



REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/00097/AOP	STONE BISHOPSTONE AND HARTWELL	11/01/19
Outline planning application Proposed development of up to 5 bungalows including access.	The Local Member(s) for this area is/are: - Councillor Brian Foster	
Land Adj To 38 Eythrope Road, HP17 8PG	Councillor Mrs J Brandis	

STREET ATLAS PAGE NO.114

1.0 The Key Issues in determining this application are:-

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

b) Whether the proposal would constitute a sustainable form of development

- Building a strong, competitive economy
- Delivering a sufficient supply of homes
- Making effective use of land
- Conserving and enhancing the natural environment
- Promoting sustainable transport
- Promoting healthy and safe communities
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the historic environment
- Supporting high quality communication

c) Impact on Residential Amenity

d) Other Matters

The recommendation is that permission be **GRANTED subject to conditions.**

PLANNING BALANCE AND RECOMMENDATION

The application has been evaluated against the Development Plan, which comprises of Aylesbury Vale District Local Plan (AVDLP) and the NPPF and the Authority has assessed the application against the planning principles of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF planning permission should be granted 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.

As part of the above assessment it is acknowledged that there would be economic benefits in terms of the construction of the development and those associated with the resultant increase in local population. Furthermore, the development of up to 5 dwellings would make a contribution to

the housing land supply which would be a significant benefit. Whilst these benefits have been identified, given the small number of dwellings proposed these benefits are tempered to limited positive weight in the overall planning balance.

Moderate negative weight is afforded to the proposal for up to 5 dwellings, which would result in the scheme extending the settlement into open countryside, causing a permanent loss and unnatural divide of a greenfield site. The proposal could not adequately mitigate the effect on a number of visual receptors and the adverse impact the scheme would have on the open, rural character of this section of Eythrope Road, a parcel of land positively contributes towards providing an attractive setting at the edge of Stone. Furthermore, the loss of the best and most versatile agricultural land is afforded limited negative weight.

Compliance with some of the other objectives of the NPPF have been demonstrated or could be achieved in terms of making effective use of land, trees & hedgerows, biodiversity, contamination, promoting sustainable transport, parking, promoting healthy communities, achieving well-designed places, meeting the challenge of flooding, conserving & enhancing the historic environment, supporting high quality communication and residential amenity. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally. Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying the tilted balance of paragraph 11d) of the NPPF, the adverse impacts outlined above, caused by the proposal are considered not to significantly and demonstrably outweigh the benefits of the scheme. It is therefore recommended that the application be **APPROVED** subject to the following conditions:-

- 1) Approval of the details of the layout, scale, appearance and landscaping of the site (hereafter called 'the reserved matters') shall be obtained in writing from the Local Planning Authority before the development is commenced.
Reason: The application is for outline planning permission.
- 2) Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission.
Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3) The development hereby permitted shall be begun before the expiration of 18 months from the date of approval of the last of the reserved matters to be approved.
Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4) No development shall take place above slab level on the building(s) hereby permitted until samples/details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.
Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.
- 5) No development shall take place on the building(s) hereby permitted until full details

of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; where relevant. For soft landscape works, these details shall include new trees and trees to be retained showing their species, spread and maturity, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

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

- 6) Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

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

- 8) No development shall take place until the applicant, or their agents or successors in title, have undertaken archaeological evaluation in form of a geophysical survey and trial trenching in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. Where significant archaeological remains are confirmed these will be preserved in situ. The works shall be carried out in accordance with the approved scheme.

Reason: To record or safeguard any archaeological evidence that may be present at the site and to comply with policy GP59 of the Aylesbury Vale District Local Plan and with National Planning Policy Framework.

- 9) Where significant archaeological remains are confirmed, no development shall take place until the applicant, or their agents or successors in title, have provided an appropriate methodology for their preservation in situ which has been submitted by the applicant and approved by the planning authority. The works shall be carried out in accordance with the approved details.

Reason: To record or safeguard any archaeological evidence that may be present at the site and to comply with policy GP59 of the Aylesbury Vale District Local Plan and with National Planning Policy Framework.

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

Reason: To record or safeguard any archaeological evidence that may be present at the site and to comply with policy GP59 of the Aylesbury Vale District Local Plan and with National Planning Policy Framework.

- 11) Prior to the occupation of the development the new accesses to Eythrope Road

shall be sited and laid out in accordance with the approved plans. The access shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Private Vehicular Access Within Highway Limits" 2013 and retained thereafter.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the National Planning Policy Framework.

- 12) No development shall take place above slab level until details of the dropped kerb crossing points have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the dropped kerb crossing points have been implemented in accordance with the approved details and shall be retained thereafter.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the National Planning Policy Framework.

- 13) The details submitted pursuant to Condition 1 above shall include parking and manoeuvring details to be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the development has been laid out within the site in accordance with the approved details. This area shall be permanently maintained for this purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway The details submitted pursuant to Condition 1.

- 14) Prior to the occupation of the development minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from both sides of the new accesses onto Eythrope Road shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

- 15) Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access and to comply with the National Planning Policy Framework.

- 16) No development shall commence until a Construction Transport Management Plan, to include details of:

- parking for vehicles of site personnel, operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials
- programme of works (including measures for traffic management)
- HGV deliveries and hours of operation
- vehicle routing
- measures to prevent the deposit of materials on the highway
- before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: To minimise danger and inconvenience to highway users and to comply

with the National Planning Policy Framework.

- 17) Before any site clearance or development works commence on site, details shall be submitted to, and approved by the Local Planning Authority to demonstrate how all trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected during construction work. Such details shall follow guidelines and standards set out in BS5837:2012 and should include:

- a tree protection plan (TPP) showing the location and nature of tree protection
- measures appropriate working processes in the vicinity of trees
- details of an auditable system of site monitoring
- details of the design of building foundations where these may impact trees
- details, including dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy GP38 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework. Details must be approved prior to the commencement of development to ensure the development is undertaken in a way which ensures a satisfactory standard of tree care and protection.

- 18) Prior to the occupation of the development hereby approved, the development shall be implemented in accordance with the with the agreed mitigation/compensation/enhancement plan (Preliminary Ecological Assessment, March 2018).

Reason: To comply with the requirements of the National Planning Policy Framework, ODPM 05/2006, The Conservation of Habitats and Species Regulations 2017 (as amended), and the Wildlife and Countryside Act 1981 (as amended)

- 19) No development shall take place until an Ecological Design Strategy (EDS), addressing detailed enhancement measures, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- Purpose and conservation objectives for the proposed works.
- Review of site potential and constraints.
- Detailed design(s) and/or working method(s) to achieve stated objectives.
- Extent and location/area of proposed works on appropriate scale maps and plans.
- Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- Persons responsible for implementing the works.

- Details of initial aftercare and long-term maintenance.
- Details for monitoring and remedial measures.
- Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details prior to the occupation of the development and all features shall be retained thereafter.

