



## AYLESBURY VALE DISTRICT COUNCIL

### Democratic Services

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Text Relay Prefix your telephone number with 18001  
6 August 2019

### DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Development Management Committee** will be held at **1.00 pm** on **Thursday 15 August 2019** in **The Oculus, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

Contact Officer for meeting arrangements: devcon@aylesburyvaledc.gov.uk;

**Membership:** Councillors: T Mills (Chairman), A Bond (Vice-Chairman), J Brandis, M Collins, P Cooper, N Glover, R Khan, S Morgan, M Rand, Sir Beville Stanier Bt, D Town and P Strachan (ex-Officio)

### AGENDA

**1. APOLOGIES**

**2. TEMPORARY CHANGES TO MEMBERSHIP**

Any changes will be reported at the meeting.

**3. DECLARATION OF INTEREST**

Members to declare any interests.

**4. REPORT OF THE CORPORATE PLANNER**

**5. OVERVIEW REPORT - AUGUST 2019 - UPDATED HLS (Pages 3 - 12)**

**6. 18/04521/APP - LAND SOUTH OF BLETCHLEY ROAD, NEWTON LONGVILLE AND NEWTON ROAD, BLETCHLEY (Pages 13 - 42)**

Temporary use of land for the construction only of a construction compound (Compound B6) incorporating storage area, site offices and car parking (Excludes operation of)

Case officer: David Wood (dwood@aylesburyvaledc.gov.uk)

**7. SITE VISIT ARRANGEMENTS**

**8. HUMAN RIGHTS ACT (Pages 43 - 44)**

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## **Overview Report:**

### *Introduction*

This report has been provided to assist members in the consideration of reports relating to major planning applications for development at settlements in the district. The report summarises the policy framework for the assessment of each development proposal for members consideration in addition to the detailed report relating to each individual application.

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

- 1.1 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.

### The Development Plan

- 1.2 The overall strategy of the Aylesbury Vale District Local Plan (AVDLP) is to seek to concentrate the majority of growth (65% housing and employment) at Aylesbury with the remaining 35% in the rural areas. The latter was to be concentrated at a limited number of settlements. Insofar as this overall strategy is one which is based on the principle of achieving sustainable development, it is considered that this is still in general conformity with the NPPF.
- 1.3 Policies RA13 and RA14 relating to the supply of housing district wide form part of that overall housing strategy, and BU1 in respect of Buckingham, are now out of date, given that these identified housing targets for the plan period up to 2011 and the evidence relating to the districts need has changed significantly since these policies were adopted, and are not consistent with the NPPF policies to significantly boost the supply of housing based on up to date evidence. RA 13 and RA14 sought to take a protective approach to development and can only be given very limited weight when considering proposals within or at the edge of settlements identified in Appendix 4. Development proposals on sites are to be considered in the context of policies within the NPPF which sets out the presumption in favour of sustainable development at paragraph 11.
- 1.4 A number of general policies of the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP2, GP8, GP35, GP38 - GP40, GP59, GP84, GP86, GP87, GP88 and GP94. There are a number of other saved policies which might be relevant in a rural context including RA2, RA4, RA6, RA8, RA29, RA36 and RA37. Specific general policies relating to development at Aylesbury include AY1, AY17, AY20, and AY21. Other relevant policies will be referred to in the application specific report.

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

- 1.5 The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. The draft Vale of Aylesbury Local Plan was published and subject to public consultation in summer 2016. Following consideration of the consultation responses, and further work undertaken changes have been made to the draft plan. A report has been considered by the VALP Scrutiny Committee on 26 September and Cabinet on 10 October 2017 on the proposed submission plan. The Cabinet's recommendations were considered by Council on 18 October 2017. The proposed submission was the subject of consultation from, 2 November to 14 December 2017. Following this, the responses were submitted along with the Plan and supporting documents for examination by an independent planning inspector at the end of February 2018. The examination hearing ran from Tuesday 10 July 2018 to Friday 20 July 2018. The Interim Findings have been set out by the Inspector, and consultation on modifications will be required before adoption can take place. Further to this AVDC has provided the VALP Inspector with its suggestions for the Modifications to the Plan and he will consider these over the

next few weeks. The Inspector has set out the timetable for the formal publication of the Modifications and the accompanying consultation. He has confirmed that he expects to review the Modifications before the end of August 2019 after which he will recommend to the Council a Schedule of Modifications which should be published for public representations. That publication is likely to happen in mid-September 2019 and representations can be submitted which he then hopes to consider, along with the Council's response to the representations, in November 2019 before his final comments on VALP are made. The adoption of the Vale of Aylesbury Local Plan is planned to be in 2019.

- 1.7 Whilst the VALP hearing has taken place there are a number of unresolved objections to the housing strategy and other policies. Paragraph 48 of the NPPF advises on the weight to emerging plans depending on the stage of preparation, unresolved objections and consistency with the NPPF. In view of this the policies in this document can only be given limited weight in planning decisions, however the evidence that sits behind it can be given weight. Of particular relevance are the Settlement Hierarchy Assessment (September 2017). The Housing and Economic Land Availability Assessment (HELAA) (January 2017) is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. These form part of the evidence base to the draft VALP presenting a strategic picture .

### National Planning Policy Framework

- 1.8 The most up to date national policy is set out in the revised NPPF published in February 2019 superseding the earlier July 2018 version. At the heart of the NPPF is the presumption in favour of sustainable development (paragraph 11) in both plan-making and decision-taking.
- 1.9 The NPPF states at paragraph 8 that there are three objectives to sustainable development: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 1.10 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.(paragraph 9).
- 1.11 The Government's view of what "sustainable development" means in practice is to be found in paragraphs 7 to 211 of the NPPF. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 1.12 The presumption in favour of sustainable development in decision-taking is explained at paragraph 11 of the NPPF. Plans and decisions should apply a presumption in favour of sustainable development.  
For **decision-taking** this means;
- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
- ii. 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.

### Foot notes:

6: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

7: This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

- 1.13 In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
  - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
  - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
  - d) the local planning authority's housing delivery was at least 45% of that required<sup>9</sup> over the previous three years.

And subject to transitional arrangement set out in Annex 1

- 1.14 Local planning authorities are charged with identifying a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (paragraphs 67-70) .
- 1.15 The NPPF sets out the means to delivering sustainable development. The following sections and their policies are also relevant to the consideration of all proposals:
- Building a strong competitive economy
  - Promoting sustainable transport
  - Delivering a sufficient supply homes
  - Achieving well designed places
  - Making efficient use of land
  - Promoting healthy and safe communities
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
  - Meeting the challenge of climate change and flooding
  - Supporting high quality communications

- 1.16 The NPPF sets out that transport issues should be considered from the earliest stages including the impact of development on the network, opportunities from transport infrastructure, promoting walking, cycling and public transport, environmental impacts of traffic and transport infrastructure, patterns of movement. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. (Paragraphs 102-103)

- 1.17 Paragraph 177 of the NPPF states “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”
- 1.18 The Planning Practice Guidance (PPG) has not yet been fully updated to reflect the new NPPF.

#### Local Supplementary Documents & Guidance

- 1.19 Local guidance relevant to the consideration of this application is contained in the following documents :
- Affordable Housing Supplementary Planning Document (November 2007)
  - Supplementary Planning Guidance on Sport and Leisure Facilities (August 2004)
  - Sport and Leisure Facilities SPG Companion Document Ready Reckoner (August 2005)
  - Five year housing land supply position statement (April 2019)
  - Affordable Housing Policy Interim Position Statement (June 2014)
- 1.20 Those documents which have been the subject of public consultation and the formal adoption of the Council can be afforded significant weight insofar as they remain consistent with the policies of the NPPF.

