



REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/01385/AOP	MAIDS MORETON The Local Member(s) for this area is/are: - Councillor Warren Whyte	18/04/18
<p>OUTLINE APPLICATION WITH ACCESS TO BE CONSIDERED AND ALL OTHER MATTERS RESERVED FOR THE ERECTION OF 12 DWELLINGS INCLUDING ACCESS AND ASSOCIATED WORKS.</p> <p>LAND AT SCOTTS FARMS SCOTTS FARM CLOSE MK18 1RX</p> <p>Mr Kevin Cozens</p> <p>STREET ATLAS PAGE NO. 41</p>		

**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**

- Sustainable Location
- 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 climate change, flooding and coastal change
- Conserving and enhancing the historic environment
- Supporting high quality communication

**c) Impact on Residential Amenity**

**d) CIL/ S106**

**e) Other Matters**

The recommendation is that permission be supported in principle and **DEFERRED AND DELEGATED** to officers for approval following the satisfactory completion of a S106 Agreement to secure financial contributions towards the provision of off-site affordable housing, sports and leisure facilities and SUDs and subject to those conditions as considered appropriate by officers, or if this is not achieved for the application to be refused for reasons as considered appropriate by officers.

## PLANNING BALANCE AND RECOMMENDATION

- 1.0 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.
- 1.1 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 12 dwellings would make a contribution to the housing land supply which would be a significant benefit. Whilst these benefits have been identified, given the relatively small number of dwellings proposed these benefits are tempered to limited positive weight in the overall planning balance. This limited positive weight is further reduced as the affordable housing contribution falls below the Council's requirements and the provision will not be provided on site.
- 1.2 The development would have an impact on the landscape due to the site being a greenfield site beyond the current rural edge, in open countryside causing landscape character and visual harm to the area, in addition to the settlement pattern of Maids Moreton. Whilst it is acknowledged the proposed mitigation measures would alter the immediate character of this area, wooded areas are found within the vicinity of the site and are a feature of the landscape character of the area. As such, subject to appropriate mitigation measures being implemented this harm is considered to be limited and therefore afforded limited negative weight in the overall planning balance. The proposal would lead to the loss of best and most versatile agricultural land which is also limited negative weight.
- 1.3 Furthermore, less than substantial harm has been identified to the setting of Upper Farm Barn, a Grade II Listed Building. Special regard has been given to the statutory test under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places a duty on the local planning 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. The proposed development will result in development to the rear of listed building disrupt the open setting of this designated heritage asset. In accordance with paragraph 196 of the NPPF where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm at the lower end of the spectrum should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 1.4 Following paragraph 196 of the NPPF, the benefits and adverse impacts are carefully weighed in the planning balance and it is considered that the public benefits of the scheme set out above do outweigh the less than substantial harm, at the lower end of the spectrum, to the setting of Upper Farm Barn (when considered with the considerable importance and weight to be attached to such harm).
- 1.5 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, 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 paragraph 11 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 nor are there clear reasons for refusing the development proposed. It is therefore recommended that the application be **SUPPORTED** and that the decision is **DEFERRED AND DELEGATED** subject to the satisfactory completion of a S106 legal agreement to secure financial contributions towards the provision of off-site affordable housing, sports and leisure facilities and SUDs and subject to those conditions as considered appropriate by officers, or if this is not achieved for the application to be refused for reasons as considered appropriate by officers.

## **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 as part of this application, amendments were received and following the receipt of such details the application was found to be acceptable and approval is recommended subject to relevant planning conditions and the satisfactory completions of a s106 legal agreement.

## **2.0 INTRODUCTION**

2.1 The application needs to be determined by committee as the Parish Council has raised material planning objections and confirms that it will speak at the Committee meeting. Furthermore, Cllr Whyte raised an objection to the application. There comments are summarised below:

- Temporary access now proposed as permanent vehicular access was previously conditioned to prevent use after construction for safety and highway reasons.
- Reference of other applications.
- Impact on landscape and agricultural land
- Density
- Flooding
- Out of date data being used.

2.2 Each application is determined on its own merits. As part of this application the Lead Local Flood Authority were consulted and raised no objection to the proposal subject to conditions. It is acknowledged that there will be a small loss of agricultural land, however this in itself is considered not to be a sufficient reason to warrant the refusal. The principle of development for a similar scheme on this site was accepted as part of application 16/02669/AOP where it was acknowledged that there would be some impact on the landscape however the identified impacts would not be significant and demonstrable to outweigh the benefits of the scheme. BCC Highways as part of their comments did not raise concern that the data within the accompanying transport statement were out of date. Furthermore, their comments do not raise concerns with the permanent use of the previously granted, temporary construction access.

## **3.0 SITE LOCATION AND DESCRIPTION**

3.1 The application site comprises an area of approximately 1.4 hectares located beyond the existing residential built form edge of the village of Maids Moreton. It comprises agricultural

land (grade 3a) historically used for pasture. The application site forms part of the larger 'Scotts Farm' agricultural holding (also used for pasture) of approximately of 40 hectares.

- 3.2 The site has a field gate access located off Scott's Farm Close (that has unrestricted use for agricultural traffic associated the farm holding) which is a modern housing development. From the Towcester Road there is a small section of pedestrian footway into Scott's Farm Close, after which pedestrian and vehicular traffic utilise a shared access driveway arrangement.
- 3.3 The northern boundary of the site, beyond an area of woodland/planting, adjoins the Maids Moreton House Business Park. To the east beyond a tree lined boundary is the access road serving the business park and further east are open agricultural fields. To the south, the site is bordered by existing housing located within Scott's Farm Close and others fronting on to Towcester Road (A413). To the west, beyond a hedge lined boundary, further pasture land, beyond which is the Towcester Road (A413). The boundaries of the site contain a number of Category (B) trees.
- 3.4 There are Public Footpaths located nearby including to the north of the site (MMT/4/3 approx. 200m away), to the north-west (MMT/4/2 approx. 145m away), to the west (MMT/6/1 approx. 60m away) and to the south-east (MMT/2/1 - approx. 140m away). Nearby heritage assets include several Grade II Listed Buildings (Scotts Farm House and Upper House) located to the south/south-west of the application site with the nearest being located 35m and 45m away respectively. In addition, the Maids Moreton Conservation Area is located 45m away to the south-west and abuts the Scott's Farm Close entrance.
- 3.5 The site falls within Flood Zone 1 (lowest risk of flooding) according to Environment Agency Flood Mapping. There is also a water main that travels through the centre of the site on an east-west axis.
- 3.6 The site contains evidence of ridge and furrow with gentle levels change of approximately 2m from north to south. Taking into the account existing tree/hedge lined boundaries, some of the key public views of the site are from the Towcester Road (A413) and public rights of way located to the west and north-west, and from the public right to the south-east.

#### **4.0 PROPOSAL**

- 4.1 The application seeks outline planning permission (all matters reserved except access) for a residential development of 12 dwellings. The illustrative design approach seeks to reflect traditional agricultural buildings with an external palette of materials to reflect the surroundings. The illustrative layout shows a spine road to the centre of the site off which the proposed dwellings would be served via private driveways.
- 4.2 The layout indicates significant new areas of structural landscaping located to the northern and north-western boundaries of the site, and existing trees/hedgeline along the remaining boundaries being retained. New open space, of approximately 1050 sqm is indicated within the centre of the site (essentially located over the water mains easement running through the centre of the site).
- 4.3 This application is a re-submission of a previous approved scheme reference 16/02669/AOP. As part of this current application the main changes are with regards to affordable housing and the site's access arrangements.
- 4.4 During the course of this current application, amendments were sought to the vehicular access serving the proposed development. The temporary construction access previously granted as part of application 16/02669/AOP seeks to be used on a permanent basis as the only vehicular access serving the development. An access is shown to be retained off Scotts Farm Close however this will be for pedestrians and cyclists only.
- 4.5 This application was supported by a financial viability report outlining the 30% on-site affordable housing obligation previously imposed rendered the scheme unviable. AVDC

instructed an independent appraiser to carry out an assessment of the scheme, who confirmed the scheme would be unviable if 30% on-site affordable housing contributions were sought. Following discussions, Officers and the applicant agreed on a commuted sum (off-site financial contribution towards affordable housing) towards affordable housing.