Reason: The reason for this pre-start condition is to ensure that biodiversity net gains can be achieved as a result of the development and to comply with the requirements paragraph 170 of the National Planning Policy Framework, ODPM 05/2006, The Conservation of Habitats and Species Regulations 2017 (as amended), and the Wildlife and Countryside Act 1981 (as amended).

20) 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 and retained thereafter. The scheme shall also include:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- Demonstrate that water quality, ecological and amenity benefits have been considered
- Ground investigations including:
- Infiltration in accordance with BRE365
- Groundwater level monitoring over the winter period
- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the hierarchy listed in the informative below.
- If groundwater is encountered on the site then shallow infiltration components must be used to provide a 1 m freeboard between the base of the infiltration component and the water table.
- 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.

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

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 National Planning Policy Framework.

- 22) Development shall not commence until a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and approved in writing by the Local Planning Authority. The agreed remediation works shall be fully completed before any other construction work commences.

a) The contaminated land assessment shall include an intrusive site investigation as recommended within the Preliminary Contamination Risk Assessment, report reference P16-091 pra written by Paddock Geo-Engineering. This must include relevant soil, soil gas, surface and groundwater sampling and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end- use of the site and surrounding environment including any controlled waters. The Local Planning Authority shall approve in writing such remedial works as required prior to any remediation works commencing on site.

Reason: To ensure that the potential contamination of the site is properly investigated, the risks to the planned end user group(s) quantified, and its implication for the development approved fully taken into account in accordance with the National Planning Policy Framework. This is required prior to the commencement of development to avoid any unnecessary risk of introducing new contamination pathways or enabling contamination to be disturbed and further distributed as a result of any works being undertaken on the site that may cause potential harm to human health, property and the wider environment.

- 23) Prior to the first occupation or use of any part of the development, the agreed approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then this additional contamination shall be fully assessed in accordance with the requirement of Condition 1 (b) above and an appropriate remediation scheme shall be submitted to and agreed in writing by the

Local Planning Authority.

Reason: To ensure that the potential contamination of the site is properly dealt with and the risks to the planned end user group(s) minimised in accordance with the National Planning Policy Framework.

- 24) Prior to the first occupation or use of any part of the development, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the completed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology, Details of any post-remedial sampling and analysis to demonstrate that the site has reached the required clean-up criteria shall be included in the validation report together with documentation detailing the type and quantity of waste materials that have been removed from the site.

Reason: To ensure that the potential contamination of the site is properly dealt with and the risks to the planned end user group(s) minimised in accordance with the National Planning Policy Framework.

- 25) No development above slab level shall take place until details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

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

- 26) The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition (1) above shall include details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land, with reference to fixed datum point. The building(s) shall be constructed with slabs at levels that have been approved in writing by the Local Planning Authority.

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.

- 27) Works on site shall not commence until details of the proposed means of disposal of foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved scheme of drainage.

Reason: In order to ensure that the development is adequately drained and to comply with the National Planning Policy Framework.

- 28) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of any dwelling nor the erection of any garage shall be carried out within the curtilage of any dwelling the subject of this permission, no dormer windows, no buildings, structures or means of enclosure shall be erected on the site which is the subject of this permission other than those expressly authorised by this permission.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of the dwelling or erection of a garage having regard for the particular layout and design of the development, in accordance with policy GP35 of Aylesbury Vale District Local Plan.

- 29) The dwellings hereby permitted shall only be a single storey dwelling, which for the avoidance of doubt does not include habitable accommodation in the roof space or a chalet bungalow.

Reason: To ensure satisfactory appearance to the development and to comply with policy GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 30) The occupation of the development hereby approved shall be limited to a person(s) of 55 years and over or a widow or widower of such a person and to any resident dependants.

Reason: For the avoidance of doubt and because the Local Planning Authority would not accept additional dwellings on this site due to the open countryside location and to comply with the National Planning Policy Framework.

INFORMATIVES

- 1) The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 8 weeks is required to draw up the agreement following the receipt by the Highway Authority of a completed Section 184 application form. Please contact Highways Development Management at the following address for information:

Highways Development Management
6th Floor, County Hall
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
Telephone: 0845 2302882
Email: dm@bucksc.gov.uk

- 2) It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 3) No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
- 4) To comply with paragraph 080 of the Planning Practice Guidance (PPG) 'the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
- into the ground (infiltration);
 - to a surface water body;
 - to a surface water sewer, highway drain, or another drainage system;
 - to a combined sewer.

WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

AVDC works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case the application was acceptable as submitted and therefore required no further assistance.

2.0 INTRODUCTION

- 2.1 The Local Member, Cllr David Lyons has requested that the application be considered by the Committee for the following reasons:

“The above planning application is pending and is supported by Stone Parish Council but objected to by many residents and others. I lodged an objection before I was elected as a councillor. I would like to object to it as a councillor and ask for it to be called in on the following grounds:

It significant impacts on an area of attractive landscape in the historic Eythrope and Waddesdon area. The grounds for the refusal on previous application on this site are still relevant. The development does not sit within the councils development plan policy.

Given the contentious nature of the proposal I believe residents should have the opportunity to see the proposal considered by the development planning committee.”

3.0 SITE LOCATION AND DESCRIPTION

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

4.0 PROPOSAL

- 4.1 This application seeks outline planning permission for residential development of up to five bungalows with all matters reserved for subsequent approval except access. Access for the proposed development is sought via Eythrope Road. Whilst it is noted that matters in respect of appearance, layout, scale and landscaping are reserved, an indicative layout has been submitted as part of this application showing frontage development. The

supporting information advises that the development will be of a single storey, consisting of two and three bedrooms. The dwellings are intended to be occupied by person(s) of 55 years and over.

4.2 This application is a re-submission of a previously refused application 18/00034/AOP which sought the erection of up to 9 bungalows in an in-depth arrangement. This previous application was refused on the following grounds:

- 1) *The proposal would fail to comply with the core principles of the NPPF to recognise the intrinsic character and beauty of the countryside, to conserve and enhance the natural environment, securing high quality design and to reuse land that has been previously developed. The proposal would fail to respect and complement the established predominately linear character and pattern of residential built development on the edge of Stone. The development in its current form would be an intrusion into the open countryside and result in significant adverse impacts on the rural character and appearance of the site and surroundings, the character of the streetscene and the settlement character and setting of the village. Insufficient information has been provided to demonstrate whether the re-profiling of the site's ground levels would exacerbate this harm further. The proposal would constitute an unsustainable form of development contrary to GP.35 and RA.8 of the Aylesbury Vale District Local Plan and the NPPF).*
- 2) *Had the above reasons for refusal not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a Section 106 Agreement to secure a financial contribution towards off site sport and leisure facilities and primary education (if occupancy was not conditioned). In the absence of such a provision, the Local Planning Authority is not satisfied that the proposal will constitute sustainable development that fulfils a social economic and environmental role. The proposal is contrary to the requirements of policies GP86-91 and GP94 of AVDLP and the objectives of the National Planning Policy Framework to achieve sustainable development.*

4.3 This application was subsequently appealed (APP/J0405/W/18/3215629) and dismissed by the Planning Inspector on 10th July 2019 on the grounds that the 'in-depth' arrangement of the previous scheme as shown on the indicative plans would '*suggest a cul-de-sac development which would have an overtly suburban character. To my mind, such an approach would not be an appropriate response to the linear characteristics of Eythrope Road. It would lead to physical development throughout the appeal site which would be out of context with the prevailing spatial characteristics of the street and would create an undesirable and unsuitable pattern of development*'.