#### *Housing supply*

- 1.21 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 1.22 Paragraph 60 requires that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 1.23 Where the Council cannot demonstrate a 5 year housing land supply (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, there is a presumption in favour of sustainable development in line with paragraph 11 of the NPPF. The absence of an NPPF compliant supply or delivery of housing would add to the weight attached to the benefit arising from the contribution made to the supply of housing and boosting the delivery of housing generally. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.
- 1.24 In the absence of a figure for the Full Objective Assessment of Need which will emerge through the plan making process which will also need to consider potential unmet needs from adjoining authorities not within the Housing Market Area, the council has set out its approach in the published five year housing land supply position statement which is regularly updated. It also updates the estimated delivery of sites based on the latest information. The latest Five Year Housing Land Supply Position Statement was published April 2019, based on March 2018 data, which shows that the Council can demonstrate 5.64 years worth of deliverable housing supply against its local housing need. This calculation is derived from the new standard methodology against the local housing need and definition of deliverable sites set out in the NPPF and NPPG.
- 1.25 It is acknowledged that this 5 year housing land supply calculation does not include any element of unmet need, however at this stage it would not be appropriate to do so. Whilst the unmet need figure has progressed, it has not been tested through examination and it would not be appropriate to use a 'policy on' figure for the purposes of calculating a 5 year housing land supply for Aylesbury until the "policy on" figures and general policy approach has been examined and found sound. There are no up-to-date housing supply policies in AVDLP and therefore we still

have to take into account the presumption in favour of sustainable development and apply the planning balance exercise in paragraph 11 of the NPPF. For neighbourhood plans which are considered up to date the starting point for determining such applications is to consider in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraph 14 of the NPPF as set out above is also relevant.

### *Neighbourhood Planning*

- 1.26 Paragraph 29 and 30 states: Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies<sup>16</sup>.
- 1.27 Paragraph 30 states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.
- 1.28 The Neighbourhood Planning Act 2017 (the “Act”) came into force on 19 July 2017 and makes two provisions which are relevant:

Firstly, Section 1 of the Act amends section 70 of the Town and Country Planning Act 1990 to require a local planning authority or other planning decision-taker to have regard to a post-examination neighbourhood plan when determining a planning application, so far as that plan is material to the application.

Secondly, Section 3 amends section 38 of the Planning and Compulsory Purchase Act 2004 to provide for a neighbourhood plan for an area to become part of the development plan for that area after it is approved in each applicable referendum (a residential referendum and, where the area is a business area, a business referendum). In the very limited circumstances that the local planning authority might decide not to make the neighbourhood development plan, it will cease to be part of the development plan for the area.

- 1.29 Further advice is also set out in the NPPG.

### *Prematurity*

- 1.30 Government policy emphasises the importance of the plan led process, as this is the key way in which local communities can shape their surroundings and set out a shared vision for their area. It also emphasises its importance to the achievement of sustainable development.
- 1.31 Paragraph 49 states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
  - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 1.32 Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process(paragraph 50)

### Conclusion on policy framework

- 1.33 In considering each individual report, Members are asked to bear in mind that AVDLP (and any 'made' Neighbourhood Plans as applicable) constitutes the development plan. The emerging VALP will gather increasing weight as it moves forward but has not yet reached a stage at which it could be afforded any weight in decision-taking nor at which a refusal on grounds of prematurity could be justified. The Council can currently demonstrate a 5 year supply of housing land based on the latest housing land supply calculation.
- 1.34 Therefore, the Council's position is that full weight should be given to housing supply and other policies set out in any made Neighbourhood Plan Decisions should be taken in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and the NPPF as a whole, including paragraph 11 and 14.
- 1.35 Where a Neighbourhood Plan is not in place, decisions for housing developments should be taken in accordance with paragraph 11 of the NPPF, granting permission unless the application of policies in this Framework 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 and where necessary each report advises Members on the planning balance.

### **Whether the proposals would constitute a sustainable form of development**

- Each report examines the relevant individual requirements of delivering sustainable development as derived from the NPPF which are:
  - Building a strong competitive economy
  - Promoting sustainable transport
  - Delivering a sufficient supply homes
  - Achieving well designed places
  - Making efficient use of land
  - Promoting healthy and safe communities
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
  - Meeting the challenge of climate change and flooding
  - Supporting high quality communications
- 1.36 These are considered in each report and an assessment made of the benefits associated with each development together with any harm that would arise from a failure in meeting these objectives and how these considerations should be weighed in the overall planning balance.

### **Building a strong, competitive economy / Ensure the vitality of town centres / Delivering a wide choice of high quality homes**

- 1.37 Members will need to assess whether the development would will support the aims of securing economic growth and productivity , but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 83 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses.
- 1.38 Members will also need to consider whether each development proposal provides for a mix of housing based on current and future demographic trends, markets and community needs, of an appropriate size, type and tenure including the provision of affordable housing. 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. Further advice is given on affordable housing provision, including the requirement for 10% of the homes to be available for affordable home ownership on major housing development proposals. The definition of affordable is set out in Appendix 2. The new Housing Delivery Test (HDT) applies from the day following publication of the HDT results in November 2018. A transitional arrangement is set out in paragraph 215 and 216 phasing the % threshold where delivery is below of housing required over 3 years increasing from 25% November 2018, to 45% November 2019 and 75% November 2020.

### **Promote sustainable transport**

- 1.39 It is necessary to consider whether these developments are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, 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.
- 1.40 The promotion of sustainable transport is a core principle of the NPPF and patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.

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

- 1.41 Members will need to consider how the development proposals contribute to and enhance 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.
- 1.42 By their very nature, the majority of extensions of a settlement will result in development in the open countryside given that they are generally outside the built limits of the existing settlement. However, the actual and perceived extent to which they 'intrude' into the open countryside will vary and this will need to be assessed having regard to visibility and other physical factors.
- 1.43 In general, it will be important to ensure that the individual setting and character of each settlement is not adversely affected by the outward expansion of the town or village. This will necessarily involve individual assessments of the effects on the specific character and identity of each settlement, but will not necessarily be adverse simply as a result of a decrease in physical separation as any impacts may be successfully mitigated.
- 1.44 Members will need to consider the overall impact of each development assess the ability of the proposed development to be successfully integrated through mitigation.

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

- 1.45 A positive strategy under paragraph 185 of the NPPF is required for conservation and enjoyment of the historic environment and an assessment will need to be made of how the development proposals sustain and enhance the significance of heritage assets and the positive contribution that conservation of assets can make to sustainable communities as well as the need to make a positive contribution to local character and distinctiveness.
- 1.46 The effects of specific developments will need to be assessed having regard to the site characteristics, specific impacts and ability to successfully mitigate. The Committee will need to consider the significance of any heritage assets affected including any contribution made by their setting. When considering the impact on the significance, great weight should be given to the asset's conservation and the more important the asset the greater the weight should be.

### **Promoting healthy and safe communities.**

- 1.47 Decisions should aim 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.
- 1.48 It will therefore be necessary to consider how each scheme addresses these issues.

### **Making effective use of land**

- 1.49 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. Planning decisions should take into account the identified need for different types of housing and other development, local market conditions and viability, infrastructure requirements, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.

### **Achieving well designed places**

- 1.50 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.
- 1.51 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) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 1.52 Permission should be refused for development of 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 in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Members will need to consider whether these issues have been dealt with satisfactorily.

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

- 1.53 Developments will need to demonstrate resilience to climate change and support the delivery of renewable and low carbon energy.
- 1.54 This will not only involve considerations in terms of design and construction but also the locational factors which influence such factors. Development should be steered away from vulnerable areas such as those subject to flood risk whilst ensuring that it adequately and appropriately deals with any impacts arising.

