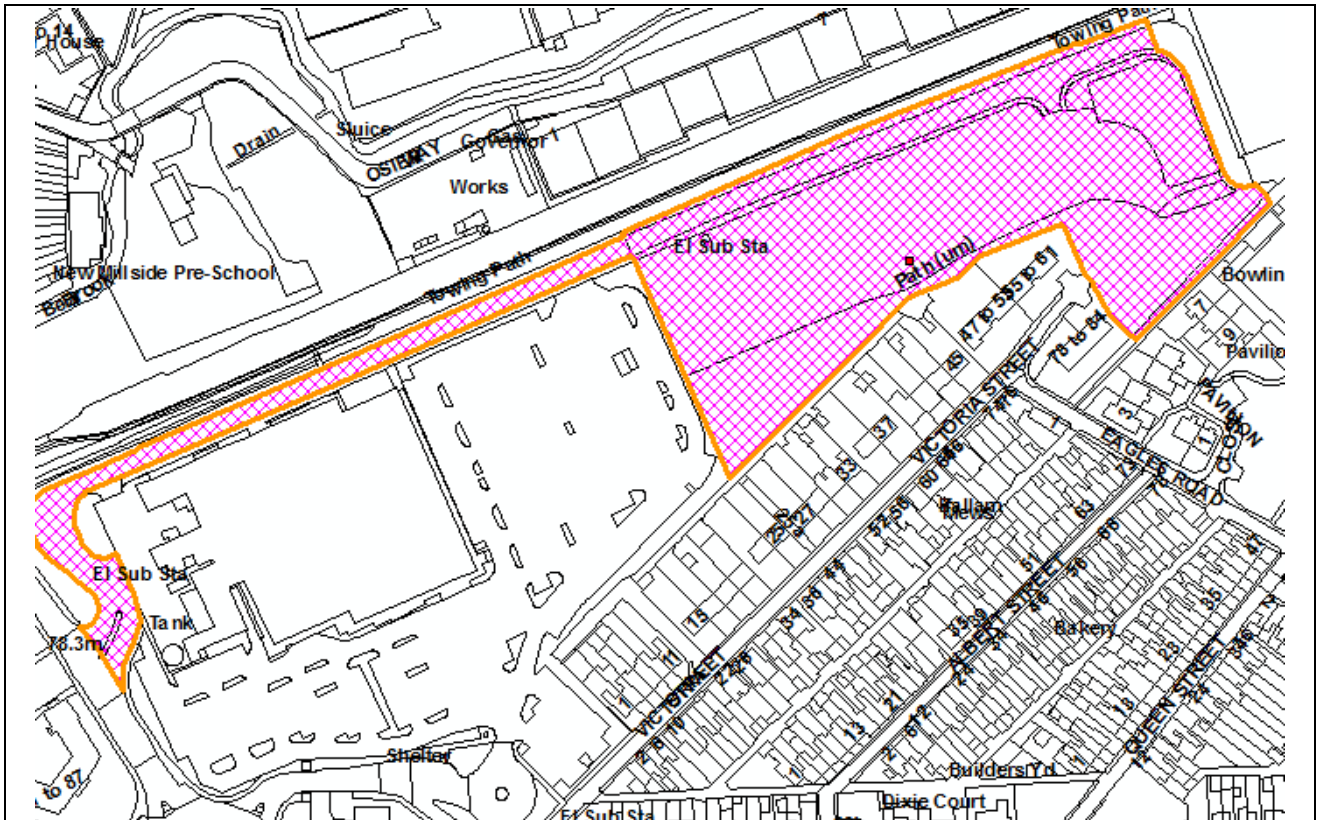


17/04039/ADP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
17/04039/ADP	AYLESBURY (Oakfield and Bierton)	25/10/17
APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PERMISSION 14/01010/AOP RELATING TO APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR A RESIDENTIAL DEVELOPMENT OF UP TO 135 RESIDENTIAL DWELLINGS. FORMER BPC HAZELLS TRING ROAD	The Local Member(s) for this area is/are: -  Alison Harrison  Mary Stamp  Julie Ward	

STREET ATLAS PAGE NO.115

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

- a) The principle of the development, 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 having regard to:
  - Delivering a wide choice of high quality homes
  - Promoting sustainable transport including parking provision
  - Building a strong, competitive economy
  - Conserving and enhancing the natural environment
  - Requiring Good design:
    - Reserved Matters: Layout, Scale, Appearance, Landscaping
  - Meeting the challenge of climate change and flooding
- c) Impact on residential amenities

The recommendation is that the application be **GRANTED** subject to conditions.

### 2.0 Conclusions on the planning balance

- 2.1 This detailed scheme follows the grant of permission of the outline proposal 14/01010/AOP (all matters reserved) where the principle of the development for up to 135 residential dwellings was accepted and this is a material consideration in the determination of this application. This application had been deferred and delegated at Committee for approval on 29<sup>th</sup> June 2016 subject to the completion of a Section 106 legal agreement to secure financial contributions towards education and leisure and to secure off-site highway works and the provision of affordable housing and subject to conditions as considered appropriate by the Development Control Manager. The legal agreement was completed on 8<sup>th</sup>

December 2016 and planning permission was issued on 28<sup>th</sup> December 2016.