## **5.0 RELEVANT PLANNING HISTORY**

16/02669/AOP - Outline application with access to be considered and all other matters reserved for the erection of 12 dwellings including access and associated works. – Approved

## **6.0 PARISH/TOWN COUNCIL COMMENTS**

- 6.1 Maids Moreton Parish Council: Objects to the application
- 6.2 *'At a properly convened parish council meeting on 4 February 2019, Maids Moreton Parish Council RESOLVED to OBJECT to this proposal on the following grounds.*
- 6.3 *It is unclear why the applicant is now seeking to reinstate the curved access route to the A413 since BCC Highways letter dated 30 April 2018 makes it quite clear in their Condition 4 that this is not suitable as regular access: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.*
- 6.4 *Access through Scott's Farm Close cannot be achieved due to width restrictions and the fact that it would cause severe loss of residential amenity to current residents. The grounds for rejection of Application 14/00117/APP to develop land at Fayrefield, which lies behind the houses opposite Scott's Farm Close on Towcester Rd, included the unacceptable reduction of residential amenity to the residents of the houses adjacent to the proposed access route. This would apply equally to Scott's Farm Close, even if there were adequate width for such access.*
- 6.5 *Application 14/00117/APP was also rejected on grounds of unacceptable projection into the surrounding countryside. Interestingly, this is echoed clearly in the letter dated 7 June 2018 from the AVDC Landscape Architect, who notes: This is a greenfield site in pastoral use, lying beyond the current edge of the settlement and within open countryside.*
- 6.6 *This letter goes on to note that, were the land at Scott's Farm Close to be developed as proposed, it would consolidate further the integration of Maids Moreton with Buckingham. It concludes that: Whilst it would be preferable in terms of landscape/townscape character to retain the site in a rural land use, there is already an outline planning permission for a similar development. The current proposals are only acceptable within that context. It must therefore be regarded as at least unfortunate that the previous application for this development, 16/02669/AOP, was permitted.*
- 6.7 *Were this application to go ahead now, it would breach the clear boundary of Maids Moreton and consolidate the coalescence of Maids Moreton with Buckingham. Application 16/02320/AOP for land below St Edmund's Church and adjacent to Hollow Way was rejected on appeal. One of the core reasons was: ... the proposal would cause very substantial harm to the character and appearance of the area. It would be contrary to saved AVDLP policy GP.35 which requires development to respect and complement the physical characteristics of the site and the surroundings; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views. ... The proposal would also fail to adhere to the NPPF's core planning principle that planning should recognise the intrinsic character and beauty of the countryside, and it would be contrary to NPPF paragraph 58 which seeks to ensure that development adds to the overall quality of the area. MMPC believes that a similar breach of the currently clear boundary of Maids Moreton that would occur if this application were to proceed and that it should be subjected to a similar decision.*
- 6.8 *The proposal would take Grade 3a land out of agricultural or horticultural use and the restricted subsoil infiltration capacity could lead to flooding. The Land Quality Assessment*

*Report prepared by Howkins & Harrison LLP in July 2016 (which was for the previous application on the same site but was lodged on the AVDC website on 20 April 2018 under Application 18/01385/AOP) gives a soil classification of Grade 3a. Such soil is usually down to pasture but has some limited arable and horticultural potential.*

- 6.9 *This Land Quality Assessment report notes the soil profile as [relatively shallow] fine loam over clay with slowly permeable subsoils and slight seasonal waterlogging; it does not specify the clay mineralogy. Given predicted climate change impact of increased and more intense winter rainfall, waterlogging is clearly a matter that should be given adequate attention, especially where a substantial part of the surface will be built over or semi-permeable.*
- 6.10 *The proposed housing density is under 10 per ha, which means high cost properties of which there does not appear to be a current shortage within AVDC. On 19 July 2019, AVDC Affordable Housing Development Officer noted that, as the site exceeds 1 ha, it should include minimum 30% affordable housing; this is nowhere evident in the proposal*
- 6.11 *The proposed development does not have an acceptable access route; it lies within the AVDC Landscape Character Assessment Maids Moreton Plateau landscape character area and would breach the current distinct visual boundary of the village; it would only include high value housing; would take Grade 3a land out of production and potentially also increase surface waterlogging. MMPC concludes, therefore, that this proposal should not be approved'.*

## **7.0 CONSULTATION RESPONSES**

- 7.1 Strategic Access Officer: Raised no comments from a rights of way perspective.
- 7.2 Ecologist: No objection. The proposal involves the development of a greenfield site and therefore is likely to have a negative impact upon biodiversity if unmitigated. The ecological report provides an accurate account of the features on site and the enhancement plan provided demonstrates net gain can be achieved. Further details of the enhancement provisions are required as these are currently not sufficient. These however can be secured via condition and will be required at reserved matters stage.
- 7.3 BCC Highways: Raised no objection to the principle of the new access point, however withhold final comment until the requested information and amendments have been received. The latest scheme includes a new access off Towcester Road, to the north west of Scotts Farm Close, in the approximate location of the temporary construction access previously granted under application 16/02669/AOP. Access would be within a 30mph speed limit and would benefit from an adequate level of visibility commensurate with the speed limit in force. Construction Access was previously requested to be closed to avoid any unnecessary access onto publically maintained highway. Width of access would allow for simultaneous two way vehicle flow and is able to accommodate the vehicle movements associated with the development. Further amendments are sought to the proposed footway as a 2m width for its entirety is required. Queried the siting of the footpath to the north of the carriageway as there are no footways along Towcester Road in this direction. Any potential crossing would need to be carefully considered. Internal layout will be assessed as part of the reserved matters application.
- 7.4 Historic England: On the basis of the information available to date, we do not wish to offer any comments.
- 7.5 Parks and Recreation: An off-site financial contribution in lieu of on-site sport and leisure facilities would be appropriate in this case and be dependant upon the final approved bedroom per dwelling mix. No requirement for on-site provision due to housing numbers and therefore there would be no reduction to the off-site contribution due to the proposed provision of amenity space.
- 7.6 Archaeology: The site was subject to an archaeological investigation and despite its

potential interest the evaluation did not reveal any significant archaeological remains. On present evidence, the proposed development is unlikely to have archaeological implications. It is not considered necessary to recommend a condition to safeguard archaeological interest.