4.4 When compared to the previously refused scheme 18/00034/AOP, which was subsequently dismissed at appeal, the changes sought as part of this current application comprise of a reduction in the quantum of development proposed (from the previously sought up to 9 unit to up 5 units) which has in turn resulted in the indicative layout changing from an in-depth arrangement to frontage development only. Amended plans have also been received as part of this application, removing the siting of garages on the indicative plans.

5.0 RELEVANT PLANNING HISTORY

- 5.1 16/04282/AOP - Outline planning application, with access to be considered and all other matters reserved for proposed development of up to 21 dwellings including access – Withdrawn
- 5.2 18/00034/AOP - Outline planning application, for the proposed development of up to 9 bungalows, including access to be considered and all other matters reserved. – Refused and subsequent appeal was dismissed. A copy of the appeal is attached as an appendix to this report.

6.0 PARISH/TOWN COUNCIL COMMENTS

- 6.1 Stone with Bishopstone and Hartwell Parish Council:-

“Stone with Bishopstone and Hartwell Parish Council decided at its meeting on 4th February 2019 to offer support for the following reasons:

- *Issues raised with the previous application have all been addressed.*
- *Now as five single storey properties for those ages 55+, it meets a demand for those wishing to downsize and provided a spacious and peaceful environment*
- *Blocked views from the neighbours should be minimal*
- *Homes should blend in and suit the area in which they are being built”*

7.0 CONSULTATION RESPONSES

- 7.1 **Buckingham and River Ouzel Drainage Board:-** Raised no comments
- 7.2 **CLH Pipeline:-** Confirmation that the application site is located within close proximity to the CLH-PS Pipeline but is not directly impact upon the apparatus.
- 7.3 **Ecology:-** Raised no objection subject to condition. The preliminary ecological appraisal submitted with this application would suggest that the likelihood of protected species or habitats being present is very low. A series of ecological mitigation measures to protect the features identified and enhancement measures have been presented in the recommendation section of the appraisal which should be condition. In addition, an Ecological Design Strategy should be condition setting out the measures required to ensure the development generates the net ecological gains required as part of the NPPF.
- 7.4 **Environmental Health:-** Raised no objection. The site is a reasonable distance from the nearest major road (A418) and it approximately 1.4km from the proposed HS2 railway route. There are no industrial or commercial developments close to the site. Considered unlikely that environmental noise will have a significant adverse impact on the future occupiers of the site.
- 7.5 **BCC Archaeology:-** Acknowledge the inclusion of an archaeological desk based assessment which the summary advises that no heritage assets have been recorded on the site, but a large number of archaeological remains and find spots of prehistoric, Roman, Saxon, medieval and post-medieval date have been discovered within the study area. If planning permission were to be granted for this development then it may harm a heritage asset's significant and therefore a condition should be applied to require the developer to carry out appropriate investigation, recording, publication and archiving of the results in conformity with the NPPF.
- 7.6 **BCC Highways:-** Raised no objections subject to conditions regarding the access, footway, parking/ manoeuvrability, visibility splays and Construction Transport Management Plan. The development would be served by 3 new accesses off of Eythrope Road. Acknowledge previous applications, in which the most recent was refused however no objection was raised from a highway perspective and therefore do not wish to raise a

highways objection as part of this application which is for a reduced quantum of development. Request a footway is provided to the front of the site.

7.7 **Parks & Recreation Officer:-** As the total internal floorspace of the dwellings and their garages does not exceed 1,000m², this application does not generate an off-site sport and leisure contribution.

7.8 **SUDs:-** At present, the scheme falls below the threshold for the Lead Local Flood Authority to provide comment. Comments received as part of 18/00034/AOP were as follows:

Raised no objection subject to conditions requiring a surface water drainage scheme for the site, a “whole-life” maintenance plan and a verification report.

The information provided shows that within the southern parcel (in the red line boundary) infiltration is a feasible method of surface water disposal, the report overcomes concerns of the feasibility of infiltration. In regards to the groundwater, it is believed that by conditioning the use of shallow infiltration components; such as permeable paving, the risk of groundwater ingress will be significantly reduced. Further winter groundwater monitoring in the winter will be required and depending on these results the applicant may still need to raise the land to overcome the groundwater issues. Would also like to make you aware at detailed design stage we may request changes to the layout of the site to ensure that the area with demonstrated better rates infiltration are used for infiltration components.

7.9 **Heritage Officer:-** Verbally advised that the application site is located a sufficient distance from any nearby designated heritage assets for there to be any concern from a heritage perspective.

7.10 **Arboricultural Officer:-** No comments received as part of this current application.

Comments received as part of 18/00034/AOP were as follows:

Raised neutral comments subject to further information being required at reserved matters stage. A tree survey is included with the supporting documents for the application, it shows tree cover is mainly to the boundaries of the site, with the most important features to the eastern boundary. It does not appear that any trees will need to be removed to allow the development to proceed, although due to proximity there is potential for harm to occur. Requested conditions for a full Arboricultural Impact Assessment and planting design statement to be provided at reserved matters stage.

7.11 **Pollution Control Officer:-** No comments received as part of this current application.

Comments received as part of 18/00034/AOP were as follows:

Raised no objection subject to condition. There was one contaminated land report submitted with this application. This report concludes that the current and historical land use of the site itself gives a low risk for potential contamination to be present at the site. However there are a couple of historical land uses surrounding the site which do have the potential to cause contamination and it is further concluded that there is a moderate risk present to future residential site users from these uses. In particular landfill gas migration from a nearby landfill site located approximately 150 meters south west of the site is of the most significant risk. With regards to the cemetery it is mentioned within the report but it is not highlighted as a potential source of contamination and it is agreed that this has the potential for contamination to be present at the site from then cemetery is relatively low.

As a moderate risk has been identified it is recommended that further assessment of the site is required which is supported. This further assessment would also pick up on any potential contamination present at the site from the neighbouring cemetery or any other sources surrounding the site. If contamination or any risks to the health of future residents of the site were identified following this further assessment then works would have to be completed to remediate/mitigate this.