- 2.2 The current application has been evaluated against the extant Development Plan and the National Planning Policy Framework and the report has assessed the application against the core planning principles of the Framework and whether the proposals deliver sustainable development. Paragraph 14 of the Framework requires that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole or specific policies in the NPPF indicate development should be restricted.
- 2.3 It is accepted that the development would make a contribution to the housing land supply which is a significant benefit to be attributed significant positive weight in the planning balance and furthermore the proposal would make a contribution to the provision of affordable housing to which moderate positive weight should be attributed. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which significant positive weight should be attached.
- 2.4 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of the highway impact and parking provision, promoting healthy communities, the design of the development, impacts on the natural environment, flood risk and on 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.
- 2.5 Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 14 of the NPPF, it is considered that the adverse impacts would not outweigh the housing and economic benefits of the proposal. It is therefore recommended that the application be supported subject to conditions as recommended.
- 2.6 It is recommended that the development be **APPROVED** subject to the following conditions:-
1. The landscape details shown on the Landscape Connection drawing LC-2621-01/02/03 rev G and the Landscape Management plan rev D shall be carried out as approved and any subsequent variations shall be first approved in writing by the Local Planning Authority.  
Reason: To ensure a satisfactory appearance to the development and to comply with policy GP39 and GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.
  2. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.  
Reason: To ensure a satisfactory appearance to the development and to comply with policy GP9 and GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.
  3. The building(s) hereby permitted shall only be constructed with slabs at levels indicated on the approved drawing C85679-SK151 rev 2.  
Reason: For the avoidance of doubt and to ensure a satisfactory form of development and to comply with policy GP8 and GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.
  4. The details of bin storage for the development indicated on the approved plans shall be provided prior to the occupation of the part of the development to which it relates and it shall thereafter be retained as approved.  
Reason: To ensure the satisfactory development of the site and having regard to

residential amenities and to accord with policies GP8 and GP35 of the Aylesbury Vale District Local Plan and the NPPF.

1. The details of cycle storage for the development indicated on the approved plans shall be provided prior to the occupation of the part of the development to which it relates and it shall thereafter be retained as approved.

Reason: To encourage the reduction of car usage and to promote the availability of cycling opportunities to comply with policy GP24 of the Aylesbury Vale District Local Plan and the NPPF.

Informatives:

## 2. WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

AVDC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, further information was submitted by the applicant and AVDC has considered the details as submitted which overall were considered acceptable and the application has been approved.

3. You are advised that a legal agreement has been entered into in connection with the outline consent for the site 14/01010/AOP.
4. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
5. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

## 3.0 INTRODUCTION

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

## 4.0 SITE LOCATION AND DESCRIPTION

- 4.1 The site (1.9ha with 1.5h developable area) is located to the east of the Tesco store and its car park area. To the north is the access road leading to the industrial unit, Media House, which lies to the east and which is occupied by Group Tyres, with the canal running roughly east to west on the northern side of the access road. On the other side of the road are the industrial units accessed off Osier Way which vary in height but are mainly two-storeys high. Further to the east is Victoria Park. To the south are the Victorian terraces and semi-detached dwellings of Victoria Street with flats at the northern end of this street.

- 4.2 A public footpath runs from Victoria Park down the south-east boundary of the site before exiting onto Eagles Road. The tow path alongside the canal offers pedestrian and cycle access into the town centre.
- 4.3 The former Hazells printing company was located on this site but the buildings have long since been removed from the site and it comprises unmade land which is overgrown. It is relatively flat across the site although the residences of Victoria Street are approximately 2m higher.

## **5.0 PROPOSAL**

- 5.1 This is a reserved matters scheme pursuant to outline permission 14/01010/AOP which seeks consent for the access, appearance, landscaping, layout and scale of a residential development of 135 dwellings.
- 5.2 The detailed scheme under consideration proposes:
- Blocks 1 and 2 providing 28 x 1 bed flats and 42 x 2 bed flats
  - Groups of terraces providing 27 x 2-beds, 30 x 3 beds and 8 x 4 beds

Blocks 1 and 2 would be 3-4 storeys high, between 9.8 and 14m high to the ridge. House type A which are the 2 beds would be two storey and 7m high to the ridge. House types B and C would be 3 and 4 beds respectively and two and a half storeys high and 9.3m high to the ridge. Amended plans have been received indicating that across the site 130 car parking spaces would be provided with 36 cycle spaces within each block of flats.

- 5.3 With regards to the affordable units, under the S106 agreement, 18 units must be provided. The site is being developed in partnership with Hightown Housing Association and it is understood that all the units will be delivered as shared ownership or affordable rentals.
- 5.4 Amenity areas have been provided to the rear of the flats to serve the occupiers and the remaining dwellings would have private gardens available. Bin stores would be provided for the flats in the form of two detached 'buildings' and individual bin stores would be provided to the fronts of the dwellings.
- 5.5 The outline scheme did provide illustrative details of the potential development of the site which comprised of:
- 28 x 1 bed apartments
  - 52 x 2 bed apartments
  - 17 x 2-bed houses
  - 38 x 4 bed houses

Three storey development was indicated, stepping down to two-storeys against the southern boundary but stepping up to four-storeys at the east and west corners. With regards to car parking provision, again indicative details of 1 space per dwelling and 0.75 spaces per apartment were indicated, a total of 115 spaces across the site.