- 7.7 Environmental Health: There are no environmental health comments from this application.
- 7.8 Lead Local Flood Authority: Raise no objection subject to conditions. The Flood Risk Assessment (FRA) was originally submitted in support of the previous application. There is also a discrepancy between the site area and therefore request the FRA is updated. It is likely the runoff rate will have to be recalculated and any relevant calculations re-run. It has been proposed to discharge the northern and eastern section via infiltration and the southern section of the site to the combined sewer network on Towcester Road. Ground investigations showed that the feasibility of infiltration SUDs varied across the site. At reserved matters further infiltration testing will be required. Indicative Surface Water Drainage Layout shows that it is the intention of the developer to use permeable paving where possible and where infiltration is not possible attenuation tanks will be used. Require justification as to why attenuation tanks are to be used over tanked permeable paving. Encourage the application to investigate the use of above ground storage methods. FRA does not provide details of the type of maintenance activities to be carried out and who will be responsible – this information is required.
- 7.9 Anglian Water: Request a condition regarding surface water disposal if the LPA is minded to grant planning approval. There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. At present there is capacity within the foul sewerage network and for wastewater treatment for the flows associated with the development. The surface water strategy/ flood risk assessment is considered unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed.
- 7.10 Arboricultural Officer: Raised no objection at this stage. Based on the information provided the proposal has the potential for some harm to existing trees but there is also good potential for new planting. A full Arboricultural impact assessment as part of the final layout and a planting design statement which would be required as part of any reserved matter application and can be secured via a condition.
- 7.11 Landscape Architect: The application site is a greenfield site lying beyond the current edge of the settlement within open countryside. Acknowledges that there is already an outline planning permission for a similar development with the current proposals only being acceptable within that context. Suggests at reserved matters that substantial tree planting is shown outside garden plots and particularly along north-east and north-west boundaries. A query regarding the temporary access track. Recommended that the inclusion of greenspace adjacent to Towcester Road would help soften the edge of development. Consideration should also be given to linking the proposed footpath with Towcester Road. Greater greenspace is proposed with design of buildings having an integral garage being an improvement on the previous scheme. The site lies within AVDC Landscape Character Assessment Maids Moreton Plateau landscape character area which is part of the Wooded Ridge Landscape character type. The actual extent of woodland in the vicinity is limited. The scheme would result in the isolated country house of Maids Moreton, now a business park coalescing with the settlement. Existing and proposed screening would limit the extent of the impact on the surrounding countryside.
- 7.12 AVDC Affordable Housing: A policy compliant scheme would include 30% affordable housing. The applicant has, however, submitted a viability assessment alongside this application. Following our instructions DVS Property Specialists have now reviewed this and, unfortunately, recommend that we consider taking the off-site contribution. We would want to see this sum secured in any s106 with a suitable viability review mechanism in place as necessary.
- 7.13 Crime and Prevention: Initially raised no objection at this stage and urge the applicant to



consider the following amendments and recommendation. Access Routes – temporary access route for construction should remain accessible. Further details should be provided regarding the removal of the construction vehicle access and should include how future unauthorised vehicle access will be prevented. Boundary treatment details to be submitted at reserved matters stage. Request lighting details to be provided. Dwellings should have a suitable level (min 1m) defensible planting along vulnerable elevations and boundaries.

08<sup>th</sup> October 19: Raised no further comment at this stage.

7.14 Education: Confirm there is no requirement for education contributions.

## **8.0 REPRESENTATIONS**

8.1 24 Representations were received raising the following objections:

- Support the comments received from the Parish Council.
- Traffic Report does not acknowledge impact on residents, instead focuses on entry/exit point on to the A413.
- Increased level of traffic
- Traffic report is out of date.
- Highway safety
- Existing issues when manoeuvring in/out of existing driveways which are in the direct vicinity of the exit onto the A413. Raising highway safety concerns.
- Impact on residential amenity for residents of Scotts Farm Close due to proposed access route.
- Proximity of access on bend near the junction with Main Street.
- Greater consideration need to be given to how development could be sustained and how the impact on the village and its residents is to be minimised.
- If development were to go ahead, developer should be encouraged to use construction access as only entry point to the development.
- The village could potentially gain if a suitable scheme of traffic works could be devised at the cost of the developer.
- Suitability of Scotts Farm Close as access for further development
- Maids Moreton has already sustained considerable development along with increased criminal activity.
- Limited amenities in the village
- Lack of public awareness of amendments - It is not clear that the proposal has changed and the temporary access point is now to become the permanent access point.
- Awkward exit from Bycell Road turning right onto Towcester Road.
- Loss of privacy
- Noise and disturbance from use of access road, this could also attract antisocial behaviour and crime.
- Setting a precedent
- Inaccuracy in site plan, not a accurate representation of bend and three dwellings omitted from the drawing (Tillers, Millstone and Gwynfa).
- Temporary access already deemed unsuitable.
- Loss of view
- Suggested alternative accesses – Walnut Drive
- The access sought to be used on Scotts Farm Close has not been used for years.

8.2 Response from Applicant:

- Preference would be to utilise construction access on permanent basis as it would alleviate potential traffic onto and from A413 and is a safer option, affording better visibility.

- Access onto Towcester Road seeks to utilise an existing agricultural access.
- Access onto Towcester Road would provide an extra public footpath and amenity land with sustainable environmental features.
- Summary of representations received.
- Response to representation regarding use of access on Scotts Farm Close.
- Suggested the possibility of a mini roundabout with rumble strips and possibly a speed camera funded by the S106 funds would alleviate concerns with access onto Towcester Road.
- Confirming right of access through Scotts Farm Close.

### 8.3 Response from Councillor Whyte:

09/05/18 *'This is an interim response to allow the applicant to provide further detail: The transport statement dates from July 2016 (nearly two years old) and is out of date. There is a transport strategy for Buckingham that has been adopted by the county council contrary to the statement in this report. Also I am sure that additional houses have been occupied since the last traffic count so the data will also be out of date and can not be relied on'.*

05/11/18 - *'I am concerned to see that the parish council's concerns about access have not been addressed by the applicant, despite the length of time the application has been considered'.*

## 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.

#### Neighbourhood Plan

9.3 Maids Moreton does not currently have a 'made' neighbourhood plan. It does however have an area designation but to date have not produced a draft neighbourhood plan. As such, at this early stage no weight can be given to the neighbourhood plan.

#### Aylesbury Vale District Local Plan (AVDLP)

9.4 A number of saved policies within the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP2, GP8, GP24, GP35, GP38 - GP40, GP45, GP53, GP84, GP86-GP88, GP94 and RA36.

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

9.5 A number of policies within the VALP (as modified October 2019 – all references to VALP hereafter refer to this edition) following the main modification consultation which started on

the 5<sup>th</sup> November 2019, are now afforded some weight in the decision making process. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of particular relevance are S2 Spatial Strategy for Growth, S5 Infrastructure, S3 Settlement Hierarchy and Cohesive Development, D3 Proposals for non-allocated sites at strategic settlements, larger villages and medium villages, H1 Affordable Housing, H6a Housing Mix, H6c Accessibility, T1 Delivering the Sustainable Transport Vision, T5 Delivering Transport in New Development, T6 Vehicle Parking, T7 Footpaths and Cycle Routes, T8 Electric Vehicle Parking, BE1 Heritage Assets, BE2 Design of New Development, BE4 Density of New Development, NE1 Biodiversity and Geodiversity, NE4 Landscape Character and Locally Important Landscape, NE7 Best and Most Versatile Agricultural Land, NE8 Trees, Hedgerows and Woodlands, C4 Protection of Public Rights of Way, I2 Sports and Recreation, I3 Community Facilities, Infrastructure and Assets of Community Value, I4 Flooding. Policies S1 Sustainable Development for Aylesbury Vale and BE3 Protection of the Amenity of Residents have been the subject of objections and the Inspector has not requested main modifications so these can be regarded as resolved and these policies can be given considerable weight. The remainder of these policies have been the subject of objections and the Inspector requested main modifications and confirmed that he is satisfied they remedy the objection so these can be given moderate weight. Finally, policy T4 Capacity of the Transport Network to Deliver Development can only be given limited weight as it is a new and untested policy which was introduced by a modification and therefore subject to consultation.