8.0 REPRESENTATIONS

8.1 32 Third Party representations were received raising the following objections:

Highway Matters:

- Eythrope Road is in a terrible state of repair already, with huge potholes & dips
- Construction traffic causing extra damage to the road surfacing & congestion
- Increase in traffic with future residents
- Access will be terrible to and from the development on Eythrope Road
- Oxford Road struggles at peak times with serious traffic congestion through the village.
- This will be around the time HS2 will start construction, further adding to traffic congestion
- Large number of cyclists/pedestrians using the road causing safety risks
- Existing on-street parking issues
- Existing traffic issues due to Methodist chapel, local school and nursery

Character & Appearance:

- Development intrudes into open countryside
- Development will ruin the peaceful, natural beauty of the area
- Impact on valued landscape, Area of Attractive Landscape
- Development proposal cannot be mitigated
- Land represents an important transitional zone between the built area of Stone and the open countryside beyond.

Residential Amenity:

- Increase in noise
- Development will impact on the enjoyment of peoples homes
- loss of privacy
- Loss of light
- Loss of Views

Other Matters:

- Acknowledge the proposal is considerably scaled down from the previous application of 9 dwellings
- Land is adjacent to not at 38 Eythrope Road
- Reference to previous application and appeal
- Impinges oil pipeline
- Development is for 5 bungalows for the over 55 age group, which is unenforceable unless strong condition/ caveats area applied.

- AVDC is meeting its current housing need and there are a number of properties for sale on Eythrope Road.
- Development will set a precedent
- Impact on Wildlife
- Not the infrastructure or service to support development
- Proximity to the cemetery
- Reference to comments received on previous applications
- Querying whether any restrictions would be put in place for the remainder of the land if this development were approved.
- Developer intentions
- Eythrope Road represents one of the key access points to designated heritage assets
- Harm to designated heritage assets
- Reference to surrounding appeals
- Development not identified in the neighbourhood plan and its speculative application from land owner wishing to make a buck
- Emerging policies in VALP
- Development not for first time buyers, which means they will be expensive and certainly not the affordable housing that is being suggested.
- No control over who can purchase the properties
- Housing quota in stone has already been allocated
- the site is open space and provides associated benefits to health and well-being
- This piece of land should never be allowed to be built on

9.0 EVALUATION

- 9.1 ***a) The planning policy position and the approach to be taken in the determination of the application.***
- 9.2 Members are referred to the Overview Report before them in respect of providing the background information to the Policy. 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.
- 9.3 Stone does not have a 'made' neighbourhood plan and therefore consideration falls on the relevant policies in AVDLP in the context of paragraph 11(d) of the NPPF.
- 9.4 ***b) Whether the proposal would constitute a sustainable form of development:***

- Sustainable Location

- 9.5 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.
- 9.6 It is acknowledged that the NPPF promotes sustainable development and encourages consolidation of smaller rural settlements where it will enhance or maintain the vitality of rural communities. In terms of its broader location, Stone is identified in AVDLP as an Appendix 4 settlement implying that this is considered to be appropriate to allow "limited small scale development" within the settlement.
- 9.7 In the Settlement Hierarchy Assessment 2017, Stone is identified as a 'larger village'. Larger villages are considered to typically have a population of between 2000 to 3000 and have between 8 to 10 of the key criteria (*within 4 miles of a service centre, employment of 20 units or more, food store, pub, post office, GP, village hall, recreation facilities, primary school, hourly or more bus service and train station*). Stone itself has been identified as having a large population which is fairly well connected to a large service centre, less than 3 miles from Aylesbury, with an hourly or more bus service. Stone has some employment provisions and has 6 of the key criteria. It is therefore considered that larger villages are more sustainable settlements within the District. On this basis, it is therefore accepted that Stone is a more sustainable location with scope for small scale development subject to the scale of growth that could reasonable be considered sustainable not only in terms of its impact on the localised site and surrounding but also in terms of the wider capacity of the village to accept further population growth, having regard to its impact on the infrastructure and local services and the community itself.
- 9.8 Also in association with the progression of VALP a number of sites have been assessed in the HELAA (May 2016) in terms of whether they could contribute towards the supply of housing for the District. The HELAA is an important evidence source to inform plan-making but does not in itself determine whether a site should be allocated for housing or whether planning permission should be granted. The site was identified within the HELAA (ST0001) as unsuitable for housing or employment development as *"development of this site would result in the loss of long distance views out of the settlement. The site is also in an area of Attractive Landscape and development would also be likely to have a harmful landscape and visual impact. There are also biodiversity impacts to be addressed with semi improved grassland surrounded by hedge with mature trees. Site has access issues and pedestrian/footway improvements would be required"*.
- 9.9 ***Building a strong, competitive economy***
- 9.10 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.
- 9.11 There would be economic benefits derived from this development in terms of the construction of the development itself and the resultant increase in population contributing to the local economy. These benefits include the creation of jobs during construction, extra demand for goods and services and increased local spending from the resultant increase in population, which would be positive and long lasting to the local economy. It is therefore considered that the proposal would give rise to future economic benefits which should be afforded limited positive weight in the overall planning balance, given the scale of the development proposed.

9.12 ***Delivering a sufficient supply of homes***

- 9.13 Local planning authorities are charged with delivering a wide choice of sufficient amount of and variety of land and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development. In supporting the Government's objective of significantly boosting the supply of homes, paragraph 61 states that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). Key to the consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land.
- 9.14 Based on the findings of the HEDNA, the housing land supply document shows Aylesbury Vale District Council to have a 5.64 year supply this year.
- 9.15 As a result of the proposed development, the scheme would provide a contribution of up to 5 dwellings to the housing supply for the District which is a significant benefit which is tempered by the small scale of this development and would assist in boosting the District's housing supply. It is considered that the scheme could be delivered within a reasonable time, subject to approval due to the development being small scale.
- 9.16 In respect of affordable housing the scheme does not meet the threshold for securing such provision on site as outlined in AVDLP policy GP2 which refers to the provision of 25 dwellings or more or a site area of 1 ha or more. The revised NPPF introduced a requirement for 10% of the homes to be available for affordable home ownership on major housing development proposals. As the proposed development seeks the erection of up to five dwellings, the scale of the development does not fall within the outlined categories within the policies for requiring affordable housing.
- 9.17 Whilst the residential mix of the proposed development will be considered as part of any subsequent reserved matters application, it is noted that the submitted design and access statement indicates that the proposed dwellings will provide of two and three bedroom properties.
- 9.18 Furthermore, the submitted planning statement advises that the proposed new dwellings are to be bungalows for the occupation of people which aged 55 years and over. As part of the previously refused application 18/00034/AOP for a larger number of units, Officers considered that there was no policy basis for securing the occupation of the units in perpetuity via a suitably worded condition or obligation. Application 18/00034/AOP was subsequently appealed and dismissed on 10th July 2019, within the Planning Inspectorate's decision it was advised that *'if the appeal was to be allowed, then a condition could reasonably be applied limiting occupation of the bungalows to the over 55s'*. In accordance with the recent appeal decision relating to this site it is therefore considered to be reasonable to impose a condition limiting the occupation of the units to person(s) over 55 years old.
- 9.19 Overall, the proposed development is considered to be compliant with policy GP2 of the NPPF and the advice within the NPPF and would make a positive contribution towards the supply of deliverable housing land in the District. This matter should therefore be afforded limited positive weight in the overall planning balance given the relatively low number of dwellings proposed.