- 5.6 A S106 legal agreement was completed in connection with the outline scheme. This secured financial contributions towards improvements to the tow path and bus stops in the vicinity of the site, towards education and including a sport and leisure contribution. On the basis of the viability of the scheme 13% affordable housing was secured in the agreement.

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 13/60023/SO - Request for a Screening Opinion - proposed redevelopment of the site to provide 168 residential dwellings (comprising of 108 apartments and 60 houses/maisonettes) with parking, amenity space and utilising the existing access – Environmental Impact Assessment not required.

- 6.2 14/01010/AOP - Outline application with all matters reserved for the development of up to 135 residential dwellings. – Approved.
- 6.3 14/A1010/DIS - Submission of details pursuant to Condition 7 (tree protection) relating to planning permission 14/01010/AOP – Discharged.
- 6.4 14/B1010/DIS - Submission of details pursuant to Condition 15 (archaeology) relating to planning permission 14/01010/AOP – Discharged.
- 6.5 14/C1010/DIS - Submission of details pursuant to Conditions 20 (Contaminated land assessment) and 21 (Remediation works) relating to planning permission 14/01010/AOP – Partly discharged.
- 6.6 14/D1010/DIS - Submission of details pursuant to planning condition 17 relating to details of Construction Management Plan on outline planning permission ref 14/01010/AOP – Discharged.
- 6.7 14/E1010/DIS - Submission of details pursuant to Condition 4 (materials) 5 and 6 (landscaping) 8 (boundary treatment) 9 (levels) 10 (foul water disposal) 11 (external lighting) 12 (access) 14 (parking/manoeuvring scheme) 18 (surface water drainage) 19 (whole life maintenance plan) and 22 (bat roosting) relating to Planning Permission 14/01010/AOP – Pending consideration.

## **7.0 PARISH/TOWN COUNCIL COMMENTS**

- 7.1 Aylesbury Town Council – Object to this application as the committee have a number of concerns. The committee support the comments made by AVDC housing and would like to see affordable housing as well as flats.

The committee fully support all comments made by the Police. They have raised a number of concerns regarding the development and the town council would like to see all of these addressed.

The committee have concerns over the number of parking spaces available. Although there seems to be 1 space per household, there is no thought for additional family cars or visitors parking which leads to concerns for the potential on street parking on the access road as well as within the development. This could have a major detrimental impact on the emergency service access to the site.

The committee have concerns regarding the allocation of school places and health care provision for the potential residents of the development. The committee would like to see a breakdown of where and how the S106 money will be allocated.

Finally the committee have a great concern regarding the fire risk posed by the tyre warehouse that is in very close proximity to the development.

If the application is considered by committee, Aylesbury Town Council will speak at the committee meeting.

## **8.0 CONSULTATION RESPONSES**

- 8.1 Clinical Commissioning Group – The increase in population of approx. 350 new patients as a result of this housing growth will have an effect on the Poplar Grove Surgery as it's likely that most of these residents will be looking to register at this practice. Poplar Grove will also have to address considerable housing growth from other developments in the area which collectively will pose a real challenge to this practice in terms of infrastructure. Given that there might be a requirement for modification to existing infrastructure, a contribution from the developer towards these additional costs would be expected.

- 8.2 BCC Archaeology – The proposed development is likely to affect a heritage asset of archaeological interest because an evaluation of the site has revealed archaeological

remains of probable prehistoric or Roman date. Much of the site has been disturbed by the former print works however, the south-west corner has revealed pits and ditches surviving close to the projected alignment of the Roman Road Akeman Street, which is thought to cross the south-west corner. There have been numerous discoveries of Roman metalwork in the gardens of the surrounding properties and several Roman ditches and pits were recorded during the widening of Stocklake Road, north of the canal. Recommend an archaeological evaluation in the south-west corner of the site to be secured by condition.

- 8.3 BCC Highways – The impact on the local highway network has already been accepted and these comments are confined to the detailed layout of estate roads. The layout is generally considered acceptable however, the width of the footways, surfacing materials, sizes of parking spaces, pedestrian access near plot 81 and refuse tracking for an 11m long refuse vehicle should be addressed.

Further comments: Satisfied with the further information provided and there are no objections to the development subject to a condition to secure car parking provision.

- 8.4 Bucks and Milton Keynes Fire Authority – Development should give due consideration to Approved Document B Section 15 (Fire Mains and Hydrants) and Section 16 (Vehicle Access). Attention should be given to parking facilities to prevent chronic double parking which could affect emergency service attendance. Where a gated development is included then a digital lock is preferred with the Fire Service being updated of access codes. The design of refuse stores and collection areas should be such that there are no opportunities for deliberate ignition of the refuse and any fire that may occur should not affect the habitable areas of the development. Private dwellings should be provided with adequate secure bin storage separated from the building by either distance or fire resisting structure.