### **S106 / Developer Contributions**

- 1.55 Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development
- 1.56 Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage

### **Overall planning balance**

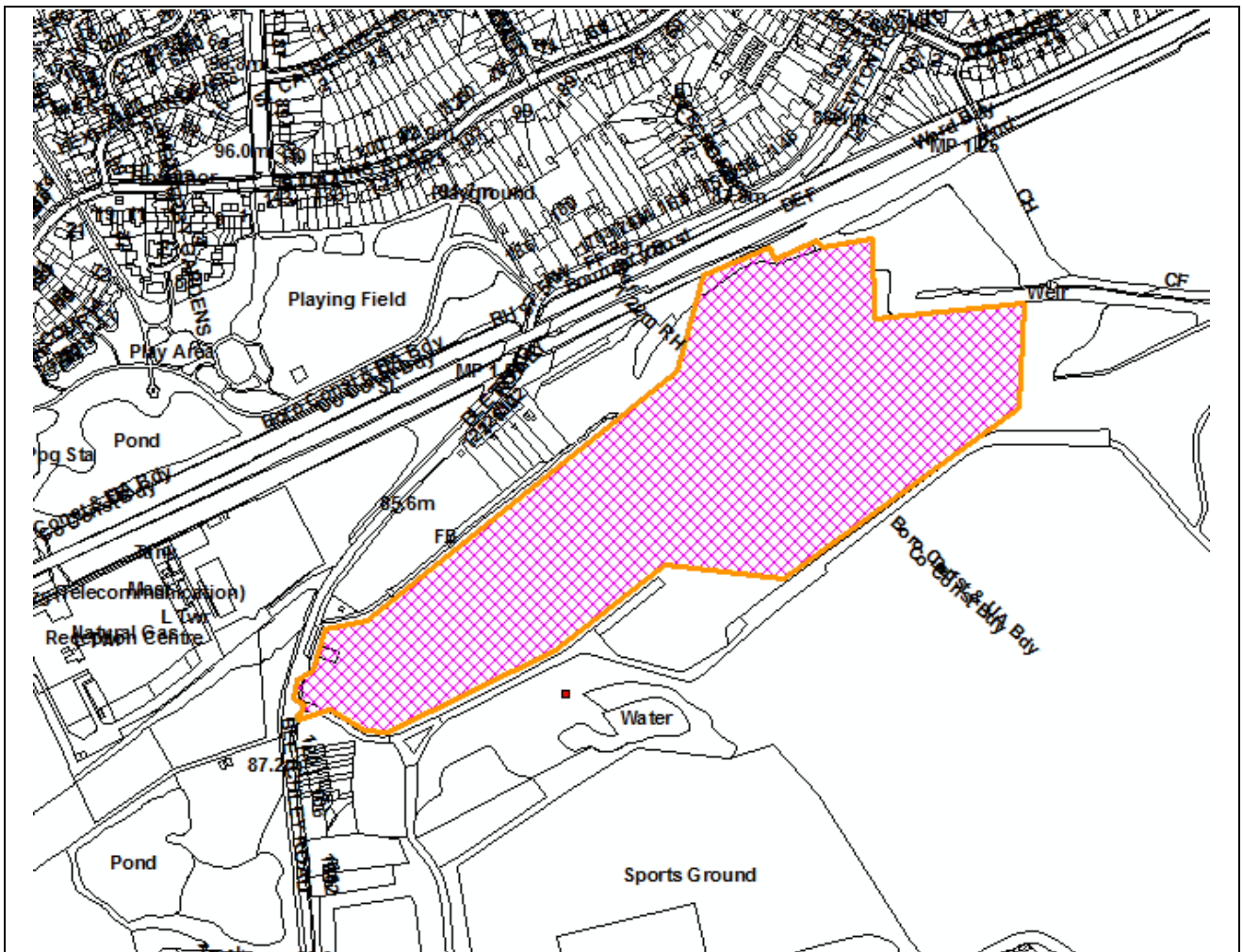
- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

### **Conclusions**

- 1.58 The concluding paragraphs of each report, where Members are asked to either reach a view on how they would have decided or can determine an application, will identify whether the proposed development is or is not in accordance with the development plan, and the weight to be attached to any material considerations. The planning balance will then be set out, leading to a recommendation as to whether permission would have been, or should be, granted (as the case may be), and the need to impose conditions or secure planning obligations or if permission would have been, or should be refused, the reasons for doing so.

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18/04521/APP	
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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/04521/APP	<p>NEWTON LONGVILLE</p> <p>The Local Members for this area are: -</p> <p>Councillor N Blake</p> <p>Councillor B Everitt</p>	18/12/18
<p>TEMPORARY USE OF LAND FOR THE CONSTRUCTION ONLY OF A CONSTRUCTION COMPOUND (COMPOUND B6) INCORPORATING STORAGE AREA, SITE OFFICES AND CAR PARKING (EXCLUDES OPERATION OF)</p>		
<p>LAND SOUTH OF BLETCHLEY ROAD, NEWTON LONGVILLE AND NEWTON ROAD, BLETCHLEY</p>		
<p>NETWORK RAIL</p>		
<p>STREET ATLAS PAGE NO.57</p>		

### 1.0 The Key Issues in determining this application are:-

- a) Purpose of the Application
- b) The planning policy position and the approach to be taken in the determination of the application
- c) Whether the proposal would constitute a sustainable form of development
  - Effective use of land
  - Building a strong competitive economy
  - Promoting sustainable transport
  - Requiring good design
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
  - Meeting the challenge of climate change and flooding
  - Residential Amenities

The recommendation is that permission be **DEFERRED AND DELEGATED** to officers for approval following the satisfactory resolution to the objections raised by the Environment Agency. Any permission to be subject to such conditions as are considered appropriate; or if a resolution is not satisfactorily agreed, for the application to be refused by officers for reasons as considered appropriate.

### 1.0 Conclusions and Recommendation

1.1 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

1.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this 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.

1.3 Compliance with the a number of the key objectives of the NPPF have been demonstrated in terms of promoting sustainable transport and conserving and enhancing the natural and historic environment and residential amenity to which weight should be attributed neutrally. In terms of the context of the site and its surroundings the appearance and scale of the proposed development is considered to be acceptable and attributed neutral weight in the planning balance. The proposal would accord with the NPPF by supporting the development of an under utilised area of land which does not result in any adverse impacts. It is acknowledged that the development would result in the reuse of this previously developed site which would represent an effective use of land this does not in itself represent a benefit and as such is a matter which is held in neutral weight.

1.4 There are outstanding issue relating to flooding, with additional information submitted by the applicant. It is anticipated that these concerns can be overcome satisfactorily.

1.5 On 27th July 2018 a Transport and Works Act Order (TWAO) application was submitted for the construction, operation and maintenance of an upgraded and reinstated rail link from Bicester to Bletchley to Bedford and from Aylesbury to Claydon Junction, as well as the construction of new railway infrastructure (including new overbridges, footbridges, a new station and station platforms) and improvements to existing infrastructure (such as platform extensions). Without prejudice to the formal determination of this application by the Secretary of State, the proposed works would provide a strategic construction compound in advance of the Transport and Works Act Order (TWAO) to help ensure that the Project can be constructed in a timely and cost-effective manner.

1.6 The early establishment of the eleven main works construction compounds, of which this

application is seeking consent for one of them, will facilitate the timely construction of EWR2, once the TWAO is made. The proposed preliminary works will enable a cost-effective transition to the further phases of construction that are the subject of the TWAO, such as the track works and works to platforms and stations. EWR2 is therefore a scheme which has economic benefits which should be attributed significant weight in the planning balance.

1.7 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 11 of the NPPF, it is considered that there are benefits to the scheme and there are no material considerations or adverse impacts to outweigh this.

1.8 It is therefore recommended that the application be deferred and delegated to officers for **APPROVAL** following the satisfactory resolution to the outstanding objection raised by the Environment Agency with any permission being subject to such conditions as are considered appropriate including any further additional conditions considered necessary following the receipt of the final Environment Agency comments; or if a resolution is not satisfactorily agreed, for the application to be refused by officers for reason considered appropriate.

1.9 The following conditions may be appropriate:

1.) STC5 – Standard Time Frame

Reason: RE03

2.) The use hereby permitted shall be discontinued and the land reinstated to its former condition as part of the last phase of construction (in accordance with a scheme which shall have first been approved by the Local Planning Authority) on or before the 15<sup>th</sup> August 2024 . In the event the TWAO is not consented by the SoS a scheme for the reinstatement of the land and a timetable for cessation of the use and reinstatement shall be submitted to and approved in writing. The scheme shall thereafter be implemented in accordance with the approved details. Please also see note no. 6 on the back of this notice.