• ***Making effective use of land***

- 9.20 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.

- 9.21 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should taking into account of the importance the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 9.22 The proposed development seeks the erection of up to 5 dwellings which would contribute to the District's housing supply. The site area as set out in the application form is stated as 0.23hectares and therefore the proposal would provide a density of approximately 21 dwellings per hectare. Given the rural nature of the site, this density is likely to be towards, if not the maximum density which could be supported on the site subject to all other matters being acceptable. The need to consider the prevailing character and setting, landscape, transport, amenity, heritage assets and securing well designed, attractive and healthy places is dealt within the following section(s) of the report. This matter is therefore afforded neutral weight in the overall planning balance.

- **Conserving and enhancing the natural environment**

Landscape

- 9.23 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 as to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. The following sections of the report consider the proposal in terms of impact on landscape, agricultural land, trees and hedgerows and biodiversity.
- 9.24 Section 15 of the NPPF states planning policies and decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services –including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 9.25 Policy GP.35 of the 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.
- 9.26 Policy GP.38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible.
- 9.27 The comments received from the Landscape Officer make reference to comments provided as part of previous applications, 16/04282/AOP for outline planning permission for up to 21 dwellings and 18/00034/AOP for outline planning permission for up to 9 bungalows. The in principle concerns raised by the Landscape Officer remain and therefore the comments provided as part of this application focus on the amendments to the proposal.
- 9.28 The village of Stone lies on the edge of National Character Area 109- Midvale Ridge. This site exhibits key characteristics of the character area, notably; Mixed pastoral and arable landscape with large geometric fields divided by hedges and regularly spaced hedgerow trees.

- 9.29 The A418 is a notable feature in this landscape as it runs along the ridge, in the location where a major route would have historically run. Predominantly the landscape is made up of arable fields with smaller paddocks around the settlement. The village of Stone is located between the great estates of Eythrope to the north west and Hartwell to the south east.
- 9.30 The site itself is located within the Area of Attractive Landscape, Brill- Winchendon Hills (AAL). There is a strong sense of place, the landscape undulates around the settlement which is located on the ridge, highly distinctive of this landscape character. RA8 of the AVDLP states that "development proposals in these areas should respect their landscape character. Development that adversely affects this character will not be permitted, unless appropriate mitigation measures can be secured". It is recognised that the application site itself contributes to a sense of place and has scenic qualities which would be impacted as a result of the proposed development. Nevertheless the recent appeal decision (APP/J0405/W/18/3215629) relating to the application site, which sought a larger quantum of development, advised that *'due to the built form around the site and its resultant separation from the broader open countryside'* and therefore *'whilst it is acknowledged that the site is within the AAL , I do not consider that the development of this site would have an adverse effect on the character of the AAL or a valued landscape. I therefore find that the appeal proposal would be acceptable in accordance with saved Policy RA8 of the AVDLP'*.
- 9.31 In addition concerns were raised previously with regard to whether the ground levels will need to be altered and this further exacerbating the impact of the proposed development. As the proposed development is for bungalows, which can be secured via condition this impact would be reduced when compared to 'typical' residential development which tends to be at least two storeys. In addition, a condition can be imposed requiring slab levels details to be provided at reserved matters stage to ensure the development is built at a suitable height.
- 9.32 LCA 9.9 landscape guidelines seek to 'Conserve and Enhance' the characteristics of the landscape that makes up the LCA, as described above. Statements of relevance with regard to this application are;
- Conserve the overall balance of irregular shaped field parcels and mature hedges over the rolling landform to the eastern end.
 - Maintain the condition and extent of improved and semi-improved grassland wherever possible.
 - Maintain and improve the connectivity of habitats, particularly woodland fragments and neutral and unimproved grassland
- 9.33 This area of land to the north of Eythrope Road is rural in character and provides an attractive setting at the edge of the village, positively contributing to the character of this section of Eythrope Road. It is acknowledged that there are residential properties located to the north of Eythrope Road, however they are largely sited to the east of the site. As you move from east to west along Eythrope Road to the north, the density of dwellings decreases providing an transitional area between the built-up area of Stone's village to the rural countryside. As such, whilst it is acknowledged that there are residential properties, to the north of Eythrope Road, surrounding the site, these are sporadic and therefore contribute to transitional character of the site. Eythrope Road is considered to be a physical boundary between the main built-up area of Stone to the south and rural edge to north. As such, a formal arrangement of residential dwellings on this site would have an impact on the open and rural character of the application site and surrounding area.
- 9.34 The settlement has a strong linear form, which is a characteristic of villages through the district. The indicative layout submitted as part of the schemes previously sought did not respond to this prevailing form and layout of the village, with in-depth arrangements being shown. As outlined within the appeal decision (APP/J0405/W/18/3215629), the appeal was

dismissed on the grounds that *‘the ‘up to’ quantum of the development proposed, the depth that the appeal site leads into the existing field and the location of the site entrance centrally within the appeal site frontage to Eythrope Road, suggest that future built form would be highly likely to be undertaken in a tandem manner at a potential subsequent stage. This is reflected in the indicative plans submitted, which suggest a cul-de-sac development which would have an overtly suburban character. To my mind, such an approach would not be an appropriate response to the linear characteristics of Eythrope Road. It would lead to physical development throughout the appeal site which would be out of context with the prevailing spatial characteristics of the street and would create an undesirable and unsuitable pattern of development. I therefore find that the appeal proposal would result in a significant adverse impact upon the character and appearance of the area and would be inconsistent with Policy GP35 of the AVDLP and Section 12 of the Framework.* In order to address the reason the appeal was dismissed, the quantum of development has been reduced to up to 5 units in order to allow frontage development along Eythrope Road only, as shown on the accompanying indicative layout for this application. This reduction in the number of units has resulted in the scheme being able to achieve frontage development which is reflective of the form and layout of dwellings within the direct vicinity of the site, Stone and the wider, predominant character of the District. It is therefore considered that this amendment has addressed the reason the previous appeal reason for dismissal.