- 8.5 Environmental Health – Recommend condition to ensure sound mitigation in the Noise Impact Assessment by Cundall Johnston and Partners is fully implemented.

- 8.6 Environment Agency – Unable to provide comments due to increase workload prioritisation and are not a statutory consultee for reserved matters applications. *(BCC SuDS Team have been consulted on the discharge of conditions application regarding surface water drainage)*

- 8.7 Biodiversity – With regards to landscaping, the planting mix should provide a more 'biodiverse' species mixture to include more native species. Details of lighting levels along the Grand Union Canal must clearly be provided to indicate this will be retained as a 'dark corridor' for commuting and foraging bats. Lighting along the canal should not exceed 1 lux. The proposed bat roosting bricks are generally acceptable but specific box types should be detailed, height of bat boxes should be specified and locations indicated on elevation plans. The bat boxes should be located in close proximity to semi-natural habitats such as the canal. Proposed locations should be amended to remove those currently on north-facing elevations and relocated on south, west or east facing elevations.

- 8.8 Crime Prevention Design Advisor – Object to the development:

- Fundamental concerns with exposed rear boundaries, specifically terraced blocks 4, 5, 6, 7, 8 and 9. Grid layouts would more readily protect rear boundaries with back to back gardens and clear demarcation between the public and private realm. Excessive permeability; footpaths to rear gardens provide access to occupiers but potentially other members of the public and offenders, these areas lack surveillance. Unable to assess how rear garden access is proposed for a majority of dwellings in a number of the terraces.
- Defensible space and suitable surveillance should be provided. The proposed design produces numerous side elevations exposed to the public realm; windows should be provided to offer surveillance from an active room.
- Suitable robust boundary treatments should be provided to ensure the mixed activities in the area (commercial units and Tesco) function well together. 2.1m high robust fencing should be installed to the western boundary with the Tesco

car park and 1.8m high robust close boarded fencing should be installed to the south of the development adjoining the unmade road and all other vulnerable rear and side boundaries should be 1.5m high fencing with additional 30mm trellis topping.

- Significant concerns over the linked cores located in the communal dwellings of blocks 1 and 2. Crime and anti-social behaviour are more likely to occur where there are several ways into, through and out of residential areas allowing unrestricted access creating opportunity and the fear of crime.
- Postal services should be provided either by way of postal boxes in an airlock area in the communal entrance or by the installation of robust external postal boxes with suitable surveillance.
- Access controls should be installed with the use of a fob or card, remote release of the main communal door should be enabled from the individual dwellings and should include both an audio and visual display.

8.9 Canal and River Trust – Do not object but consider that consideration is given to moving the blocks of flats forward at each end in order that the parking could be placed behind, to try and reduce the visual impact of so much parking. Planting on the north side of the main carriageway should be improved to help provide an enhanced screen from the waterside corridor but also soften the edges of the highway corridor; buffer planting allowing the occasional glimpse through on the canal corridor would be beneficial.

8.10 BCC Public Rights of Way Officer – Note the S106 contribution to the tow path which is welcome and the proposed pedestrian connection onto Victoria Street and Eagles Road which provides good walking and cycling connection towards the A41 bus stops, Walton Street schools and Amber Way cycle route which is also very welcome. With the outline permission a pedestrian access onto Footpath 28 was sought and this would be possible if a 1m gap were provided at the turning head between plots 135 and 125. This would afford direct access to the local green infrastructure but a balance must be struck between pedestrian permeability and crime prevention.

8.11 Affordable Housing – As per the S106 we would expect to see 18 affordable units, 11 affordable rent and 7 shared ownership which should be identified on a plan. Given the greatest need for rented and shared ownership is 2 and 3 bedroom houses and there is a desire for blocks to be of the same tenure type, plots 104-114, 123-125 and 132-135 should be affordable. Where possible affordable units should be accessible and adaptable for those with mobility issues and the affordable units should be indistinguishable from market housing.

Further comments – The affordable housing plan, dwg 273-INF-110-01, adequately illustrates the affordable units and their tenures as requested.

8.12 Thames Water – Request a condition to detail a drainage strategy for foul and surface water. Would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer, discharge without a permit is illegal, therefore an informative is recommended to address this. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Recommend a condition to secure an impact study to determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Thames Water have since confirmed to the applicant that the existing foul/combined sewer network does have sufficient capacity to accommodate the foul water discharge from the proposed development. They have also confirmed that subject to a condition requiring the approval of a drainage strategy that an impact study would not be required. Details of surface water treatment would also be required.

8.13 Landscape Officer - Encouraged to see extensive amenity planting to the curtilages of the buildings, however there are concerns that planting may not be appropriate in a number of



places such as where there are constrained conditions and lack of sunlight for example. Concerned there isn't a footpath leading from the entrance way located between A16, A15, A12, A11 and A10; similar issues for G14, G13 and G11. These exits lead directly on to the grass public space, which will not only cause accessibility issues, but would also churn the surface of the grass at those exit points. A hard surface footpath should be introduced to create suitable access for exits/entrances from buildings.