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

3.) AMP1 – Amended Plans (13\_02051\_APP-FLOOD\_RISK\_ASSESSMENT-11625, 133735\_2B-EWR-OXD-XX-DR-L-019036 B6 SITE DESIGN WITH LABELS and EATON\_BROOK\_CALC\_RECORD (received on 26/06/2019), 133735-EWR-ASS-EEN-000070 (received on 18/06/2019), 133735-EWR-REP-EEN-000150 B02, 133735\_2B-EWR-OXD-XX-DR-L-019036 and 133735-EWR-REP-EEN-000187\_COMPOUNDFRA\_B6\_ISSUE (received on 24/07/2019), B6 DRAFT WS LOGS ,



Reason: RE39

- 4.) The development hereby permitted shall not be occupied until the boundary treatment indicated on the approved plans has been constructed/erected. It shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and to comply with policy GP8 and GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 5.) No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details. Please also see note no. 6 on the back of this notice.

Reason: To safeguard the amenity of the area and to comply with GP8 and GP35 of AVDLP and the National Planning Policy Framework.

- 6.) Prior to operational works taking place on the site, the applicant will submit for approval by the Local Planning Authority full details of site specific acoustic fencing mitigation measures to be implemented on the site to protect adjacent residential occupiers from noise impacts arising from occupation of the site. The approved details shall be implemented on site prior to the commencement of the operation of the compound and thereafter be retained in accordance with the approved details for the scheme and will be retained on site for the duration of the development. .

Reason: to protect the residential amenity of adjacent dwellings and to comply with Policy GP8 of AVDLP and the NPPF

- 7.) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently

be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Existing and proposed discharge rates and volumes
- Reduction of discharge rate for the 1 in 1 year rainfall event
- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- Flow depth
- Flow volume
- Flow velocity
- Flow direction

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

8.) Development shall not begin until a “whole-life” maintenance plan for the site has been submitted to and approved in writing by the local planning authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) during and following construction, with details of who is to be responsible for carrying out the maintenance. The plan shall subsequently be implemented in accordance with the approved details.

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

9.) No development shall take place until a detailed scheme for the parking and manoeuvring of vehicles and cycle storage within the site has been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To ensure that adequate parking is provided, to maintain safety and convenience of the highway and prevent excess vehicle movements and to comply with the NPPF.

10.) The development through the construction phase shall follow measures as set out in the Construction Traffic Management Plan that supports this application: East West Rail Alliance Phase 2 Construction Traffic Management Plan Compound B6 -: Document no:133735-EWR-PLN-MPM-000008.

This includes but is not limited to:

- Routing to the site for all vehicles to and from the site following agreed EWR route
- All site operatives', visitors' and construction vehicles accommodated off the highway
- parking and turning within the site
- Means for loading, off-loading,
- Site hoarding
- Vehicle Marshals
- Risk assessment of gateman to avoid entering the live carriageway
- Advanced warning signs of the site
- Maintenance of visibility splays
- Safety packs and method statements for all visitors and operatives on the site

Reason: In the interests of highway safety, convenience of highway users and to protect the amenities of residents and safeguard the visual amenities of the locality and to comply with Policy GP8 and GP35 of the Aylesbury Vale District Local Plan and advice contained within the NPPF.

11.) Measures for the mitigation of the impact on protected species and other ecological

features of interest shall be implemented in accordance with the details set out in Ecological Impact Assessment - Compound B6: Land South of Newton Road (EWR Alliance, June 2019). Any variation to the approved details shall be agreed in writing by

the Local Planning Authority before such change is made.

Reason: The reason for this being a pre-start condition is to comply with the requirements of the National Planning Policy Framework, ODPM 06/2005, The Conservation of Habitats and Species Regulations 2017 (as amended), and the Wildlife and Countryside Act 1981 (as amended).

- 12.) The proposed works shall not in any circumstances commence unless the Local Planning Authority has been provided with a copy of the great crested newt mitigation licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitat and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead.

Reason: The reason for this being a pre-start condition is to comply with the requirements of the National Planning Policy Framework, ODPM 06/2005, The Conservation of Habitats and Species Regulations 2017 (as amended), and the Wildlife and Countryside Act 1981 (as amended).

#### INFORMATIVES

1. I46 Wheel washing
2. I47 Vehicles obstructing the highway

#### WORKING WITH THE APPLICANT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, the applicant/agent was informed of the issues arising from the proposal and given the opportunity to submit amendments/additional information in order to address those issues prior to determination. The applicant/agent responded by submitting amended plans/additional information which were found to be acceptable so the application has been approved.

## **2.0 INTRODUCTION**

- 2.1 The application needs to be determined by committee as the Parish Council has raised material planning objections and confirms that it will speak at the Committee meeting.

2.2 The Parish Council does not object to the principle of development, but without changes and being made to the proposal and conditions detailed, it upholds an objection to the development proposal in its current form. The objections are set out in full in the appendices accompanying this report and summarised at section 6 of this report.

### **3.0 SITE LOCATION AND DESCRIPTION**

3.1 The application site is 7.0 ha in area. It is located on Land South of Newton Road and falls within the administrative areas of Aylesbury Vale District Council and Milton Keynes Council. The administrative boundary crosses the site to the north-east, with approximately two thirds of the site lying within Aylesbury Vale. Access to the site is within Aylesbury Vale and taken off Bletchley Road. Parallel applications have been submitted to both authorities and at present the application submitted to Milton Keynes Councils is also pending consideration.

3.2 The site is adjacent to the mothballed rail corridor that forms part of the EWR route, which lies to the north west of the site. The application site formerly comprised a brickworks operation (Newton Longville Brickworks) between 1847 and 1990 but has since been cleared and has remained vacant to present. The site is largely characterised by areas of hardstanding remaining from the former service yard and buildings. To the north and north east of the site lies a densely vegetated area and a terrace of 6 residential properties.

3.3 To the south of the site lies additional vacant hardstanding. Beyond the hardstanding lies Newton Longville Football Grounds and Bletchley Landfill and Claypit which also borders the south east of the site. To the east of the site is an arable field parcel and to the west lies 10 residential properties and Bletchley Road. Access to the site is taken from Bletchley Road.

3.4 Newton Longville Brickworks Local Wildlife Site occupies part of the application site. The site is not located within any statutory land designations and there are no designated heritage assets within the site. The site lies within the 250m Landfill Buffer zone for consultation on planning applications.

3.5 There are no Public Rights of Way within the site. An unnamed watercourse borders the north of the site and approximately 60m south of the site there is a pond.

### **4.0 PROPOSAL**

4.1 This application seeks planning permission for the temporary use of the land and only for the creation of a construction compound that comprises the following main elements:

- Provision of site accommodation made up of 33 modular units in two, Blocks. One block is formed of a single storey of 13 units and the second block is formed of two storeys of 10 units each.
- Provision of car parking spaces and cycle parking along with internal haul road
- Boundary fencing measuring 2.4m in height to Network Rail's specification to ensure the site is secure
- Storage of top soil removed from the site
- Provision of security, including a vehicle access barrier and gate cabin
- Ancillary structures such as a concrete cube hut and smoking/vaping shelter
- Lighting outside daylight hours between 7am and 6pm; security lighting overnight

4.2 This compound will be a strategic compound. These are larger compounds from which the main construction and project management will be undertaken.

4.3 The construction compound will be temporary and will be removed as part of the last phase of construction. The land will then be restored and returned to its previous use and condition, except for elements that are intended for permanent retention, such as maintenance accesses.

4.4 Subject to obtaining the requisite approvals and consents, the start up date for Site B6 will be September 2019 and the set-up will take 16 weeks. Construction periods will be staggered at adjacent locations to avoid peaks in activity and vehicle movements to minimise effects on the local communities and road network unless the vehicle journeys are planned to serve more than one compound. The proposed working hours will be 07:00 to 18:00 weekdays and 08:00 to 13:00 on Saturdays.