- 9.35 Notwithstanding this, the Council’s Landscape Officer acknowledges that the scheme is for bungalows only with a reduced number of units, however maintains their objection with the scheme extending the settlement in the open countryside, the loss of rural character at the periphery of the village and the potential adverse impact on the landscape character of the AAL. With the Landscape Officer arguing that development on site would impact on the experience of a number of receptors as well as adversely impacting the intrinsic landscape qualities of the site which could not be adequately mitigated. In addition to the scheme resulting in a partial sub-division of the of the existing baseline site, this change would be irreversible for the site and the immediate landscape setting. The Landscape Officer does however acknowledge that the removal of the garages shown on the indicative layout does allow for greater permeability through the scheme, allowing for greater views of the broader rural landscape.
- 9.36 The appeal decision (APP/J0405/W/18/3215629) relating to an earlier submission is a material consideration in the determination of this application. It is acknowledged that the Landscape Officer maintains their objection to the proposed development for the reasons outlined above. Whilst this is noted, the appeal was dismissed on the grounds of the quantum of development, leading to an tandem arrangement which would be detrimental to the prevailing character and appearance of the local area only. As such, the Inspector’s decision did not attribute significant harm to the in principle concerns raised by the Landscape Officer. Nevertheless there would undoubtedly be a negative impact on the landscape, as a result of siting residential development on a greenfield site which would need to be weighed in the overall planning balance. Therefore, whilst this harm was not found to be significant by the Inspector it is acknowledged there would be some degree of harm and the scheme would therefore fail to accord with policy GP35 of AVDLP. This matter should be attributed moderate negative weight in the overall planning balance.

Agricultural Land

- 9.37 Paragraph 170 of the NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land and, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. There is no definition as to what comprises ‘significant development’ in this context but the threshold above which Natural England are required to

be consulted has been set at 20 hectares so the site (0.23ha) falls well below this threshold.

- 9.38 The application is not accompanied by evidence to demonstrate the agricultural land classification. Council records indicate the land is within category 2 (very good quality agricultural land). As such it is considered that the site could comprise the best and most versatile agricultural land (i.e. Grade 3a or better) and the application has not been supported by a site-specific Agricultural Quality Assessment to clarify otherwise. The proposal would result in the permanent loss of the greenfield land from agricultural production and, in the absence of evidence to the contrary, this loss of potentially versatile agricultural land (albeit at the moderate end of the scale and a relatively small amount) would be in conflict with paragraph 170 and 171 of the NPPF. The loss of agricultural land is a matter that should be afforded limited negative weight in the planning balance.

Trees and hedgerows

- 9.39 Policies GP.39 and GP.40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 9.40 Landscaping is a matter which has been reserved. There are a number of existing trees and hedgerow around the perimeter of the site. The supporting tree survey has outlined that the most important features of the site are the eastern boundary. From the information provided, there does not appear to be any trees which would need to be removed in order to accommodate the proposed development, however due to the proximity of the trees, the proposed development may have an impact. Whilst this is noted, the indicative plans show there is potential for new planting and therefore the development could result in positive arboricultural impacts. To ensure that the development does not have an adverse impact, any reserved matters application would need to be submitted with a full Arboricultural Impact Assessment and Planting Design Statement, which would be conditioned and considered as part of a future reserved matters submission. As such, this matter has been afforded neutral weight in the planning balance.

9.41 *Biodiversity/Ecology*

- 9.42 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.
- 9.43 A preliminary ecological appraisal accompanied this application which suggested that the likelihood of protected species or habitats is very low at present. Nevertheless within the appraisal a number of mitigation, compensation and enhancement measures were suggested which the Council's Ecologist has recommended be secured via a condition. In addition, in accordance with the NPPF's requirements for development to provide net ecological gains, a condition has been recommended requiring the submission of an Ecological Design Strategy which would address the detailed enhancement measures and this can be considered as part of a future reserved matters submission.
- 9.44 Subject to the recommended conditions being imposed, it is considered that the proposed development would accord with the advice within the NPPF at this stage and therefore this matter is afforded neutral weight in the planning balance.

Contamination

- 9.45 A further consideration in the NPPF is in relation to the need to conserve and enhance the natural environment is contamination, and the guidance states in paragraph 178 that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions.

- 9.46 As part of this current application no comments have been received from the Council's Pollution Control Officer in respect of contamination. Whilst this is noted, comments were received as part of the previous application and given there has been no change in circumstances since, the previous comments remain applicable. This application was accompanied by a contaminated land report which concludes that the current and historical land use of the site itself gives low risk for potential contamination. There are however surrounding land uses which have the potential to cause contamination, in particular landfill gas migration from a nearby landfill site located approximately 150 metres to the south-west of the site. In addition the site is located adjacent to a cemetery however this is considered to be relatively low risk.
- 9.47 Due to the moderate risk identified it is recommended that further assessment is required. This would also allow for any potential contamination present at the site from the adjacent cemetery or other surrounding uses to be identified. If this further assessment revealed contamination or any risks to the health of future residents of the site further assessment works would be required and completed to remediate/ mitigate this. Subject to conditions securing further assessment and where necessary, any relevant remedial/ mitigation works, the proposal is considered to accord with the advice within the NPPF. This matter is therefore afforded neutral weight in the overall planning balance.

- **Promoting sustainable transport**

- 9.48 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.49 Policy RA36 of AVDLP states 'in considering proposals for development in the Rural Areas the Council will have regard to the desirability of protecting the characteristics of the countryside from excessive traffic generation, including the need to avoid traffic increases and routing unsuited to rural roads'.
- 9.50 Access is a matter for determination at this stage and the proposed development would be accessed via three new accesses off Eythrope Road, which is an unclassified road subject to a 30mph speed limit. There is a pedestrian footpath to the south-west of the application site on Eythrope Road. There are no public transport links within the vicinity of the site, with the nearest bus stops being located over the desired 400m minimum walking distance on the main A418 Aylesbury Road outside Stone Village Hall. Whilst this is noted, it is considered that on balance the proposed site would be considered to be sustainable in terms of transport.
- 9.51 This application is a re-submission of a previously refused application 18/00034/AOP for a greater quantum of development (up to 9 dwellings). Whilst it is acknowledged that this application was previously refused, none of the reasons for refusal related to highway matters. The assessment in respect of highways as part of application 18/00034/AOP was as follows:
- 9.52 *'The submitted Transport Statement includes a cumulative impact of the developments in Stone and the affects these will have on the junctions in the area. Especially the Bishopstone/ Oxford Road/ Eythrope Road junction. A concern has been raised by Bee Highways in regard to the Bishopstone Road arm of the junction and that by 2021, with all*

the developments, the assessment has shown that this junction would be operating over capacity. The Highways Engineer has confirmed that this concern is not as a result of the additional traffic associated with this particular development, it is therefore considered that a reason for refusal on this basis could not be sustained.