Concerns that the location of the bin store creates a very thin strip of grass (south of the bin store) between proposed properties and an overlapping parking space, again highlighting the lack of access to the amenity space located west of the western block. To the south west (western section), there is a large triangular space which appears to be left over space, amenity grass is shown in this area, it would be preferable see this space making a more meaningful contribution to the scheme, trees and further planting could be introduced here, alternatively it could be part of the adjacent property's private garden.

Appear to be issues with some lighting columns and access to parking and conflict with planting areas. Question whether close boarded fence to the south of the scheme is the most appropriate treatment, wall and trellis treatment would make the boundary more attractive and less solid in appearance. On the western section, there is no indication of boundary treatment between private gardens.

The exit between planting G11 and G10 exits directly in front of a disabled parking bay, this is unacceptable. South of planting J8 there appears to be an amenity grass area which looks like left over space, this should be planting to create more of a consistent street frontage. Concerned that the hard space south of planting H15 becomes a place for opportunistic parking, this area should be reconsidered to remove a large area of hard standing.

There doesn't appear to be a route in front of parking spaces (north east of eastern section), those residents who park in these spaces would have to walk around the building and enter via the main route entrance or they would have to traverse G7 and G8 planting beds and lawn in between the bin store.

As a general note, there is the opportunity to introduce more street trees along the road to soften the appearance of the hard spaces and the pedestrian canal route should also be more celebrated, with tree planting or art work in the paving as a wayfinding tool.

Further comments: The revised layouts, planting plans and landscape management plan have been reviewed and the applicant has dealt with all the concerns regarding layout, soft and hard landscape.

## **9.0 REPRESENTATIONS**

9.1 None received.

## **10.0 EVALUATION**

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

10.1 Members are referred to the Overview Report before them in respect of providing the background information to the policy framework when coming to a decision on this application. The starting point for decision making is the Development Plan. For the purposes of this report, the Development Plan consists of the adopted Aylesbury Vale District Local Plan. S38(6) of the Planning and Compulsory Purchase Act 2004 requires

that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the Planning Practice Guidance are both important material considerations in planning decisions. Neither changes 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, PPG and other material considerations. Determination of the application needs to consider whether the proposals constitute sustainable development having regard to Development Plan policy and the NPPF as a whole.

- 10.2 However, AVDLP is time-expired therefore it is accepted that for the purposes of decision making, the approach outlined in paragraph 14 of the NPPF needs to be followed which states that where the development plan is out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted.
- 10.3 In respect of development plan policies for the supply of housing, these are now out of date as AVDLP is time expired. Policies RA13 and RA14 relating to the supply of housing district wide and policy AY4 which relates to this site, are now out of date given that these identified housing targets for the plan period up to 2011 and are not considered to be consistent with the Framework. In addition, the NPPF (at para 49) advises that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year housing land supply.
- 10.4 In the absence of a figure for the Full Objective Assessment of Need which will emerge through the plan making process which will also need to consider potential unmet needs from adjoining authorities not within the Housing Market Area, the council has set out its approach in the published Five-year Housing Land Supply Position Statement. This is regularly updated and the latest version is dated August 2017. This version uses the proposed Full Objectively Assessed Need (FOAN) identified in the Buckinghamshire Housing and Economic Development Needs Assessment (HEDNA) Update December 2016 and addendum (September 2017) (970 dwellings per annum). This represents the most appropriate need requirement figure as it considers the district's own objectively assessed needs as well as that within the housing market area. Based on the findings of the HEDNA, the housing land supply document shows we have a nine year supply this year (compared with 5.8 years previously).
- 10.5 A number of general policies of the AVDLP are considered to be consistent with the Framework 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 Policies GP8, GP24, GP35, GP38 - GP40, GP45, GP59, GP88 and GP94. They all seek to ensure that development meets the three dimensions of sustainable development and are otherwise consistent with the core planning principles set out at paragraph 17 of the NPPF.
- 10.6 The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. The draft Vale of Aylesbury Local Plan was published and subject to public consultation in summer 2016. Following consideration of the consultation responses, and further work undertaken, changes have been made to the draft plan. A report has been considered by the VALP Scrutiny Committee on 26 September and Cabinet on 10 October 2017 on the proposed submission plan. The Cabinet's recommendations were considered by Council on 18 October 2017. The proposed submission was the subject of consultation from 2 November to 14 December 2017. Following this, the responses have been submitted along with the Plan and supporting documents for examination by an independent planning inspector at the end of February 2018. The adoption of the Vale of Aylesbury Local Plan is planned to be in 2018.
- 10.7 Currently this document can only be given limited weight in planning decisions as it is still too early in the planning making process, however the evidence that sits behind it can be

given weight as these present a strategic picture. Of particular relevance is the Settlement Hierarchy Assessment (September 2017) which identifies Aylesbury as being the primary focus of strategic levels of growth and investment and growth should seek to support the revitalisation of the town centre and economic growth should be accommodated through the effective use of brownfield sites such as this application site.