The operational element of the site is not for consideration as part of this application and is covered by the Transport Works Act Order (TWAO). However; for clarity once the compound has been set up, it will be used for the following preliminary activities:

- Maintenance works to Bletchley flyover that will involve the delivery and initial assembly of a gantry

- Repairs to bridges OXD4 (Selbourne Avenue), OXD5 (Whiteley Crescent Footpath), OXD6 (Newton Road Bridge) and OXD7 (Park Bridge)
- The storage of imported materials and plant required in connection with preliminary work, and storage of topsoil from the compound site
- Vegetation clearance along the railway where this has not already been undertaken as part of recent maintenance, if seasonally appropriate and in accordance with licences
- Track and ballast removal
- Repair works to culverts
- Facilitation of offsite environmental mitigation works where required (e.g. badger sets, hedgerow planting)

## **5.0 RELEVANT PLANNING HISTORY**

- 5.1 13/02051/APP - Change of use for open storage - erection of four modular buildings for ancillary office use, ground re contouring, boundary treatment and landscape – APPROVED

The application was submitted by O and H Properties Ltd and sought permission for the change of use of the land to provide open storage space (Class B8 Storage and distribution) for a variety of operators. This involved dividing the land up into 4 fenced off storage compounds each laid with crushed stone. Within each compound would be a 3m wide by 10m long and 2.5m high flat roofed modular building which would provide office/welfare accommodation for the tenants.

The permission was implemented through the installation of some fencing elements, the access and planting and therefore remains extant. No further works are known to have taken place.

- 5.2 A duplicate application has been submitted to Milton Keynes Council (ref: 19/00757/FUL) as the administrative boundary with AVDC crosses the site. This application is currently pending consideration.

## **6.0 PARISH COUNCIL COMMENTS**

6.1 Newton Longville PC objects to the proposed development based on the initial submission. There is no objection in principle to the development, subject to changes being made and conditions being imposed. A summary of their response is provided below, with a full copy appended to this report:

1. Paragraph 2.1.1 in the planning statement states: *“2.1.1. The application site is 7.0 ha in area. It is located on Land South of Newton Road and falls within the administrative areas of Aylesbury Vale District Council and Milton Keynes Council.”* in such circumstances identical applications should be submitted to both planning authorities; however no application appears to have been submitted to Milton Keynes Council.

### **See paragraph 10.1 for response**

2. The description of the site in paragraph 2.1.2 of the planning statement does not reflect the commencement of development for approved planning application 13/02051/APP.

### **See paragraph 10.2 for response**

3. Noted that It is disappointing that both the Planning Statement and the Construction Traffic Management Plan (CTMP) submitted are little more than generic documents with minimal reference to the specific compound and its immediate surroundings. This is not indicative of a positive approach by Network Rail. This particularly applies to the CTMP Road Control Principles in section 10.2 and details in section 11.2 for the erection and location of signs clearly indicates what has been put forward is a desktop exercise rather than a site visit with consideration of the actual site.

### **See paragraph 9.20 for response**

4. The picture in Figure C.4 on page B-2 (under paragraph B.1.2) shows what is said to be the present entrance to the proposed compound site. However, picture is now considerably out of date as a result of the commencement of work to implement planning application 13/02051/APP (For: Change of use for open storage - erection of four modular buildings for ancillary office use, ground re-contouring, boundary treatment and landscape. At: Land at Bletchley Road, Newton Longville.)



**See paragraph 9.19 for response**

5. Noted that there is now planting with trees to create a sound barrier to protect the houses immediately to the south of the entrance. This protection should not be removed. No rationale has been put forward for re-locating the compound entrance closer to residential properties and through the landscaped bund.

**See paragraph 9.49 for response**

6. The Construction Traffic Management Plan (CTMP) gives little detail about the proposed access routes, instead relying what is shown on the submitted plan (Figure C.1)

**See paragraph 9.17 for response**

7. The proposed access route appears to allow for uncontrolled LGV and operative traffic to be through Newton Longville and for HGV traffic to approach from Newton Road under the low bridge. The proposal previously put forward provides for a haul road from the A4146 through the former waste site to the compound. The haul route should be constructed first (using access from A4146) and then used for HGV and LGV access to the compound. There should be no need for any HGV access on Buckingham Road, Newton Road or Bletchley Road, other than crossing from the compound to the other side of Bletchley Road.

**See paragraph 9.18 for response**

8. The measures proposed for traffic management and safety are insufficient and seem to being taken as a minor matter that can be dealt with later. A complete traffic management plan ought to have been included within the application. Any matter that requires a Temporary Traffic Regulation Order (TTRO) should be closely linked by being covered by a planning condition requiring the TTRO be in place before any development commences, potentially a 'Grampian' condition. There is no indication of any traffic surveys having been undertaken in the vicinity of the site, had there been, then Network Rail would have been aware of the current issues of speeding, high level of traffic and high percentage of HGV traffic (relative to the road size and designation). Note both Bletchley Road and Newton Road have Special Designations by the respective Highways Authorities as Traffic Sensitive for Mon-Fri peak hours. Whilst Bletchley Road is within Buckinghamshire, Newton Road is within Milton Keynes.

**See paragraph 9.19-9.21 for response**

9. There should be temporary 30 mph speed limit should go from the current end point (change from Newton Road to Bletchley Road) to the current start of the 30mph into the village. The traffic control for both access to the north of Bletchley Road and under the bridge requires traffic speed to be slowed and will cause congestion. To only limit the speed around the access to the compound would be insufficient and is likely to create a hazard which changes of limit within a short distance. The locations for SLOW signs as shown in Figure C.2 in the CTMP are within the current 30 mph (Newton Road) and less 200m from the start of the 30 mph to the village (Bletchley Road). Whilst the imposition of the temporary speed limits is a matter for the Highway Authority the planning authority should require this to be in place before any development commences.

**See paragraph 9.22 for response**

10. PC have requested that no deliveries should be permitted during morning or evening peak hours.

**See paragraph 9.23 for response**

11. PC have requested that there should be provision for wheel washing onsite and on the other side of Bletchley Road to ensure no mud is transferred to the road. It is not sufficient to use a road sweeper to clean roads later. (Whilst the archaeological works were carried out for Compound B5 on Whaddon Road significant quantities of mud were transferred to the road.)

**See paragraph 9.24 for response**

12. Note that there is residential property on both sides of the proposed compound, there should be sufficient protection to residential properties through sound barriers or other appropriate measures. The suggestion the compound is only close to and may affect only two properties fails to take account of the layout of the compound as a whole. Before the application is determined a noise survey ought to be undertaken to establish baseline noise and specify noise levels to be obtained which should then be secured by conditions. The

condition proposed by AVDC Environmental Health is endorsed, but the parish council seeks a more extensive survey be required before consent rather than control by a condition afterwards.

**See paragraph 9.49 for response**

13. The drawing for the TWAO access indicates “The 30 mph visibility splay extends outside of the application boundary”. This raises two issues:

- The speed limit at this point is 40 mph not 30 mph.
- Visibility splays must be included in an application red-line boundary

**See paragraph 9.32 for response**

## **7.0 CONSULTATION RESPONSES**

### Ecology

*Satisfied that the updated ecology supporting information submitted on 18 June 2019 is sufficient to satisfy the initial concerns raised in the consultation response dated 30 January 2019. In order to safeguard ecological features of interest it is recommended that, should the application be granted, appropriate conditions are applied.*

LLFA: Made the following comments:

1. *A Flood risk Assessment is required*
2. *A method of surface water disposal should be submitted*
3. *The submitted surface water management plan needs updating to include further details*

*Following the receipt of additional information the LLFA made the following comments:*

- *Satisfied with the submitted flood modelling*
- *Require further information regarding the proposed Surface water drainage strategy, but are satisfied this can be secured by condition.*

### Environment Agency:

*Object to the application for the reason that the submitted FRA does not comply with the requirements for site-specific flood risk assessments and therefore does not adequately assess*

*the flood risks posed by the development as it fails to adequately demonstrate that there will not be an increased risk of flooding offsite.*

A revised FRA has been submitted and the LPA are currently awaiting further comments. However; the issues raised are the same as those raised by the LLFA who are now satisfied that the revised modelling will not increase flood risk on the site. The LLFA have suggested conditions in relation to surface water drainage and the submission of a whole life maintenance plan for the site but are satisfied that flood risk on the site will not be increased. It is anticipated that the issue raised by the EA will be resolved satisfactorily in line with the revised comments made by the LLFA and Officers will report an updated position verbally at the Committee meeting.