- 9.53 *The indicative plan shows the provision of a footpath within the site. The proposed footpath is shown to stop at the site's access rather than extending to meet the existing footway which is located to the east of the site, which starts outside No.24 Eythrope Road. Given the character of the area there has been a concern with requesting the footways to meet and therefore dropped kerb crossing point would need to be provided either side of the access to the footway on the opposite side. This provision alone would not alleviate the concerns with the development's connectivity to the rest of the village and as such, contributions towards passenger transport and cycling would be required in order to alleviate this matter. The off site highway works and mitigation in the form of dropped kerb crossing point on either side of the access to the footway on the opposite side would be secured via an obligation.*
- 9.54 *A number of concerns have been raised in terms of increased traffic, capacity of the road, highway safety for all users (vehicles, pedestrians and cyclists) and access for emergency services. The impact of these matters has been assessed as part of this application by Bucks County Council Highways who has raised no objection to the proposed development. A number of matters which have been raised relate to existing issues within the area which could be increased as a result of the development. It is unreasonable for Local Planning Authorities to try and resolve existing issues within an area for a development of this scale. The Local Planning Authority can only seek to address matters which directly relate to the development. It is therefore considered that in this instance, due to the scale of the development, matters would not be significantly increased to warrant the refusal of this application when compared to the existing arrangement.'*
- 9.55 *As part of this current application, the comments received from BCC Highways seek the provision of a footway to be provided along front of the site. As outlined above, it was considered as part of the previous application that the provision of a footpath in this instance would not be appropriate. Given this proposal is for a reduced quantum of development it therefore considered that it would be unreasonable to request the provision of a footpath. In accordance with the previous advice from BCC Highways as part of application 18/00034/AOP, dropped kerb crossing points will need to be secured via a condition and requiring details to be submitted as part of any subsequent reserved matters application. As part of application 18/00034/AOP it was also suggested that contributions should be sought in relation to passenger transport and cycling, however due to the reduction in unit numbers and the relatively small scale nature of the proposed development it is no longer considered that contributions could be sought in regard to this matter. Subject to this condition and others relating to the access, visibility, parking/manoeuvrability and a construction transport management plan, BCC Highways raise no objection to the proposed development. This matter is therefore afforded neutral weight in the planning balance.*

Parking

- 9.56 *AVDLP policy GP24 requires that new development accords with published parking guidelines. SPG 1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development.*
- 9.57 *As part of application 18/00034/AOP, concerns were initially raised by BCC Highways in regard to the displacement of parking on Eythrope Road. In regard to this matter the assessment was as follows: "A further concern raised by BCC Highways was in regard to the displacement of parking on Eythorpe Road. A parking survey was submitted as part of this application, however there were discrepancies with the survey and the transport assessment which was submitted and therefore the Highways Engineer carried out an independent assessment. This assessment considered available on-street parking (excluding driveways), proposed site access and the Aylesbury Vale Parking Standards.*

From this assessment it is considered that the proposed scheme would not have a significant impact in regard to displaced parking.

9.58 *As outlined above, the access for existing driveways was taken into consideration when assessing the availability of on-street parking as a result of the proposed development. The development itself is therefore not considered to cause disturbance to residents using their driveways."*

9.59 The supporting information for this application advises that the proposed development seeks to provide a mix of 2 and 3 bedroom properties which would require the provision of two parking spaces per property. Amended plans were received as part of this application removing the siting of garages from the indicative streetscene drawing. Therefore parking for each of the properties is indicatively shown in the form of driveway, located to the side of the property, which would allow for two spaces to be achieved in a tandem arrangement, in accordance with the Council's parking standards. Notwithstanding this, as the layout and mix of dwellings are form part of the reserved matters, further consideration would be given at a later stage with regard to the acceptability of the development parking arrangements. At this stage, from the information which has been provided, it is considered that an appropriate scheme could be achieved which would meet the requirements outlined within SPG 1 "Parking Guidelines", according with policy GP24 of AVDLP. As such, this matter is afforded neutral weight in the overall planning balance.

- **Promoting healthy and safe communities**

9.60 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.

9.61 Policies GP86-88 and GP94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development.

9.62 However, the NPPG was amended in May 2016 such that tariff-style s106 contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. In this case, the proposed development would not exceed the threshold of 10 dwellings and from the limited information which has been provided in respect to the floorspace it is unlikely that the proposed development would exceed 1000sqm. Notwithstanding this, the information required to establish the floorspace of the proposed development fall within reserved matters. Therefore, financial contributions towards cannot be sought at this outline stage and would be reserved for consideration as part of any subsequent reserved matters application. Furthermore, the appeal decision APP/J0405/W/18/3215629 relating to the previously refused scheme 18/00034/AOP advised that the occupation of the units could be secured via a condition. As the occupancy would be for person(s) of 55 years and older, it is unlikely there would be any additional demand for education or sports and leisure facilities as a result of the proposed development.

9.63 At present, the proposed development is therefore considered to accord with policies GP86-88 and GP94 of AVDLP and the advice within the NPPF with this matter being afforded neutral weight in the overall planning balance.

- **Achieving well-designed places**

9.64 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.

- 9.65 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).
- 9.66 Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.
- 9.67 Policy GP.35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP.45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site.
- 9.68 The detailed design, scale and appearance of the development are reserved matters however an indicative streetscene has been submitted to provide some insight into the intended appearance of the dwellings. When compared to application 19/00097/AOP, the proposed changes have not altered the indicative, design, scale and appearance of the proposed dwellings. Within the local area the dwellings are predominately two-storey with a handful of bungalows visible. The description of the development and the indicative streetscene shows the development to be of a single storey only which can be controlled through condition and therefore the scale is considered to be acceptable as bungalows can be found in the local area. The built form within the immediate area is typically detached properties or rows of terraces. The indicative layout shows that the site dwellings are to be detached which is reflective of the built form, however it is noted that directly to the south of the site there are a number of terraced properties forming a strong character. The local area is characterised by mixture of property appearances and therefore the indicative appearance of the dwellings is considered to be acceptable.
- 9.69 With this in mind, the indicative design and appearance of the new dwellings are considered to be acceptable. This factor is afforded neutral weight in the overall planning balance.

- **Meeting the challenge of climate change, flooding and coastal change**

- 9.70 The NPPF at Section 14, 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 163 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.
- 9.71 The application site is located within Flood Zone 1. As part of the previous application 18/00034/AOP concerns were raised by the Lead Local Flood Authority (LLFA) (SUDs Officer) in regard to insufficient information being submitted by the applicant to

demonstrate a viable method of surface water disposal. Prior to Members of the Development Management Committee determining application 18/00034/AOP, discussions took place between the LLFA and the agent, with further information being submitted to demonstrate that infiltration is a feasible method of surface water disposal. Subsequently the LLFA previously raised no objection to the scheme subject to a number of conditions. No formal comments have been received LLFA as part of this current application, however it was previously demonstrated and accepted by LLFA that infiltration was a feasible method of surface water disposal at the site. In addition, the changes proposed as part of this application do not include amendments to the method of surface water disposal and given the amendments proposed will have a limited impact on flooding matters, it is considered that proposed development accords with the advice within the NPPF subject to the conditions being imposed which were requested by LLFA as part of the previously refused application 18/00034/AOP. This matter should therefore be afforded neutral weight in the planning balance.