- 10.8 The Housing and Economic Land Availability Assessment (HELAA) (January 2017) is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. This site has nonetheless been identified as suitable for housing having regard to the outline consent. It notes that there are matters to tackle including providing a buffer strip from development to the canal for biodiversity purposes and improving green infrastructure connectivity in line with the AVDC Green Infrastructure Strategy.
- 10.9 Outline permission has been granted on this site (ref: 14/01010/AOP) and a legal agreement completed, for the erection of up to 135 dwellings and therefore the principle of development on this site has been previously considered and accepted. This is a material consideration in the determination of this detailed application.

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

- 10.10 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 18 to 219 of the NPPF, taken as a whole (paragraph 6). It is only if a development is sustainable that it would benefit from the presumption in paragraph 14 of the NPPF. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits associated with the issues together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance. This assessment is undertaken below.

- ***Building a strong competitive economy***

- 10.11 The Government is committed to securing and supporting sustainable economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development.
- 10.12 It is considered that there would be economic benefits in terms of the construction of the dwellings and the resultant increase in population contributing to the local economy which should be afforded significant weight in the scheme's favour given the scale of the development proposed.

- ***Deliver a wide choice of high quality homes***

- 10.13 Local planning authorities are charged with delivering a wide choice of high quality homes and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development (paragraphs 47-49). The housing supply position has been discussed above.
- 10.14 The development does propose a good mix of dwellings sizes and types including Blocks 1 and 2 providing 28 x one-bed flats and 42 x two-bed flats and the groups of terraces providing 27 x two-beds, 30 x three-beds and 8 x four-beds. A number of smaller units are proposed for which there is a greater need and this has been increased over that indicated

for the outline scheme which included a higher proportion of three and four bedroom dwellings. There is no reason that the site could not be delivered within the next five year period and indeed the applicant has expressed a willingness to commence on site as soon as possible. The development would make a contribution to housing land supply which should be afforded significant positive weight in the planning balance.

- 10.15 In terms of affordable units, given the viability situation established at the outline stage a policy compliant scheme could not be put forward at that time and only 13% affordable units could be secured (by way of the completed legal agreement) which equates to 18 dwellings as part of this detailed scheme. This matter would continue to be afforded moderate weight in the planning balance having regard to what has been secured. However, the site is being developed in partnership with Hightown Housing Association and it is understood that all the units will be delivered as shared ownership or affordable rentals.

- **Promoting Sustainable Transport**

- 10.16 The NPPF at Section 4 “Promoting sustainable transport” notes at paragraph 29 that transport policies have an important role to play in facilitating sustainable development, and in contributing to wider sustainability and health objectives. The transport system needs to be balanced in favour of sustainable transport modes, increasing travel choice, reducing congestion and reducing greenhouse gas emissions. Paragraph 32, among other things, notes that authorities should seek to ensure that development achieves safe and suitable access to the site for all people; and paragraph 35 advises that authorities should seek to create safe and secure layouts which minimise conflicts between traffic, cyclists and pedestrians. 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.
- 10.17 The site is located in an accessible position and is within close proximity to bus stops, the cycle network and footpaths which give access to the town centre and all of its amenities and facilities. Given its location it is not considered that future occupiers of the development would be reliant on the private car. The site is in a location where the use of sustainable transport can be promoted and it can provide people with a choice about how they travel as required by paragraph 29 of the NPPF.
- 10.18 The outline scheme indicated that the main access point into the site would be via the existing service road which is used by Tesco delivery vehicles and which leads to the industrial unit, currently occupied by Group Tyres. Four access points into the site itself were indicated. The County Highway Authority were involved in discussions at the outline stage and were satisfied that the surrounding road network could accommodate the development without resulting in severe harm, having regard to the terms of the NPPF and that there would not be undue conflict between existing users of the access and with the future residents. It continues to be the case that it is not considered that there would be a material impact on the local highway network in terms of traffic generation and highway safety. The completed S106 agreement secured the upgrading of the bus stops on the Tring Road within the vicinity of the site to provide real time passenger information.
- 10.19 The details submitted with this reserved matters scheme are generally considered to be acceptable, and BCC Highways have confirmed that the details of the reserved matters scheme are now acceptable following receipt of further plans. Only two access points are now proposed into the site which has allowed the access ways to be widened (from those indicated at outline stage) to meet standards and this also simplifies the internal road network. It is considered that this aspect of the proposal must be afforded neutral weight in the planning balance.
- 10.20 With regards to the level of car parking provided, amended plans have been received indicating the provision of 130 car parking spaces across the site for the 135 dwellings

