-88 and as such, it is considered this factor should be afforded neutral weight in the planning balance.

Developer contributions

- 10.52 As noted above, financial contribution towards off site sport and leisure provision is a requirement which would need to be secured in a Planning Obligation Agreement to secure their delivery.

- 10.53 It is considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 places into law the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development of this nature if the obligation does not meet all of the following tests; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

- 10.54 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 in scale and kind to the development. Specific projects are to be identified within the Section 106 in accordance with the pooling limitations set out in CIL Regulation 123 to ensure that the five obligations limit for pooled contributions is not exceeded.



IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT
PLANNING COURT

Claim No. CO/5862/2017

BETWEEN:

R (NEWTON LONGVILLE PARISH COUNCIL)

Claimant

-and-

AYLESBURY VALE DISTRICT COUNCIL

Defendant

-and-

DIOCESAN TRUSTEES (OXFORD) LIMITED

Interested Party

CONSENT ORDER

UPON READING the Claim Form and Statement of Facts and Grounds filed on behalf of the above named Claimant

AND UPON READING the attached Statement of Reasons justifying the Order as agreed

AND UPON the Defendant having conceded that the Claimant's application for judicial review should be allowed

BY CONSENT IT IS ORDERED that:

1. the judicial review is allowed for the reasons set out in the Statement of Reasons and the decision of the Defendant on 10th November 2010 to grant permission for 6 two-bed and 9 three-bed dwellings, new access and associated parking is quashed;
2. the matter be remitted to the Defendant for redetermination

3. the Defendant pay the Claimant's reasonable costs in respect of this claim on the standard basis to the date that this Order is signed by the Defendant such costs to be subject to detailed assessment unless agreed.
4. there be no order for costs against the Interested Party.

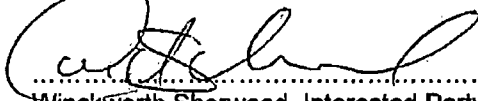
We consent to an Order in the above terms on behalf of the parties named below

Signed:

Dated: 21st March 2018

.....
Ashtons Legal, Claimant's Solicitors

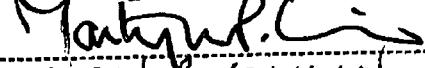
.....
HB Public Law, Defendant's Solicitors



.....
Winckworth Sherwood, Interested Party's Solicitors

.....
DEFENDANT'S SOLICITORS
BY CONSENT ORDER AS ASKED

29 MAR 2018



.....
MAIRYN P. COWLIN
Planning Court lawyer

Statement of Reasons

1. Members of the Defendant Council's planning committee resolved to grant planning permission for residential development "delegated to officers... subject to such conditions as are considered appropriate and to include a condition requiring that a reserved matters application be made within 18 months of the date of permission and that any permission arising from that application be implemented within 18 months".
2. In exercising their delegated authority, officers issued the planning permission requiring implementation within 3 years instead of the 18 months required by the Committee. But that matter was neither raised with members nor addressed in the delegated report published by the Council.
3. With reference to Ground 1 of the Statement of Facts and Grounds, the Defendant concedes that the Decision was *ultra vires*.

4. The Defendant therefore, considers that it is appropriate for the Court to make an Order quashing the Defendant Council's decision.
5. The Claimant also raised 2 further grounds in its claim which in summary challenged the adequacy of the Defendant's decision making, the reasons for granting the application and the purpose for which the S106 education contribution was to be applied, namely for a different purpose to that stated in the committee report.
6. Permission to proceed on all 3 grounds was granted on 4th February 2018 by Order of John Howell QC on the basis that not only Ground 1 but all the grounds are at least arguable.
- ~~7. The Defendant does not however concede Grounds 2 or 3 of the Claimant's claim.~~
8. In light of the Defendant's concessions set out above, the parties agree that it is not necessary for the matter to proceed to hearing notwithstanding the fact that the entirety of the Claimant's arguments have not been agreed.
9. The Defendant has agreed to sign this Consent Order on the basis that it pays the Claimant's reasonable costs associated with the claim up to the date this order was signed by the Defendant and that there should be no order for costs against the Interested Party.

By the Court



Claim No. CO/5862/2017

IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT
PLANNING COURT

BETWEEN:

R (NEWTON LONGVILLE PARISH COUNCIL)

Claimant

-and-

AYLESBURY VALE DISTRICT COUNCIL

Defendant

-and-

DIOCESAN TRUSTEES (OXFORD) LIMITED

Interested Party

CONSENT ORDER

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AND UPON READING the attached Statement of Reasons justifying the Order as agreed

AND UPON the Defendant having conceded that the Claimant's application for judicial review should be allowed

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2. the matter be remitted to the Defendant for redetermination,
3. the Defendant pay the Claimant's reasonable costs in respect of this claim on the standard basis to the date that this Order is signed by the Defendant such costs to be subject to detailed assessment unless agreed,
4. there be no order for costs against the Interested Party.

We consent to an Order in the above terms on behalf of the parties named below:

A handwritten signature in black ink, followed by the initials "ec" written in a smaller, simpler font.