- **Conserving and enhancing the historic environment**

- 9.72 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving the Listed Building, its setting and any features of special architectural or historic interest in which it possesses. In addition to paying attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 9.73 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. With paragraph 194 stating any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Paragraph 196 states 'where a development will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal'.
- 9.74 Whilst it is acknowledged that Eythrope Road forms a key access point to Eythrope's Historic Park and Garden for the reasons outlined above the proposal is considered not to have an adverse impact on the landscape, with the development being reflective of the form of development (frontage development) along Eythrope Road and Stone itself. Careful consideration will be given to the detailed matters of the scheme at reserved matters stage to ensure the development to ensure views to the countryside are achieved with the buildings reflecting the character and appearance of the dwellings in the local area. Furthermore, the proposed development is located a sufficient distance from Stone's conservation area, nearby Listed Buildings and surrounding Historic Parks and Gardens (Hartwell House a Grade II* and Eythrope a Grade II) to ensure the proposed development would not have an adverse impact on any designated or non-designated heritage assets.
- 9.75 Overall, it is considered the proposed works would have a neutral impact on the character of the Conservation Area, setting of nearby listed buildings and the surrounding Historic Parks and Gardens. Consequently, there is no requirement to offset the impact of the proposals against any public benefit. Great weight has been applied to the consideration of this application and the impact it would have on any designated heritage assets. As such it is considered that the local authority has discharged their statutory duty to pay special regard and attention to the desirability of preserving the setting of nearby listed buildings and the desirability of preserving or enhancing the character or appearance of the conservation area, as required by section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. It has been concluded that the development would preserve the character and appearance of the conservation area, the setting of nearby listed

buildings and the surrounding historic park and gardens would be preserved. In addition, it is considered no harm would be caused to the significance of these heritage assets, and as such the proposal accords with policy GP53 of AVDLP and the guidance contained within the NPPF. This matter is therefore afforded neutral weight in the overall planning balance.

Archaeology

- 9.76 Paragraph 189 of the NPPF advises that where a site on which development is proposed includes, or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. This is further supported by policy GP59 of AVDLP which states 'in dealing with development proposals affecting a site of archaeological importance the Council will protect, enhance and preserve the historic interest and its setting. Where research suggests that historic remains may be present on a development site planning applications should be supported by details of an archaeological field evaluation. In such cases the Council will expect proposals to preserve the historic interest without substantial change'.
- 9.77 Accompanying the was an archaeological desk based assessment which identifies that no heritage assets have been recorded within the application site, however within the 500m radius a larger number of archaeological remains and find spots of prehistoric, Roman, Saxon, Medieval and post-medieval date have been discovered. As the proposed development has the potential to cause harm to a heritage assets significance a number of conditions have been recommended by BCC Archaeology to ensure appropriate investigation, recording, publication and archiving of the investigation results.
- 9.78 Subject to the recommended conditions being imposed, the proposal is considered to have an acceptable impact on archaeology in accordance with policy GP59 of AVDLP and the advice within the NPPF. As the development has been identified as having a neutral impact on the archaeological interests of the site, there is not a requirement to offset the impact of the proposal against any public benefits of the scheme. Archaeology matters should therefore be afforded neutral weight in the overall planning balance.

- **Supporting high quality communication**

- 9.79 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
- 9.80 The proposed development is to be located near to existing residential properties and the erection of up to 5 dwellings would be small scale, therefore it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development. This matter is considered to accord with the advice within the NPPF and is therefore given neutral weight in the planning balance.

c) Impact on Residential Amenity

- 9.81 The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.
- 9.82 The proposal is for residential development comprising of up to 5 dwellings. When compared to the previously refused application 18/00034/AOP, the changes comprise of a reduction in the quantum of development (from up to 9 units to up to 5 units) and the proposed indicative site layout shows frontage development, rather than development in

depth. No significant harm was identified with regard to residential amenity as part of application 18/00034/AOP and given the current proposal represents an overall reduction, the proposal changes are considered to have a limited impact on residential amenity. Therefore in terms of residential amenity, the assessment remains.

- 9.83 The indicative siting of the dwellings and the separation from the nearest properties would ensure that no loss of amenity would occur in terms of access to light, overshadowing, outlook and privacy. These impacts are further mitigated by the development being of a single storey. The detailed layout submitted with any subsequent reserved matters application would assess the amenities for future and existing occupiers but it appears from the indicative plans that adequate separation distances can be achieved to ensure that a satisfactory level of amenity is achieved.
- 9.84 The proposed development is considered not to be of a scale which would raise any significant concern in regard to air pollution, noise and disturbance due to the additional number dwellings and the vehicle trips associated with the development. The new access being located adjacent to existing residential properties is to serve a relatively small number of dwelling and therefore is considered not to have any adverse impacts in regard to light pollution or noise disturbance to these adjacent properties from the vehicles entering and leaving the access. As such, it is considered that the proposal will not significantly reduce the amenities currently enjoyed by neighbouring properties, impact their health or well-being.
- 9.85 Overall, it is considered that the proposal would have an acceptable impact on residential amenities in accordance with saved policy GP.8 of AVDLP and the advice within the NPPF, and this is attributed neutral weight in the planning balance.

d) Other Matters

- 9.86 State/ Maintenance of Eythrope Road & construction exacerbating the issue: This is an existing issue which cannot be taken into consideration of part of this current application. Furthermore the Construction Management Transport Plan which has been condition includes a requirement for surveys of the highway before and after the development with a commitment to fund the repair of any damage caused. This will allow the Local Planning Authority to oversee whether any damage is caused by construction vehicles, and where necessary, the relevant remediation will be sought.
- 9.87 Not the infrastructure or services to support development: The proposed development seeks a relatively low number of units and therefore is considered not to have an adverse impact on existing infrastructure or services.
- 9.88 Land is adjacent to not at 38 Eythrope Road: The site address has been amended to reflect this.
- 9.89 Impinges oil pipeline: Comments have been received in respect of the pipeline advising that the proposed development would effect the nearby pipeline.
- 9.90 Reference to comments received on previous applications, AVDC is meeting its current housing need and there are a number of properties for sale on Eythrope Road, AVDC is meeting its current housing need and there are a number of properties for sale on Eythrope Road, this piece of land should never be allowed to be built on, reference to surrounding appeals: Each application is determined on its individual merit and the Local Planning Authority has a duty to determine each application submitted on the basis of the information supplied.
- 9.91 Querying whether any restrictions would be put in place for the remainder of the land if this development were approved: It would be unreasonable to place a restriction on the remainder of the land if this development were to be approved for the reason given in paragraph 9.96 of this report.

- 9.92 Development not for first time buyers, which means they will be expensive and certainly not the affordable housing that is being suggested: There is no policy requirement for affordable housing to be provided due to the scale of the development proposed or the units to be available for first time buyers.
- 9.93 Development not identified in the neighbourhood plan and its speculative application from land owner wishing to make a buck: There is no neighbourhood plan 'made for this area at present, consideration is given to the merits of the scheme and the impacts which are weighed into the overall planning balance.
- 9.94 Housing quota in stone has already been allocated:
- 9.95 The following matters raised are not material considerations:
- Development will set a precedent
 - Developer intentions
 - Loss of Views

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