proposed, which would comprise 288 bedrooms. This would equate to approx. 0.96 spaces per dwelling. This is compared with the outline scheme which although only indicative details were provided, across the site 115 spaces were provided for 135 dwellings which would have comprised 318 bedrooms and which would equate to 0.85 spaces per dwelling. With regards to the adopted Car Parking Standards of the LPA, the development would require 229 spaces to be provided having regard to the dwelling sizes. The SPG does discuss establishing lower standards in locations of greater accessibility by non-car modes and that outside of the town centre if a site is well related to public transport the requirement could be reduced. As discussed above, this site is considered to be sustainably located with access to alternative modes of transport to the private car and therefore whilst the level of car parking would not meet the Council's standards, these are maximum standards and having regard to the site circumstances and that a lower level of provision was discussed and accepted at the outline stage, it is considered that the amount of car parking indicated for the reserved matters scheme would be acceptable. Although the Town Council have raised concerns about parking on the main access road past Tesco before entering the site, this road is 5.5m wide so is of sufficient width to provide access to emergency vehicles even if vehicles are parked on-street. BCC Highways have requested a car parking condition, but this has already been imposed on the outline permission and need not be repeated here. Overall it is considered that the development would accord with the aims of the SPG, Policy GP24 and with the NPPF and that it could be implemented without harm to highway safety and convenience and that sufficient parking can be provided. This absence of harm should be afforded neutral weight in the planning balance.

- ***Conserving and enhancing the natural environment***

- 10.21 Regard must be had as to how the proposed development contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 10.22 An Ecological Appraisal was submitted with the outline application and the survey and general recommendations were considered to be acceptable. Details of landscaping, lighting and bat roosting have been submitted under a separate discharge of condition application associated with the outline permission and are currently being considered. The development should therefore be afforded neutral weight in the planning balance in this regard.
- 10.23 The proposal comprises brownfield development. An assessment on urban design in respect of the reserved matters to be considered is dealt with below.

- ***Requiring Good design:- Reserved Matters: Layout, Scale, Appearance, Landscaping***

- 10.24 In requiring good design, the NPPF states that development should add to the overall quality of the area, respond to local character and history and to reflect the identity of local surroundings. This aim is reflected in Policy GP35 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
- 10.25 Paras 57 and 58 of the NPPF states that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 10.26 At Para 60 the NPPF states that Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 10.27 The matters reserved for subsequent consideration are assessed below, access has been considered in the promoting sustainable transport section above.

***Reserved Matters: Layout, scale and appearance:***

- 10.28 The scheme would be served by two access points off the access road to the north and footpath links are shown through to Victoria Street and onto the canal. It is considered that the accessibility and legibility through the site is such that it would result in a satisfactory standard of development. Amenity areas for the flats, though somewhat small, are proposed in two main areas of the site and tree planting is indicated throughout with ancillary landscaped areas. Different surfacing materials are proposed for the footpaths, roadways, parking spaces and patio areas which would add variety but also assist with the legibility of the space.
- 10.29 In terms of the scale and appearance of the two larger buildings comprising the flats, these would be four storeys in height and 14m high to the ridge at the 'corners' of the site dropping to three storeys high and 10.8m high to the ridge. They would have pitched roofs and external balconies to the upper and some ground floor flats. Whilst they are simple in their design the buildings have been articulated with the projecting gable features and differing heights which would add some relief to the bulk of the buildings. The flats would be finished in a red multi-stock brick and grey concrete plain tiles, the details of which are being separately considered under the discharge of conditions application associated with the outline consent. It is considered that the design of the flats would be acceptable and in keeping with similar development in the locality.
- 10.30 The flats would have a detached bin store located adjacent to them to serve the occupiers and this would be of a timber construction.
- 10.31 There would be 13 blocks of terraced properties across the remainder of the site. The house type A dwellings (two-beds) would be located adjacent to the southern boundary of the site to reflect the scale and mass of the Victorian terraces of Victoria Street (which are positioned approximately 2m higher than the application site). These dwellings would be 7m high to the ridge with 9.6m span depths and a width of 4.5m. They would be finished in a buff brick with grey plain concrete tiles.
- 10.32 House types B dwellings (three beds) would comprise the dwellings on the canal side frontage between the two blocks of flats and would also be found to comprise the majority of the remainder of the development. These townhouse style dwellings would be 9.3m high to the ridge and would be positioned in rows of terraces with gable fronts. A buff brick and grey concrete plain tiles are proposed.
- 10.38 The house type C dwellings (four beds) would form two rows of four properties attached to the other smaller type B dwellings to form a longer terrace and these would be located to the rear (south side) of the flats. These dwellings would be 9.3m high to the ridge, again with gable fronts and finished in a buff brick with grey plain concrete tiles. The aim of the design and appearance of the dwellings has been to reflect the appearance of the traditional industrial units on the other side of the canal to the north and to maintain the simple and uncomplicated character of such traditional developments whilst maintaining a suitable standard of detailing. It is considered that the design of the dwellings would be acceptable and in keeping with similar development in the locality.
- 10.39 Several comments have been raised by the Police Crime Prevention Design Advisor regarding the details of the scheme. In particular there is an objection to the lack of adequate natural surveillance, exposed rear boundaries, excessive permeability and

boundary treatments. Whilst these comments have been taken on board, there is a balance to be struck between securing the optimum use of this brownfield site and a development reflective of the character of the locality which is both accessible and inclusive whilst also ensuring that the development is secure and the fear of crime does not undermine the quality of life of residents. In this case it is considered that adequate regard has been had to the layout of the development such that it would be acceptable in terms of the built development and character of the area and ensuring that as far as possible it would result in a safe and secure development.