9.6 Policy S1 (Sustainable Development for Aylesbury Vale) within the emerging VALP which is currently being afforded considerable weight states *'All development must comply with the principles of sustainable development set out in the NPPF. In the local context of Aylesbury Vale this means that development proposals and neighbourhood planning documents should: Contribute positively to meeting the vision and strategic objectives for the district set out above, and fit with the intentions and policies of the VALP (and policies within neighbourhood plans where relevant). Proposals that are in accordance with the development plan will be approved without delay, unless material considerations indicate otherwise. The Council will work proactively with applicants to find solutions so that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*. The proposed development will be assessed in detail below, under the relevant sections to see whether the proposed development accords with the NPPF principles of sustainable development.

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

- **Sustainable Location**

9.8 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.

9.9 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, Maids Moreton 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.

9.10 In the Settlement Hierarchy Assessment 2017, Maids Moreton is identified as a 'medium village'. Medium Villages are typically defined as having a population of between 600 and 2,000 and have between 6 – 7 of the key criteria (*within 4 miles of a service centre, employment of 20 units or more, food store, pub, post office, GP, village hall, recreation facilities, primary school, hourly or more bus service and train station*). Maids Moreton itself

has been identified as having a moderate population size and very well connected to a large service centre (adjoins Buckingham). Maids Moreton also has an hourly or more bus service and a good provision of key services. It is therefore considered that medium villages are moderately sustainable settlements within the District. On this basis, it is therefore accepted that Maids Moreton is a moderately sustainable location within 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.

- 9.11 Also in association with the progression of VALP a number of sites have been assessed in the HELAA (January 2017) 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 is identified as forming part of a larger parcel as land, referred to as Land north of Towcester Road (Ref: MMO005) was identified within the HELAA as being part suitable for housing development. The site assessment within the HELAA states *'part suitable – 1.56ha in the east of the site adjacent Walnut Drive in line with the Vitalograph site to the north. Developing the full site would not relate to the existing pattern of development of the village, there is no suitable access to the land and would extend village significantly north east into open countryside'*. As outlined within the assessment as part of application 16/02669/AOP, *'the application site therefore forms part of the site that the HELAA assesses as having potential for housing development'*.
- 9.12 The application site is located within a medium village and has not been allocated for housing therefore emerging policy D3 (Proposals for non-allocated sites at strategic settlement, larger villages and medium village) in VALP is applicable. The proposed development seeks outline permission for the erection of 12 dwellings. Within policy D3 there are two categories of development, the first being small scale development and infilling with the remaining category for larger scale development. Whilst emerging policy D3 itself does not define what constitutes "small" and "larger" development, emerging policy D4 of VALP which relates to housing development in smaller villages does define small scale as *'normally five dwellings or fewer (net)'*. With regards to the first category, the proposed development would not constitute infill development as the site is located beyond the existing built-up limits of the settlement, with open countryside to the north-west and south-east of the site. As emerging policy D4 of VALP outlines the intentions for what is meant by the term 'small' it is therefore reasonable to consider that the proposed development would constitute larger development for purposes of emerging policy D3 of VALP, as this policy does not advise otherwise.
- 9.13 Emerging policy D3 of VALP advises that for larger scale development *'exceptionally further development beyond allocated sites and small-scale development as set out in criteria a) or b) above will only be permitted where the Council's monitoring of housing delivery across the district shows that the allocated sites are not be delivered at the anticipated rate. Proposals will need to be accompanied by evidence demonstrating how the site can be delivered in a timely manner. The proposal must contribute to the sustainability of that settlement, be in accordance with all applicable policies in the Plan, and fulfil all of the'* criteria which is outlined within the policy. As part of this application, no information has been submitted to demonstrate how the site can be delivered in a timely manner, nor is the Council unable to demonstrate that the allocated sites are not delivering at the anticipated rate. As such, the siting of residential development on the application site conflicts with emerging policy D3 of VALP. Whilst this is noted, the site is subject to an extant permission for the same level of development and given policy D3 is only being afforded moderate weight it is considered that the Local Planning Authority could not at present sustain a reason for refusal on this matter alone. As such, the principle of

residential development is considered to be acceptable and has been established as part of extant permission 16/02669/AOP. Consideration therefore falls to the changes proposed as part of this application and the detailed matters of the scheme which will be assessed below.

- 9.14 This application is the re-submission of application (18/01385/AOP) which received planning permission on 01<sup>st</sup> November 2017. When compared to this earlier approval, the current scheme seeks to utilise the temporary construction access, which was previously granted, as the only vehicle access serving the proposed development on a permanent basis. Consequently, there will be no vehicular access from the proposed development through Scotts Farm Close, only a pedestrian and cycle route. In addition to the change in access arrangements, the applicants are seeking a reduced contribution towards affordable housing on the basis that the affordable housing obligations required as part of application 18/01385/AOP render the scheme unviable. No further amendments are sought when compared to this earlier approval.

- **Building a strong, competitive economy**

- 9.15 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.

- 9.16 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.

- **Delivering a sufficient supply of homes**

- 9.17 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.

- 9.18 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. Work is ongoing towards revising this calculation in accordance with the new NPPF and early indications are that the council still maintains over 5 years supply.

- 9.19 As a result of the proposed development, the scheme would provide a contribution of 12 dwellings to the housing supply for the District, a significant benefit which is tempered by the relatively small scale nature 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 scale of the development being sought.
- 9.20 As outlined in policy GP2 of AVDLP, the provision of affordable housing is required for development of 25 dwellings or more or with a site area of 1 ha or more. Whereas emerging policy H1 of VALP states *'residential developments of 11 or more dwellings gross or sites of 0.3ha or more will be required to provide a minimum of 25% affordable homes on site except where a different requirement already applies in a neighbourhood plan which has been made before the adoption of VALP'*. In addition to this, the revised NPPF introduced a requirement for 10% of the homes to be available for affordable home ownership on major housing developments (10 or more dwellings). The proposed development seeks the erection of 12 dwellings with the submitted location plan being annotated to state that the proposed site area comprises of 1.398 ha, thus requiring the provision of on-site affordable housing. At present, the affordable housing policy (GP2) within AVDLP is saved and attributed full weight and therefore the requirements within this policy would take precedent above the requirements of emerging VALP policy H1 which is currently only attributed moderate weight.
- 9.21 This application is the resubmission of application 16/02669/AOP which approved subject to one of the obligations requiring the provision of affordable housing. Within the Officers report for application 16/02669/AOP it stated the scheme should provide *'up to 4 Affordable Housing Units towards meeting the area's affordable housing needs. Housing have advised that the housing need would be for 2 and 3 bed shared ownership units.'* The requirement to provide four, on-site affordable housing units, equates to 30% affordable housing being provided in accordance with GP2 of AVDLP.
- 9.22 As part of this current application, information has been submitted advising that the proposed development would not be financially viable, if the applicant were to provide the level of affordable housing secured as part of an obligation for the previously approved scheme, 16/02669/AOP. The Local Planning Authority has had this information independently appraised, where it was advised that the affordable provision previously required (as part of the approval for 16/02669/AOP) would render the scheme unviable if it were to remain. In light of this independent appraisal, following discussions with the agent and taking account of the financial information provided to the Local Planning Authority, Officers and the applicant have agreed on a reduced commuted sum (off-site financial contribution towards affordable housing) towards affordable housing which would be secured as an obligation as part of a s106 agreement. This contribution towards affordable housing was also supported by the independent appraiser. On this basis, whilst the proposed development is not fully compliant with policy GP2, the agreed affordable contribution is considered to be acceptable in this instance. Within the planning balance, a contribution towards affordable would still be considered a positive, albeit further reduced as the contribution falls below the threshold nor would the provision be provided onsite as required by policy GP2.
- 9.23 With regard to residential mix, the supporting information to this application advises that the dwellings would be 4 & 5 bedroom properties. The applicant was advised as part of application 16/02669/AOP of the concerns with the scheme only providing 4 & 5 bedroom properties. The Local Planning Authority would expect to see a greater mix of residential properties for a scheme of this scale, responding appropriately to needs to Maids Moreton or the wider District. Whilst this concern is noted and still remains, the residential mix of the proposed development will be considered as part of any subsequent reserved matters application.