BCC Highways:

*Following discussion, the Highways Authority are satisfied that the submitted information is acceptable in Highways terms subject to appropriate conditions.*

BCC Rights of Way:

*No comments to make*

BCC Archaeology:

*No objection*

Buckingham Internal Drainage Board:

*No comments to make*

Environmental Health:

*Identified a potentially adverse noise impact on the property on the Lakers Nursery site, to the North of the proposed construction compound, and that site specific measures to mitigate this impact would be included in the Construction Environmental Management Plan for the project. can no site specific measures identified in the CoCP document supplied with this application and although the Planning Statement in para 4.7.2 does reference a 'solid boundary fence on the northern side of the compound' no specification for this fencing, or expected performance in reducing site noise on the residential receptor, is provided.*

*Therefore recommend that full details of site specific mitigation measures to be implemented on the site to protect adjacent residential occupiers from noise impacts arising from occupation of the*

*site during its operation are submitted in the form of an acoustic assessment.*

## **8.0 REPRESENTATIONS**

8.1 None received

## **9.0 EVALUATION**

### **a.) Purpose of the Application**

- 9.1 On 27<sup>th</sup> July 2018 a Transport and Works Act Order (TWAO) application was submitted for the construction, operation and maintenance of an upgraded and reinstated rail link from Bicester to Bletchley to Bedford and from Aylesbury to Claydon Junction, as well as the construction of new railway infrastructure (including new overbridges, footbridges, a new station and station platforms) and improvements to existing infrastructure (such as platform extensions). Without prejudice to the formal determination of this application by the Secretary of State, the East West Rail Alliance proposes to set up some of the strategic and satellite construction compounds in advance to help ensure that the Project can be constructed in a timely and cost-effective manner.
- 9.2 The route is divided into three sections as it crosses Aylesbury Vale (named 2A, 2B and 2C, with this site being located in section 2B) and Planning applications will be submitted for each of the eleven compound sites which are proposed in across these route sections. This is because they are at the start of the construction programme and require the existing trackside and adjacent vegetation to be cleared before construction work can begin on upgrading the railway track bed to the required width and standard. This compound would be used for preliminary works in advance of the TWAO and should the Order be granted, it will then be used to facilitate the main works. A temporary planning permission is sought as once the construction works have been completed, the site can revert to its previous use and condition.
- 9.3 If the TWAO is not made, then a scheme of restoration would apply to those elements that are not repair or maintenance works, i.e the main works construction compounds and related highway improvements.
- 9.4 The early establishment of the eleven main works construction compounds, and subsequent undertaking of preliminary works from them, will facilitate the timely construction of EWR2, once the TWAO is made. The proposed preliminary works will enable a cost-effective transition to the further phases of construction that are the subject of the TWAO, such as the track works and works to platforms and stations.

***b.) The planning policy position and the approach to be taken in the determination of the application:***

- 9.5 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.
- 9.6 The overview report sets out the position in relation to the emerging VALP, the stage it has reached and related weight. The Interim Findings have been set out by the Inspector and consultation on modifications will be required before adoption can take place. The adoption of the Vale of Aylesbury Local Plan is planned to be in 2019.

*The Development Plan*

- 9.7 A number of general policies of the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP8, GP24, GP35, GP38 - GP40 and GP59. Other relevant policies will be referred to in the application specific report.

The emerging Vale of Aylesbury Local Plan is due for adoption later in 2019. Whilst the VALP hearing has taken place there are a number of unresolved objections to the housing strategy and other policies. Paragraph 48 of the NPPF advises on the weight to emerging plans depending on the stage of preparation, unresolved objections and consistency with the NPPF. In view of this the policies in this document can only be given limited weight in planning decisions, however the evidence that sits behind it can be given weight.

*Neighbourhood Plan:*

- 9.8 There is currently no made neighbourhood plan incorporating this site. Whilst the site does sit within the approved neighbourhood plan area, work has not progressed any further on the plan at this stage.

***c) Whether the proposal would constitute a sustainable form of development having regard to:***

- 9.9 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 7 to 211 of the Framework, taken as a whole (paragraph 3). The Framework

has a presumption in favour of sustainable development which should be seen as a golden thread running through plan-making and decision-making.

- 9.10 Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. 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.

#### *Making effective use of land*

- 9.11 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.
- 9.12 It is acknowledged that the development would result in the reuse of this previously developed site which would represent an effective use of land this does not in itself represent a benefit and as such is a matter which is held in neutral weight.

#### *Building a strong competitive economy*

- 9.13 The Government is committed to securing and supporting sustainable economic growth and productivity, but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 9.14 Whilst the proposal for the creation of compound itself will have limited impact in economic terms, it is required to enable the construction of the East West Railway to be coordinated from a single base. This rail link will enhance east-west connectivity which also has the potential to lead to further growth. Therefore, the indirect economic benefits of the proposal are accorded significant positive weight in the planning balance.

#### *Promoting sustainable transport:*

- 9.15 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.

### **Access**

- 9.16 Following the receipt of tracking drawings for the access, which detail that simultaneous two way movement of 40ft tipper vehicles can be achieved; the Highway Authority are now satisfied with this arrangement. Whilst it is noted it would not be possible for two of the maximum sized articulated lorries or low loaders to pass, it is considered unlikely that these would be using the access at the same time and their low frequency of arrivals and departures could be managed by the gateman referenced within the Construction Traffic Management Plan (CTMP). Any vehicles required to wait to allow manoeuvres would do so within the site and not on the highway.
- 9.17 It is expected that a haul road access will be created once the TWAO is granted to serve the anticipated haul road crossing point and the compound once in operation. The existing access point will be closed to traffic at this point. It is acceptable to the Highway Authority that this access arrangement can be secured by condition.
- 9.18 In response to the comments made by the PC in relation to the proposed access routes; during the establishment of this compound, construction traffic will approach the site from the north along Newton Road/Bletchley Road. This access route has been agreed with the Highway Authority. It should be noted that access arrangements under the Order scheme will include additional routes requiring the establishment of haul roads, though this does not form part of this planning application.
- 9.19 HGV and LGV associated with the establishment of the proposed construction compound will approach the site from the north along Newton Road/Bletchley Road. This planning application does not seek permission for any haul road. Haul roads are anticipated under the TWA Order scheme and will be used to support main construction works, including a cross roads over Bletchley Road.
- 9.20 In response to comments made by the PC regarding the Access; It is accepted that the street view image within the CTMP is unintentionally misleading. Drawings 133735\_2B-EWR-OXD-CC\_B6-DR-CH-012001 and 133735\_2B-EWR-OXD-CC\_B6-DR-CH-012002 contain up to date details of the site access. The access arrangements have been reviewed by the Highways Authority and found to be acceptable.

### **Traffic Management**

- 9.21 In response to comments made by the PC; the application is for the construction of the compound only and all measures contained within the CTMP relating to traffic



management for the construction of the compound have been found to be acceptable by the Highways Authority.. for traffic management are appropriate.

9.22 Should a Temporary Traffic Regulation Order be deemed necessary by the Highway Authority then this shall be secured by the applicant prior to the commencement of development.

9.23 With regards to the PC's comment regarding levels of traffic; A Transport Statement and Construction Travel Plan Statement are provided in Appendix B of the Environmental Appraisal Report. The transport statement outlines the existing transport conditions in the vicinity of Compound B6 and provides a summary of the baseline situation, in terms of the existing highway conditions, public transport provision, walking and cycling provision and a summary of the existing road safety record within the vicinity of the compound. The transport statement also outlines the proposed trip generation and assignment associated with the compound construction and its use for preliminary works.

The existing transport conditions summarised in the transport statement have been based upon a combination of surveys, site visits, engagement with the local highway authorities and desktop research.

9.24 A number of temporary speed reductions have been proposed by the applicant to enable construction of the EWR2 scheme, however the Highway Authority, does not support the use of such measures. This has led to the withdrawal of proposals for temporary speed restrictions by the applicant.