Signed:

Dated 21st March 2018

Ashtons Legal, Claimant's Solicitors

Rosemary Lansdowne
Senior Solicitor
HB Public Law, Defendant's Solicitors

Winckworth Sherwood, Interested Party's Solicitors

Statement of Reasons

ADMINISTRATIVE COURT OFFICE
BY CONSENT ORDER AS ASKED

29 MAR 2018

MARTIN P. COWEN
Planning Court Lawyer

in exercise of delegated
powers - CPR Part 54.1A

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By the Court

Application: 15/02242/AOP

For: Outline planning application for the erection of 6 two-bed and 9 three-bed dwellings, new access and associated parking

At: Land between Cobb Hall Road and Drayton Road, Newton Longville

1. Newton Longville parish council ask that the specific concerns expressed by nearby residents who have commented on the application are all carefully considered and taken into account.
2. It has been stated by Vale of Aylesbury Housing Trust that access over land owned by them is required for access to the site. This is not acknowledged within the application and if correct is a procedural error which should be corrected before the application is considered further.
3. The parish council objects to the application as submitted and requests that it is considered by committee. The parish council is willing to attend to speak.
4. The parish council acknowledges that as AVDC cannot demonstrate a five year housing supply and do not have a current local plan that such applications need to be considered in the light of paragraph 14 of the National Planning Policy Framework and whether sustainable development.
5. It is also acknowledged that to an extent the principle of residential development on this site has been established by the previously approved planning application which was then subject to time extensions. However it is now over nine years since the first application (07/00347/AOP in February 2007) was made for 15 dwellings and 12 years since the first application for 10 dwellings was made and the principle of residential use established (04/02226/APP in August 2004). It is totally inappropriate to continue to grant permission when no actual development results as this does nothing to assist housing supply.
6. Whilst the principle of residential use may have been established there have been significant changes in national planning policy since then, in particular the need for sustainable development.
7. Therefore whilst some development may have to be accepted given the lack of housing supply, it should be limited to no more than ten dwellings and should only be granted for a short time period of no more than two years. Local residents have had the uncertainty hanging over their heads for 12 years now, this is unacceptable.
8. This is a very constrained, narrow site and the current proposed layout is very cramped – a classic example of a developer trying to squeeze as much development as possible into a small space and make as much profit as possible whilst paying little regard to the living conditions of either future residents or existing nearby residents. The current proposals cannot be considered to be sustainable development as defined in the NPPF taken as a whole.

9. If permission is granted, then appropriate conditions should be imposed, including if need be a Grampian condition, to ensure there access arrangements are safe.
10. Street lighting should be provided both within the site and leading to it, to a specification to be agreed by the parish council and a commuted sum provided for future usage and maintenance.
11. The conditions proposed by Rights of Way, BCC Highways and BCC Strategic Flood Management Team should be imposed. However, as stated by the AVDC Engineering Technician, details of surface drainage must be provided and approved before any permission is granted.
12. As part of this site is owned by AVDC itself, the relevant part of AVDC should be asked to ensure that as a landowner it ensures delivery of development if permission is granted.
13. There does not appear to be any provision in the current proposal for affordable housing. As the government have now made clear for rural sites a development of this size can justify provision of affordable housing.
14. There should be some limited amount of informal green space within the development which would help reduce the otherwise cramped layout. This land should be transferred to the parish council for future maintenance. The contribution of an off-site financial contribution in lieu of on-site sport and leisure facilities is appropriate as specified by AVDC Leisure. (A separate submission is being made to AVDC Leisure as to how this is used.)
15. BCC are currently undertaking consultation about which the cabinet member responsible Cllr Mark Shaw has said: 'We don't know all the answers, so it's vital we work with communities so they can tell us what's needed locally and how we can design new approaches together. This is about listening to our residents' real needs, and not taking a guess at perceived needs. We want to see what themes emerge and plan intelligently for the longer term, and that's why we want as many as possible to talk to us through this survey.'
16. The Transport Statement provided by RPS for the applicants appears to carefully consider and quotes from various policies – but then goes to ignore these and fails to make any suitable proposals as to how those policies may be implemented by this proposed development.
17. It appears that the statement is based on incorrect assumptions and a desktop study rather than a detailed on-site consideration. In particular, anyone actually visiting the site would not possibly make the statement in paragraph 3.13 "... However the highway network is rural in nature and there is a speed limit of 30mph throughout the village. This provides an environment that is conducive to cycling journeys to local destinations." Any attempt to walk, cycle or drive along Westbrook End will be enough to show how inaccurate this is. Provision should be made for an appropriate contribution to

ensure a safer environment for both pedestrians and cyclists, including towards speed reduction measures.

18. There is only a very limited, poor bus service for Newton Longville. BCC Passenger Transport do not appear to have been asked to comment on this application. This should be done and an appropriate contribution sought to fund improvements to the bus service.
19. It is unclear what cycle parking provision is provided within the development, this should be a requirement.

Newton Longville Parish Council

14th April 2016

Comments for Planning Application 15/02242/AOP

Application Summary

Application Number: 15/02242/AOP

Address: Land Between Cobb Hall Road And Drayton Road Newton Longville Buckinghamshire

Proposal: Outline planning application for the erection of 6 two-bed and 9 three-bed dwellings, new access and associated parking

Case Officer: Mrs Claire Bayley

Customer Details

Name: Mr Newton Longville Parish Council

Address: Longueville Hall, Whaddon Road, Newton Longville, Buckinghamshire MK17 0AT

Comment Details

Commenter Type: Parish Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: For the avoidance of doubt, Newton Longville Parish Council objects to this application primarily for the reasons already given. The parish council wishes the application to be considered by the Development Management Committee and is willing to attend and speak at such a meeting.