9.24 Overall, other than the changes to affordable housing the proposal remains the same as the extant permission 18/01385/AOP. Whilst the proposed development is considered not to be compliant with policy GP2 of the AVDLP, evidence has been submitted and independently appraised confirming the provision of affordable housing sought as part of the earlier scheme would render the development unviable. Notwithstanding this, a financial contribution towards the off-site provision of affordable housing is being secured, with the proposal assisting towards the District's housing supply. Whilst the benefit of assisting with the District's housing supply is a significant benefit, this was tempered to limited positive weight as part of application 16/02669/AOP due to the small scale nature of the development. The positive weight previously attributed as part of application 16/02669/AOP needs to be reduced further to some limited positive weight in order to take into account the reduction in affordable housing provision.

- **Making effective use of land**

9.25 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.

9.26 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.

9.27 The proposed development seeks the erection of 12 dwellings which would contribute to the District's housing supply. The site area as set out in the application is 1.4hectares which equates to a density of 8 dwelling per hectare. Whilst this figure is low and would not normally be regarded as an effective use of land, the density in this instance is considered to be acceptable and the proposal is considered to respond to the new edge of settlement where you would expect to see the density being much lower. With the density being low, this also allows for significant landscaping to be provided within the site to further mitigate the development impact and respond to the rural character of the site and surrounding area. As such, the proposal is considered to represent an effective use of land and therefore this matter is afforded neutral weight in the overall planning balance.

- **Conserving and enhancing the natural environment**

*Landscape:*

9.28 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.

9.29 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.

- 9.30 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.
- 9.31 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.
- 9.32 Whilst it is acknowledged that the landscape assessment carried out as part of 16/02669/AOP still remains valid, further consideration is required with respect to the proposed changes to the access serving development with the temporary construction access being used on a permanent basis for vehicles serving the development. The assessment as part of application 16/02669/AOP was as follows:
- 9.33 *'The Landscape Character Assessment (LCA) identifies the following characteristics for the application site:- flat, gently sloping landform; open views; straight lanes with wide grass verges; strong hedgerows cut low; small fields and more pasture close to Maids Moreton.*
- The LCA identifies the intrusive elements in the area including the slight intrusion of the suburban edge of Maids Moreton and Buckingham. The LCA describes the landscape character of the area as "a plateau having predominantly flat character, good views out reinforced by a low level of settlement restricted to farms that are fairly thinly scattered. The area runs tip to the edge of Maids Moreton where a few houses extend out into the area from the residential edge including Bycell Fields Lane and the Business Centre at Maids Moreton House".*
- 9.34 *The conclusion of the LCA is that the "condition of the landscape in the area of the site is good with a moderate sensitivity and that the characteristics of the area should be conserved and reinforced".*
- 9.35 *The proposal would comprise the development of a green field site beyond the existing built-up limit of Maids Moreton. The site is subject to no special landscape designation, nevertheless, it is an undeveloped site used for agricultural (grazing) purposes within the countryside, and therefore it is inevitable that the proposed development would have an impact upon the character and appearance of the site itself and its immediate environs.*
- 9.36 *The local topography in the area is relatively flat with tree/hedgerow planting along the boundaries. Whilst existing landscape features and surrounding built form including the Maids Moreton Business Park to the north-east, existing residential properties to the south and existing tree line boundaries to south eastern boundaries limit some of the public views of the site, nearby views are available from the Towcester Road (A413) and public rights of way located to the west and north-west, and from the public right to the south-east.*
- 9.37 *To mitigate the visual impact, the proposal includes substantial new structural landscaping to the northern boundary as well as strengthening of planting to the remaining boundaries, which in the medium to long term, once planting becomes established, would significantly mitigate any visual impacts. As well as new woodland planting, the scheme includes 1050sq.m of incidental open space above an existing water easement within the site. This would help maintain some public views through the site.*
- 9.38 *Whilst the development of the site would inherently impact on the character and appearance of the site itself and nearby views, as well as the settlement character by projecting beyond the existing residential edge of the village, it is considered that the proposed development would consolidate and round off the existing settlement without resulting in any significant obtrusion into open countryside given the degree of enclosure provided by existing development on two-sides and existing access road to the business park on the third side when taken together with the area of planting proposed to the countryside/northern edge. It also considered, taking in the account the relatively small parcel of land and proposed planting, the proposal would have a limited impact on the open*



*character of the area and the wider characteristics of LCA for this area would be conserved.*

- 9.39 As outlined above, when compared to application 16/02669/AOP, this current proposal seeks to utilise the temporary construction access on a permanent basis for vehicles associated with the proposed development. Unlike the previously approved access off Scotts Farm Close, there are concerns with the proposed new access and its relationship with the settlement. It was the intention as part of application 16/02669/AOP that the construction access would be used on a temporary basis to limit disturbance to the residents of Scotts Farm Close during construction and once complete the access would cease use. However, when the temporary construction access was granted, there was a condition requiring this access to be blocked up but there was not a condition requiring the land to be restored to its former condition. As such, the temporary access could be retained but not utilised. This access is located in a prominent location due to the open nature of the area. Mitigation in the form of soft landscaping could be provided to reduce the presence of the access and its perceived separation from Maids Moreton's settlement. Given the open nature of the site, increased landscaping to create woodland appearance would undoubtedly change the character and appearance of this immediate area, however this is considered not to be harmful given wooded areas can be found elsewhere within close vicinity of the site. Furthermore, the access previously granted off of Scotts Farm Close would also have impacted on the character and appearance of the area, as extensive highway improvements were required, resulting in the removal of the highway verges which would turn have an urbanising impact on the rural character of Maids Moreton. On balance it is therefore considered that the new access would not have a significantly greater impact when compared to the access granted as part of application 16/02669/AOP.
- 9.40 For these reasons, it is considered that the development of this parcel of land would have limited landscape, visual and settlement character impacts beyond the confines of its immediate environs. Furthermore, the scheme would not adversely conflict with the aims and objectives of policy GP35 of the AVDLP, would conserve the general characteristics of the LCA and that the level of harm to the landscape would be limited to being localised only and should be afforded limited adverse negative weight in the planning balance.