### **Deliveries**

9.25 In response to the comments made by the PC; paragraph 3.1.6 of the CTMP, states that where possible, all deliveries are proposed to avoid morning and afternoon peak hour traffic.

### **Wheel Washing**

9.26 In response to the comments made by the PC; paragraph 4.1.9 of the CTMP, states that plant and vehicles that need to work within site and are likely to accumulate mud will not exit the site until they have been washed down on site with wheel wash and inspected to ensure the wheels and wheel arches are clean and clear of debris. In addition, there will be a road sweep on call should it be required to clean and maintain the road. The CTMP is to be tied by planning condition and an informative is also proposed to be applied to any permission

### **Parking**

- 9.27 In terms of the levels of car parking provided within the site, only indicative areas have been provided at this stage. The CTMP outlines that a clearly identified temporary parking area will be established and this is reflected within the plans submitted.
- 9.28 The applicant has advised that to provide a detailed parking plan at this stage would risk a condition that cannot be met and whilst it is accepted that there is a reluctance to provide a parking layout or an exact figure for the number of parking spaces; this approach would not be acceptable to the Local Planning Authority and therefore a condition would be applied to any permission which requires the submission of a detailed layout prior to the compound becoming operational. Parking Standards for a non retail storage site would require parking at a ratio of 1 space per 550m<sup>2</sup> of gross floor area. Whilst the site does propose the creation of any floor space as such, this standard of parking is considered the most appropriate. The site covers an area of approximately 70,000 sq metres which would require parking provision for 127 vehicles. An indicative area of 5600 sq metres has been identified for parking purposes and this would result in spaces in excess of the 127 normally required under the Councils parking guidelines being provided. A condition requiring full detail of the parking layout and its subsequent retention can be secured by way of condition.

#### ***Internal Site Layout***

- 9.29 The application details that an acoustic barrier will be provided within the site. In their response, the Highway Authorities have recommended that the proposed acoustic barrier should be extended to the highway boundary in order to shield properties on Bletchley Road to the south from movements entering the site. They have also recommended that additional barriers be installed to protect properties to the north of the site from disturbance from vehicular movements. The issue relating to amenity is addressed in the relevant section later within this report.
- 9.30 The internal movement of the site has been explained, including how diversions will be put in place to accommodate the introduction of the haul road and how the combined use of the future access is to be managed. The updated CTMP requested by the Highway Authority will reflect this explanation.
- 9.31 It is the responsibility of the applicant to ensure that circulation within the site is operated safely, subject to access being maintained as shown in the submitted drawings and suitable wheel washing facilities being maintained at all times.
- 9.32 In terms of the sites capacity, the Highway Authority have advised that they are satisfied the site has the capacity to hold the vehicles that would be travelling to the site.

#### ***Haul Road Provisions***

9.33 Following discussions with the applicant, it has been established that the haul road and operational access point will only be created once the TWAO is granted under the permission that this gives. The Highway Authority is satisfied that this is acceptable subject to being compliant with the Highway condition submitted to the TWAO inquiry.

### **Visibility**

9.34 In response to the comments made by the PC; latest vehicle access drawings are 133735\_2B-EWR-OXD-CC\_B6-DR-CH-012001 and 133735\_2B-EWR-OXD-CC\_B6-DR-CH-012002, with the latter showing visibility. This drawing shows visibility according to a design speed of 50kph in accordance with highway standards. The visibility splay is entirely within the highway boundary and no development is proposed therein.

9.35 With regards to the access to the site and other highway matters, Highways officers have raised no objections subject to conditions, this should be afforded neutral weight in the planning balance.

### **Requiring Good Design**

9.36 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.

9.37 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.

9.38 The application proposes the erection of a construction compound along with ancillary buildings. The maximum height of any buildings within the site would be 5.8m and will be well screened by the existing vegetation which surrounds the site.

9.39 In terms of the context of the site and its surroundings the appearance and scale of the proposed development is considered to be acceptable and in accordance with policy GP35 of the AVDLP and NPPF guidance and should be attributed neutral weight in the planning balance.

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

9.40 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. Regard must be had to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse

effects of pollution, as required by the NPPF. Paragraph 109 seeks to provide net gains in biodiversity where possible and enhance the natural environment.

- 9.41 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 policy is considered to be consistent with the NPPF.
- 9.42 In respect of the landscape impact, this development will be viewed within the context of the existing development and rail corridor. The site is presently characterised by areas of hardstanding and to the north and north east of the site is a densely landscaped area and existing trees to the south. Given that the existing landscape bund and planting are to be retained providing a degree of containment to the site and having regard to the temporary nature of the development (and the scheme for remediation which can be secured by condition) it is considered that the proposal would not result in any significant landscape impacts. It is considered therefore that the development would comply with Local Plan policy GP35 and with the NPPF such that this matter should be weighed as neutral in the planning balance.

### **Ecology**

- 9.43 Officers are satisfied with the survey and mitigation measures contained in the Ecological Impact Assessment and the subsequent management proposals for the site detailed in the Ecological Impact Assessment – Compound B6: Land South of Newton Road (EWR Alliance, June 2019).
- 9.44 Overall, the Ecological Impact Assessment demonstrates that the proposed development would result in no significant residual effects on habitats, species or designated sites. This matter is assigned neutral weight.

### **Trees and Hedgerows**

- 9.45 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 9.46 In response to the PC comments relating to the existing trees to the south of the entrance, the applicant has confirmed that the existing landscape bund and planting is to be retained. The site is seen in its existing context and therefore no further mitigation measures are considered necessary. The proposal is for a temporary use and would be reverted back to its former condition following completion of the project. It is considered therefore that the development would comply with Local Plan policy and with the NPPF such that this matter should be weighed as neutral in the planning balance.

9.47 Overall it is considered that satisfactory landscaping provisions have been made in terms of the context of the site and its surroundings. The appearance and scale of the proposed development is considered to be acceptable and in accordance with policy GP35 of the AVDLP and NPPF guidance and should be attributed neutral weight in the planning balance

*Conserving and enhancing the historic environment*

9.48 The NPPF requires consideration of the historic environment and seeks to ensure the impact on the significance of heritage assets is considered. Paragraph 128 requires consultation with the Historic Environment Record.

9.49 There are no known heritage constraints likely to prohibit the proposed works and it is considered that the development would comply with Local Plan policy and with the NPPF such that this matter should be weighed as neutral in the planning balance.

*Meeting the challenge of climate change and flooding*

9.50 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.

9.51 It has been confirmed by the applicant that the site will not be raised and the flood modelling has been updated to reflect this change. The site is brownfield and 100% impermeable; the modelling has shown that the proposed development does not increase the existing flood risk.

9.52 With regards to surface water drainage; It is proposed to manage surface water runoff generated by the site via a network of ditches and an attenuation basin situated to the north east of the site. Surface water runoff will then be discharged to the Eaton Brook to the north of the site. The attenuation basin will be sized to attenuate the 1 in 100 year rainfall event plus 5% climate change allowance, the lower climate change allowance is due to the temporary nature of the development. The applicant has followed the drainage hierarchy (NPPG, Paragraph 080 Reference ID: 7-080-20150323) as infiltration has been discounted due to recorded high groundwater levels.

9.53 The LLFA have raised concerns that the calculations provided by the applicant would result in a significant amount of water being discharged unrestricted into the Eaton Brook at one discharge point. It has been requested that calculations must be provided to demonstrate

that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 year rainfall event plus climate change allowance should be safely contained on site.

- 9.54 The LLFA are satisfied that a condition can be applied to any permission requiring the submission of a revised Surface Water Drainage System in line with the recommendations above.
- 9.55 As it stands the Environment Agency are upholding an objection to the application based on the absence of an acceptable Flood Risk Assessment. The EA have stated that the submitted FRA does not adequately assess the flood risks posed by the development, and in particular, fails to demonstrate that there will not be an increased risk of flooding on site.
- 9.56 The applicant has submitted further information in the form of an updated FRA to address the concerns raised by the EA, however to date a response has not been received. It is anticipated that a response will be received prior to the Committee meeting and an update will be reported either verbally or by way of a corrigendum.
- 9.57 Subject to the satisfactory resolution of the concerns expressed by the Environment Agency and the submission of an updated Sustainable Water Drainage System secured by condition, along with any other necessary conditions suggested by the Environment Agency, it is considered that the proposed development could be resilient to climate change and flooding in accordance with NPPF guidance and this factor should therefore be afforded neutral weight in the planning balance.