*Agricultural Land:*

- 9.41 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 (1.4ha) falls well below this threshold.
- 9.42 The impact with regards to the loss of the best and most versatile agricultural land remains unchanged when compared to application 16/02669/AOP. *The land is grade 3a agricultural land and therefore comprises the best or most versatile (BMV) agricultural land according to the guidance within the NPPF. The applicant has confirmed the land has been historically used for grazing and has never been used for arable cropping. However, it is recognised grazing still represents an agricultural use and the site could be put to a more productive use in the future. The development site would result in the loss of 1.4ha of agricultural land but the remaining agricultural holding of approx. 38 hectares would be retained in agricultural use.*
- 9.43 *Whilst acknowledging that there would be a loss of BMV land, in view of the size of the site and the amount of agricultural land that would be retained, this aspect of the proposal should be afforded limited adverse negative weight in the overall planning balance'.*

*Trees and Hedgerows:*

- 9.44 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.
- 9.45 The impact with regard to trees and hedgerows remains unchanged when compared to application 16/02669/AOP. *'The majority of existing hedging and trees to the boundary of the site would be retained with supporting Arboricultural assessments setting out satisfactory measures to protect retained trees. One category B tree (early-mature Horse Chestnut - ref G14) would be removed to facilitate the proposed access. However, given the retention of 3 other category B trees in close proximity, its loss would have a minor impact on the visual amenity of the area. Furthermore, its loss would be off-set by replacement tree planting.*
- 9.46 During the course of this current application, amendments were sought to the vehicular access serving the proposed development. Instead of a vehicular access onto Scotts Farm Close, the proposal was amended to utilise the previously shown temporary access road on a permanent basis. The Horse Chestnut (G14) was shown to be removed in order to accommodate the access onto Scotts Farm Close. Although the proposal was amended with regards to the site's access arrangements, no revisions to the supporting information were received, including the Arboricultural Impact Report. As the proposal no longer seeks vehicular access through Scotts Farm Close, it is not clear as to whether it will be necessary to remove this tree previously identified. Whilst this is noted, the temporary access which has been amended to the permanent vehicular access serving the development was shown on the plans as part of the arboricultural assessment. It is therefore considered that there will be no greater impact than that already identified and if the Horse Chestnut is to be removed, it is considered not to be harmful for the reasons identified within the assessment as part of application 16/02669/AOP.
- 9.47 *For these reasons, it is considered that the development would comply with the provisions of local plan policies GP39 and GP40 and with the principles of the NPPF such that this matter should be weighed as neutral in the overall planning balance'.*

*Biodiversity/Ecology*

- 9.48 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.  
The proposal involves the development of a greenfield site and is therefore likely to have a negative impact upon biodiversity if unmitigated. As part of this application an ecological enhancement scheme was produced in accordance with the findings of the Ecological Survey (May 2016). The ecological survey is considered to be an accurate account of the site's ecological features with the submitted enhancement scheme demonstrating that net gains required by the NPPF can be achieved. These measures can be secured via the imposition of relevant planning conditions. Whilst the enhancement scheme outlines a number of provisions, the Council's Biodiversity Officer has advised that these are not sufficiently detailed for the application to fully comply with the NPPF. To ensure full compliance with the NPPF, a condition is required, securing greater detail in the form of a site wide Landscape and Ecology Management Plan and a Construction Environmental Management Plan at reserved matters stage. Subject to the relevant planning conditions being imposed the proposed development is considered to comply with the advice within the NPPF.
- 9.49 As such it is considered that this matter should therefore be afforded limited positive weight in the planning balance.

*Pollution/Contamination:*

- 9.50 With regards to pollution and contamination, application 16/02669/AOP which was approved was accompanied with a Phase I Site Appraisal (Desk Study) which concluded that the *'the site is suitable for the proposed development, assuming compliance with all the recommendations contained within this report'*. Whilst no comments have been received as part of this current application, the Council's Pollution Officer previously advised that *'the risk of ground contamination to be present at the site is considered to be low and the risk from ground gases is considered to be very low. However it was acknowledged that the Phase 1 Site Appraisal goes on to recommendation that a Phase II Ground Investigation should be completed and that this investigation should include chemical analysis of soils followed by a risk assessment so that the risk to hum health and controlled waters can be determined'*.
- 9.51 As such, no concerns were raised with regards to pollution and contamination as part of the earlier approval, subject the relevant conditions. This impact remains unchanged when compared to application 16/02669/AOP.
- 9.52 As such, this matter is afforded neutral weight in the planning balance.

- **Promoting sustainable transport**

- 9.53 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.
- 9.54 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'.
- 9.55 The application was accompanied with a Transport Statement which assesses the impact the proposed development would have with regard to highway matters. There is no requirement for this report to include matters relating to residential amenity. The impact on residential amenity will be assessed below in this report. Concerns have been raised that the Transport Statement is out of date, however BCC Highways were consulted as part of this application and raised no concern with the validity of the report.

*Location Accessibility:*

- 9.56 When compared to application 16/02669/AOP the locational acceptability of the site remains unchanged and therefore the previous assessment remains. *'It is necessary to consider whether the proposed development is located where the need to travel will be minimised, the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved. Maids Moreton is considered to be a 'medium village' that is very well connected to the large service centre of Buckingham (1.3 miles away) and bus stops are available with the locality providing hourly services. There is also a good provision of key services available within walking distance of the site including a pub and school.*

- 9.57 *The site would therefore have access to public transport and given the site's location close to a large service centre which has the availability of key services; it is considered future occupiers would not be reliant on car borne travel. The location of the site is therefore considered sustainable in terms of accessibility'.*

*Proposed Site Access Arrangements:*

- 9.58 During the course of this current application, amendments were received altering the vehicular access serving the development. Initially the vehicular access sought to be off Scotts Farm Close in accordance with the development approved as part of 16/02669/AOP with a temporary construction access to the north of the site onto Towcester Road. In order to accommodate the access off of Scotts Farm Close, extensive highway improvements were required in the form of realigning the existing carriageway, through the removal of the verge, in order to accommodate a 2m wide footway and retain a 4.8m wide access. The temporary access was conditioned as part of 16/02669/AOP to be closed off after use in order to avoid any unnecessary access points onto the publicly maintained highway which could potentially impact on highway safety, rather than the principle of an access in this location being deemed unsuitable.
- 9.59 However, amendments were subsequently received seeking to utilise the temporary construction access on a permanent basis with there being no vehicular access from the proposed development onto Scotts Farm Close. Instead, an access will be retained for pedestrians and cyclists only. As the access arrangements changed during the course of the application a number of the representation received relate to the suitability of a vehicular access off Scotts Farm Close, its relationship to the bend on Duck Lake (A413) (referred to as Main Street in some of the representations) and existing driveways. However vehicular access is no longer sought through Scotts Farm Close and therefore the below assessment relates to the access now sought off Towcester Road.
- 9.60 The revised access off Towcester Road is to be located along a stretch of highway subject to 30mph speed limits and would benefit from an adequate level of visibility commensurate with the speed limit in force. The new access is proposed to be 5.5 metres wide with a footway measuring approximately 1.2 metres wide. The access shown is of a sufficient width to allow simultaneous two way vehicle flow and would be able to accommodate the vehicle movements associated with the proposed development. Whilst this is noted, further amendments to the footway are required in order to cater for all users. The footway should be a minimum of 2metres in width for its entirety. Furthermore, the Highways Engineer has questioned the siting of the footway to the north of the carriageway edge when there is no footway along Towcester Road in this direction. Any potential crossing point along this access carriageway must also be carefully considered to ensure that adequate intervisibility is provided, and must be accompanied by a tactile crossing point. Representations have also been raised regarding the proposed access off Towcester Road and its relationship with the junction with Bycell Road. BCC Highways were consulted as part of this application and raised no concerns with regard to this relationship.
- 9.61 As this application seeks outline permission with only access to be considered the internal layout of the scheme will be assessed as part of any future reserved matters application. The Highways Engineer has therefore raised no objection to the principle of the new access point subject to amendments to the proposed footway which can be secured by condition. Whilst it is acknowledged that the comments received from the Highways Engineer do advise that they wish to withhold their final comments until this information has been received, Officers consider the amendments to the footway within the limits of the application site can be adequately resolved at reserved matters stage.

*Traffic Generation:*

- 9.62 Since the determination of application 16/02669/AOP a new version of the NPPF has been published (February 2019), superseding any previous versions. As such, the reference made to paragraph 32 below has been replaced with paragraph 109 which reads as follows

*'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'. Whilst a different paragraph number within the most up to date NPPF, the wording of these paragraphs remains unchanged and therefore the assessment previously made remains unchanged with regard to traffic generation associated with the proposed development when compared to application 16/02669/AOP. The assessment was as follows:*

- 9.63 *'It is noted concerns have been raised over the potential impact on the A413 via Main Street and College Lane, Maids Moreton and Maids Moreton Road down to the bottle neck at the Old Jail in Buckingham. However, paragraph 32 of the NPPF states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*
- 9.64 *In this instance, the proposal is for up to 12 dwellings, which, having regard to the existing capacity of the local highways infrastructure, taking into account cumulative impacts of committed development proposals within the locality, and there being no objection from the County Highways Authority on this issue, it is considered that a scheme of this scale would not have a severe impact on the local highways infrastructure as result of increased traffic generation having regard to the tests set out in paragraph 32 of the NPPF. In other words, it is considered that a scheme of 12 dwellings would have a minimal impact on traffic generation with the local roads.'*
- 9.65 For these reasons, the proposed access arrangements are considered to achieve safe and suitable access and would also minimise potential conflict between traffic, cyclists and pedestrians. This is a matter which should be afforded neutral weight in the planning balance.
- Parking*
- 9.66 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.
- 9.67 *With regards to car parking and cycle storage this remains unchanged when compared to application 16/02669/AOP and therefore the previous assessment remains. 'The scheme demonstrates adequate space could be provided on site for garaging and on-plot spaces having regard to the provisions of Local Plan Policy GP24. The finer details would be secured through the imposition of planning conditions for agreement at the reserved matters stage.*
- 9.68 *For the above reasons, the principle of the development of the site on highway grounds is considered acceptable. Furthermore, the proposed access arrangements would not have an adverse impact highway safety, and taking into the account the scale of the scheme and associated level of traffic generation including any cumulative impacts, it would not have an adverse impact the free flow of traffic within the local highways infrastructure. These highways matters are therefore afforded neutral weight in the planning balance'.*

- **Promoting healthy and safe communities**

- 9.69 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.
- 9.70 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.

- 9.71 For developments which result in a net increase in four or more dwellings, financial contributions are sought with regard to off site sport and leisure facilities and therefore as this proposed seeks 12 dwellings contributions would be required in order to meet the needs of the development. The actual contribution required would be dependant upon the final approved bedroom per dwelling mix which would be considered at reserved matters stage. However the contribution would be based upon the formula set out within the Aylesbury Vale District Council, Sport and Leisure Facilities Companion Document: Ready Reckoner, adopted SPG.
- 9.72 Due to the relatively low number of proposed dwellings, there is no requirement for any on-site sport/leisure provision and there will therefore be no reduction to the above contribution due to the proposed amenity space termed as '1050sqm open play space' also shown as landscaped amenity space on the site layout.

*Education:*

- 9.73 Although local residents have raised concerns about the impact on the local school, no financial contributions have been required by the County Education Authority. Furthermore, it is considered this scale of development would not have such a significant impact on local school places that it would weigh negatively in the planning balance for the scheme. On this basis this matter should be afforded neutral weight in the planning balance.

• **Achieving well-designed places**

- 9.74 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.
- 9.75 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).
- 9.76 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.
- 9.77 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.

- 9.78 In terms of the development's design, this remains unchanged when compared to application 16/02669/AOP and therefore the previous assessment remains. The proposed indicative site layout is largely reflective of the indicative layout shown as part of application 16/02669/AOP with there being only slight amendments to the footprints and positions of the dwellings. The previous assessment which still stands is as follows:
- 9.79 *'Whilst this is outline application with matters relating to appearance, layout, scale and landscaping reserved for consideration at a later stage, illustrative plans are provided to demonstrate how the site could accommodate the proposed development. In addition, a supporting Design and Access Statement sets out the rationale underpinning the design approach to the proposal.*
- 9.80 *The residential built form within Maids Moreton includes a variety in terms of design and form and in the use of external materials. The illustrative design and appearance comprising a traditional agricultural design approach with potential use of rubble stone reflecting nearby existing development at Upper Farm would be acceptable having regard to the surrounding built form.*
- 9.81 *As regards to scale, there is a variety of scale with the locality including large and small two-storey development. The illustrative plans show predominantly two-storey scale development which subject to appropriate restrictions on height and massing would integrate with the surroundings.*
- 9.82 *In terms of indicative layout, the layout plan shows a spine road to the centre of the site off which the proposed dwellings would be served via private driveways. The centre of the site provides an external amenity space of up to 1050 sq.m which would provide a focus for the proposed dwellings as a central space. This 'cui de sac' arrangement responds to the constraints of the site taking into account the position of the access way. Similar layouts are found within the vicinity of this site. The indicative layout also provides opportunities for additional footpaths to link the site to the public right of way network to the north of the site without accessing the Towcester Road. For the reasons, the site has capacity to accommodate an appropriate layout.*
- 9.83 *In respect of proposed landscaping, the illustrative plans indicate significant new structural landscaping to the north-western boundary, as well as existing tree/hedge lined boundaries along the remaining boundaries being retained. Subject to satisfactory landscaping buffers being provided to the boundaries that are excluded from the residential gardens, is it considered the scheme could accommodate an appropriate scheme of landscaping at the reserved matters stage.*
- 9.84 *In respect of density, it is considered that the density of the development sought is appropriate for the scale of the site and its edge of settlement position and provides opportunities to ensure that sufficient space can be maintained around buildings and provision of sufficient landscaping whilst maintaining some public views through the site.*
- 9.85 *In respect of housing mix, the illustrative plans show 12 dwellings with 4 or 5 bedrooms does not provide a socially inclusive mix, being skewed towards larger executive type homes. However, as this is outline application, the finer details of the housing mix could be determined at the reserved matters stage.*
- 9.86 *For these reasons, it is considered that the site has sufficient capacity to accommodate the proposed development subject to the finer details being resolved at the reserved matters stage. This matter is therefore afforded limited neutral weight in the planning balance'.*

- **Meeting climate change, flooding and coastal change**

- 9.87 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.

- 9.88 With regards to flooding, this remains unchanged when compared to application 16/02669/AOP and therefore the previous assessment remains. *'The site is located in Flood Zone 1 where residential development is directed in terms of the lowest risk of flooding. The application is supported by a Flood Risk Assessment that demonstrates the proposal would not have a significant impact on the risk of flooding within the site or within the locality subject to appropriate surface and foul water mitigation strategies being implemented.'* As part of this current application, the Lead Local Flood Authority were consulted and have raised no objections subject to conditions securing a surface water drainage scheme, a whole-life maintenance plan and evidence to demonstrate the scheme has been implemented in accordance with the approved details.
- 9.89 Anglian Water have also confirmed that the sewerage system at present has available capacity for the flows associated with the proposed development.
- 9.90 For these reasons, it is considered that the proposed development would be resilient to climate change and flooding in accordance with NPPF guidance and this factor should therefore be afforded neutral weight in the planning balance.