#### Residential amenities

- 9.58 Section 15 of the NPPF seeks to prevent unacceptable levels of noise pollution in addition to policies GP8 and GP95 of the AVDLP 2004 (saved policies) seek to protect neighbouring and existing occupiers' amenity.
- 9.59 The nearest residential property to Compound B6 would be approximately 22m away at 118 Bletchley Road and that impacts would be mitigated by the provision of a solid boundary fence along the south-west of the compound. The proposed layout indicates that the nearest residential property to any material processing would be to the north of the compound (60m away). The noise from the gantries is expected to be less than any impact from materials processing.
- 9.60 In response to the comments made by the PC; The results of a noise survey are set out in Chapter 6 Noise and Vibration of the Environmental Appraisal Report (EAR) submitted as part of the application material. This assessment provides an appropriate level of assessment of likely effects arising from the proposed development. This assessment finds that, following the implementation of recommended mitigation measures, and the latest

compound layout drawings, noise from the construction and use of compound B6 are expected to be below the threshold for significant adverse effects.

- 9.61 Acoustic fencing is proposed to be erected around the southern perimeter of the site and whilst this is considered acceptable in principle, a full specification has not been provided at this stage. Following consultation with the Councils Environmental Health Officers, it is recommended that a condition be attached to any permission requiring full details of the mitigation measures proposed to protect the adjacent residential occupiers from noise impacts arising from occupation of the site and should be tied to this permission to ensure it is in place in advance of operation of the site.
- 9.62 Overall, the proposed development is considered not to result in any significant adverse impact in regard to light, visual intrusion, outlook and privacy. Subject to the submission of further details, it is considered that potential issues pertaining to noise can be satisfactorily dealt with. As such the proposed development would comply with policy GP8 and GP95 of the AVDLP and the advice within the NPPF. This matter should be afforded neutral weight in planning balance.

## **10.0 Other Matters**

- 10.1 In response to the comments made by the Parish Council; these have been addressed within the report and an overview of the responses provided is set out below:
- 1.) A full planning application has been made to Milton Keynes Council (ref:19/00757/FUL) and is currently pending consideration.
  - 2.) With regards to the planning permission granted on the site under 13/02051/APP; it is considered to have been implemented by virtue of the commencement of development comprising installation of some fencing elements, the access and planting. The site is not currently in use as described within that application and significant elements of that development such as modular buildings for office use are not in place.
  - 3.) There are many similarities between the 11 temporary construction compounds for which planning permission is sought, and a standard template is followed for many of the supporting documents for these applications. The application is for the construction of the compound only and the development through the construction phase shall follow measures as set out in the Construction Traffic Management Plan that supports this application: East West Rail Alliance Phase 2 Construction Traffic Management Plan Compound B6 -: Document no:133735-EWR-PLN-MPM-000008.
  - 4.) This planning application is predicated on the use of the existing site entrance, as established under planning application 13/02051/APP. It is accepted that the street view image within the CTMP is unintentionally misleading. Drawings 133735\_2B-EWR-

OXD-CC\_B6-DR-CH-012001 and 133735\_2B-EWR-OXD-CC\_B6-DR-CH-012002 contain details of the site access.

- 5.) The planning application does not propose alteration of the landscape bund and planting thereon. The planning application proposes to use the existing site entrance, as established under planning application 13/02051/APP. It should be noted however that the TWA Order scheme does propose formation of a new access in this location.

The proposed development would include the provision of a solid acoustic barrier on the boundary of the proposed compound nearest the houses to the south west, as shown on the proposed site drawing. The compound has also been designed to locate less noisy uses, such as car parking, near to these properties.

- 6.) Site Access Routes: HGV and LGV associated with the establishment of the proposed construction compound will approach the site from the north along Newton Road/Bletchley Road. This planning application does not seek permission for the any haul road. Haul roads are anticipated under the TWA Order scheme and will be used to support main construction works, including a cross roads over Bletchley Road.

- 7.) Traffic Management: The application is for the construction of the compound only and the development through the construction phase shall follow measures as set out in the Construction Traffic Management Plan that supports this application: East West Rail Alliance Phase 2 Construction Traffic Management Plan Compound B6 -: Document no:133735-EWR-PLN-MPM-000008

Should a TTRO be deemed necessary by the Highways Authority then this shall be secured prior to the commencement of development.

A Transport Statement and Construction Travel Plan Statement are provided in Appendix B of the Environmental Appraisal Report. The transport statement outlines the existing transport conditions in the vicinity of Compound B6 and provides a summary of the baseline situation, in terms of the existing highway conditions, public transport provision, walking and cycling provision and a summary of the existing road safety record within the vicinity of the compound. The transport statement also outlines the proposed trip generation and assignment associated with the compound construction and its use for preliminary works.

The existing transport conditions summarised in the transport statement have been based upon a combination of surveys, site visits, engagement with the local highway authorities and desktop research.

A number of temporary speed reductions have been proposed to enable construction of the EWR2 scheme, however these have met with objection from the Highway Authority,



which does not support the use of such measures. This has led to the withdrawal of proposals for temporary speed restrictions. The enforcement of speed limits is beyond the gift of the applicant.

- 8.) Deliveries: As set out in paragraph 3.1.6 of the CTMP, where possible, all deliveries will be planned to avoid peak hour traffic (morning and afternoon).
- 9.) Wheel Washing: As set out in paragraph 4.1.9 of the CTMP, plant and vehicles that need to work within site and are likely to accumulate mud will not exit the site until they have been washed down on site with wheel wash and inspected to ensure the wheels and wheel arches are clean and clear of debris. In addition, there will be a road sweep on call should it be required to clean and maintain the road. An informative can ensure that this requirement is upheld.
- 10.) Noise: The results of a noise survey are set out in Chapter 6 Noise and Vibration of the Environmental Appraisal Report submitted as part of the application material. This assessment provides an appropriate level of assessment of likely effects arising from the proposed development. This assessment finds that, following the implementation of recommended mitigation measures, and the latest compound layout drawings, noise from the construction and use of compound B6 are expected to be below the threshold for significant adverse effects. In any event, this permission is for the construction of B6 only a condition is imposed to ensure the mitigation measures to protect residential properties is attached. More detailed noise information for the operation of the compounds is contained in the TWAO as part of that process.
- 11.) Application Boundary: The latest vehicle access drawings are 133735\_2B-EWR-OXD-CC\_B6-DR-CH-012001 and 133735\_2B-EWR-OXD-CC\_B6-DR-CH-012002, with the latter showing visibility. This drawing shows visibility according to a design speed of 50kph in accordance with highway standards. The visibility splay is entirely within the highway boundary and no development is proposed therein.

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## **THE FOLLOWING ADDITIONAL ISSUES HAVE BEEN TAKEN INTO ACCOUNT IN PREPARING THE REPORTS ON THIS AGENDA**

### DETERMINATION OF PLANNING APPLICATIONS

The Council is required in all cases where the Development Plan is relevant, to determine planning applications in accordance with policies in the Development Plan unless material considerations indicate otherwise.

### HUMAN RIGHTS ACT 1998

The determination of the applications which are the subject of these reports is considered to involve the following human rights:-

1. Article 8: Right to respect for private and family life; and
2. Article 1 of the First Protocol: Protection of Property

The evaluation section of each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the Convention rights referred to above, it is considered that the recommendations in the reports are in accordance with the law, proportionate and balances the needs of the Applicant with the protection of the rights and freedoms of others in the public interest.

### SECTION 17 CRIME AND DISORDER ACT 1998

In reaching the recommendations set out in each report, due regard has been given to the duty imposed upon the Council under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area.

### EQUALITY ACT 2010

In dealing with planning applications on this agenda and in reaching the recommendations set out in each report, proper consideration has been given to the duty imposed on the Council under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Act are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief.

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