*Energy and Carbon dioxide Emissions:*

- 9.91 Within the submitted Design and Access Statement, reference is made to an Energy Statement provided by Encraft, however no such supporting document appears to have been received as part of this current proposal. The summary of this document provided within the Design and Access Statement advises that *'there was sufficient suitable roof area to accommodate the required extent of PV installation to offset 10% of the predicted site energy consumption'*. Where appropriate, the use of renewable or low-carbon technologies would accord with the principles of the NPPF. However, as these matters are considered under different legislation, it is afforded neutral weight in the overall planning balance.

- **Conserving and enhancing the historic environment**

- 9.92 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.
- 9.93 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'.



- 9.94 With regards to the impact on the setting of nearby listed building's and Maid's Moreton's Conservation Area this remains unchanged when compared to application 16/02669/AOP and therefore the previous assessment remains. *'The site is located in close proximity to the Grade II Listed Scott's Farm House, the curtilage of which falls within the northern extent of the Maids Moreton Conservation Area. Taking into account the intervening modern housing development, it is considered that the proposed housing would not have a tangible visual impact on the setting and views of these designated heritage assets.'*
- 9.95 *In relation to the Grade II Listed Upper Farm which has an extensive rear garden directly south of the application site. Whilst the open nature of the land to rear of Upper Farm may lead to some minor harm to the views and setting of this listed building from the application site, there are no public views available from the application site, and subject to the imposition of sensitive boundary treatment as well as soft landscaping, it is considered that the overall setting of the listed building would be preserved'.*
- 9.96 For these reasons, whilst the setting of the conservation area would be preserved, less than substantial harm has been identified to the setting of a Listed Building, Upper Farm Barn and therefore this matter should be afforded limited negative weight in the wider planning balance. As less than substantial harm has been identified this must be weighed against the public benefits of the proposal in accordance with paragraph 196 of the NPPF.

#### *Archaeology*

- 9.97 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'.
- 9.98 In respect to archaeology, the scheme remains unchanged when compared to application 16/02669/AOP and therefore the previous assessment remains. Whilst the permanent vehicular access for the development has changed, this proposed access seeks to utilise the temporary construction access which was previously granted.
- 9.99 *'The application is supported by an Archaeological Assessment which did not record any significant archaeological features or finds although significant archaeological remains have been recorded in the vicinity. This proposal is therefore considered unlikely to significantly harm the features of potential archaeological significance within the site.'*
- 9.100 *The proposal would lead to a loss of ridge furrow within the site. However, it is recognised given the relatively small area of loss in the context of substantial areas of ridge and furrow evident throughout the district, and this particular type of ridge and furrow being of no particular significance, this matter is afforded neutral weight in the wider planning balance'.*
- 9.101 As part of this current application the Archaeology Officer was consulted and reiterated the assessment made above, advising that they do not consider it necessary to recommend a condition to safeguard archaeological interest. Furthermore, as required by paragraph 197 of the NPPF, a balanced judgement was made as part of application 16/02669/AOP with regards to the development's impact on the identified non-designated heritage asset (ridge and furrow), where its loss was found to be acceptable. The amendments sought as part of this current application are considered not to have an impact on the site's archaeological interests when compared to the earlier approved scheme (16/02669/AOP). It is therefore

considered unreasonable to amend the weight previously attributed within the planning balance. Consequently this matter is afforded neutral weight in the planning balance.

- **Supporting high quality communication**

9.102 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.

9.103 The proposed development is to be located near to existing residential properties and the erection of 12 dwellings would be relatively 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**

9.104 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.

9.105 Notwithstanding the changes to the proposed vehicular access, the remainder of the scheme remains unchanged with regards to residential amenity when compared to application 16/02669/AOP and therefore the previous assessment remains *'The illustrative plans demonstrate the site has sufficient capacity to accommodate the proposed development whilst creating a satisfactory standard of accommodation for future occupiers'*. Due to there being adequate space within the site it is considered that an acceptable scheme could come forward as part of any subsequent reserved matters application preserving the privacy of neighbouring properties.

9.106 As part of application 16/02669/AOP the vehicular access serving the proposed development was located off Scotts Farm Close, whereas this current proposal seeks the vehicular access extending to the north of Gwynfa onto Towcester Road. As part of application 16/02669/AOP this access was previously shown as temporary construction access only. Whilst this is noted, the proposed access will serve a relatively small number of dwellings and given its relationship with adjacent, existing residential properties it is therefore considered not to have any adverse impacts in regard to residential amenity. Furthermore, a number of concerns were raised as part of this application with regards to the impact on residential amenity as a result of a vehicular access off Scotts Farm. These concerns are no longer applicable as this access was removed during the course of the application.

9.107 It is therefore considered on the basis of the information available that the proposal does not conflict with policy GP8 of the AVDLP or with the NPPF and this factor should be afforded neutral weight in the planning balance.

### **d) CIL/ S106**

9.108 As noted above, there are a number of requirements arising from this proposal that need to be secured through a S106 Planning Obligation Agreement. These obligations include:

- . A financial contribution towards off-site provision of affordable housing

. A financial contribution towards off-site sport and leisure provision (formula based) and maintenance of any amenity space provided.

. Maintenance of any SuDS drainage features.

- 9.109 It is considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 sets out the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be considered as a reason for granting planning permission if the obligation does not meet all of the following tests; necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 9.110 In the context of this application the development is in a category to which the regulations apply. The requirement for all of the above named measures, if the proposals were to be supported, would need to be secured through a Planning Obligations Agreement. These are necessary and proportionate obligations that are considered to comply with the tests set by Regulation 122 for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related to the scale and kind of development. Specific projects are to be identified within the Section 106 in accordance with the pooling limitations set out in CIL Regulation 123.
- 9.111 The Council's Solicitors have been instructed in respect of the drafting of a S106 Agreement to secure the relevant obligations should Members be minded to grant planning permission. With the obligations being secured through a legal agreement the development is considered to accord with the NPPF and AVDLP policies GP2, GP86-88 and GP94.
- 9.112 **e) Other Matters**
- 9.113 Suggestions for alternative accesses: The Local Planning Authority is required to determine the application before them and only seek minor amendments in order to overcome any harm identified.
- 9.114 Street Lighting: This matter would naturally be dealt with through a street lighting scheme.
- 9.115 Precedent & Loss of View: This is not a material planning consideration.
- 9.116 Reference to other developments and level of development already taking place in Maids Moreton: Each application is determined on its own individual merits.
- 9.117 The village could potentially gain, if a suitable scheme of traffic works could be devised at the cost of the developer: Where necessary and proportionate to the development highway improvements can be sought, however no such works were suggested by the Highways Engineer in light of the amendments to the access arrangements.
- 9.118 Public awareness of amendments: During the course of the application amendments were received with regards to the location of the vehicular access serving the development. Revised site notices were placed near to the site informing any interest parties that new information/plans had been received.
- 9.119 Criminal Activity: The proposed development is considered not to give rise to any adverse impacts in respect of criminal activity. The detailed matters of the scheme will be access as part of any subsequent reserved matters application as this application seeks outline permission for the erection of 12 dwelling and access only.
- 9.120 Use of existing access on Scotts Farm Close: Consideration is given to whether an access in the location proposed is acceptable when taking into account site specific matters and possible intensifications, when it relates to an existing access. All these factors considered

as part of an accesses suitability. The access off Scotts Farm Close is no longer sought to be used for vehicles serving the development.

9.121 Inaccurate Plans: Whilst it is acknowledged that the submitted location plan does not show the nearest three residential properties to the proposed, revised access off Towcester Road, the submitted site plan does. Furthermore, the bend on Towcester Road adjacent to Bycell Road is considered to reflect aerial photography of the area.

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