- 10.40 Overall it is considered that the layout, scale and appearance details submitted as part of this reserved matters application are acceptable and that they would accord with the aims of policy GP35 of the AVDLP and the NPPF. On this basis these matters should be afforded neutral weight in the planning balance.

### ***Reserved matter: Landscaping***

- 10.41 The site is located in an urban area and is adjacent, in part, to green spaces. The development would be viewed in the context of the surrounding built development including the large Tesco store and the industrial units. In addition this is a brownfield site and preference must be given to its development in accordance with the NPPF. The development would result in change to the current open appearance of the site, but the principle of the development has been accepted with the grant of permission of the outline development.
- 10.42 The Council's Landscape Officer has considered the amended details which have been submitted which have addressed areas of concern apparent in the original submission. This was in relation to areas of planting, boundary treatment, footpaths and lighting in particular.
- 10.43 Within the site there are only limited small trees and vegetation given that it was previously occupied by an industrial building. Details of the planting of grassed areas and trees has been submitted for consideration under the separate discharge of condition application associated with the outline approval. It is considered that the landscape details of this reserved matters development would accord with the aims of the NPPF and policies GP35, GP39 and GP40 of the AVDLP which seek to add to the overall quality of the area, respond to local character and to respect the natural qualities and features of the area and to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value. Therefore this impact should be afforded neutral weight in the planning balance.

#### **• *Meeting the challenge of climate change and flooding***

- 10.44 Paragraph 103 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere. The site is within Flood Zone 2 and is considered to be at some risk of flooding. A sequential test was undertaken as part of the outline scheme and it was accepted that in the context of the overall shortfall of housing land to meet housing supply requirements (at that time) and the fact that the scheme could provide a broad range of dwellings types, the applicants consider that there are insufficient sequentially available development sites to meet the housing requirement. In addition this is a brownfield site close to the centre of Aylesbury and available for high density development. Whilst the Authority can now demonstrate in excess of a five year supply of housing it is considered that the scheme is still acceptable in this regard and the outline consent is a material consideration.
- 10.45 Conditions on the outline approval require the submission of details of the foul and surface water drainage for the site and these details are currently being considered as part of a separate discharge of condition application. It is considered that this matter should weigh neutrally in the planning balance.

- ***Impact on residential amenities***

- 10.46 Policy GP8 of AVDLP seeks to protect the residential amenity of nearby residents whilst a core planning principle of the NPPF also seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.47 As discussed above, two amenity areas would be available for the occupiers of the flats and the dwellings would all have private garden areas available which would be of an adequate size being at least 10m deep or wider with a side garden where this cannot be achieved. In addition the future occupiers of the flats and wider site would also have access to green spaces around the town given the accessibility of the site and especially the links to the footpaths and canal tow path.
- 10.48 The distances between the dwellings and the existing dwellings on Victoria Street would be acceptable at approx. 25m at their closest point and the Victoria Street properties are also some 2m higher than the application site, such that no undue loss of privacy or overlooking would result. To the dwellings off Pavillion Close there would be a flank to flank distance of 10.6m at its closest point. The relationship within the site between the proposed dwellings and flats is generally considered to be acceptable such that satisfactory a living environment for the future occupiers of the development would be achieved. Although there may be some overlooking from the flats to the rear gardens of the nearest proposed terraces to the south (in a rear to side relationship), some 7m between Block 1 and plot 71 and 9.4m between Block 2 and plot 126, given the intervening bin stores, landscaping and means of enclosure, it is not considered that this impact would be unacceptable.
- 10.49 Environmental Health have raised no objections to the development requesting a condition to ensure that the noise mitigation referred to in the noise assessment undertaken is imposed. However, such a condition was imposed on the outline permission and need not be repeated here.
- 10.50 Overall the impact on residential amenities is considered to be acceptable and in accordance with policy GP8 and with the NPPF and as such this matter is weighed neutrally in the planning balance.

- ***Other matters***

- 10.51 The Town Council have raised concerns about the fire risk posed by the tyre warehouse which is adjacent to the site. However, outline permission has been granted for this site with the indicative plans previously considered proposing development that was somewhat closer to the site boundary. Notwithstanding this, the Fire Authority have not raised objections to the development and the construction of the dwellings would have to meet all appropriate building regulations and this is a matter which is dealt with under separate legislation.
- 10.52 The Clinical Commissioning Group have made comments on the scheme advising that the development would place pressure on the Poplar Grove Surgery which would be the main surgery serving future residents of the scheme. They have commented that a contribution from the developer would be expected to address the additional demand. The Parish Council have also made comments about health care provision and education. A financial contribution towards education was secured as part of the S106 legal agreement towards secondary and primary school facilities, however, if a contribution towards healthcare had been considered necessary then this should have been requested by the CCG and sought at the outline stage also as part of the S106 legal agreement. Furthermore at the outline stage a case was made regarding the viability of the site coming forward which resulted in a lesser affordable housing provision of 13%. Any further contributions would have had a



knock-on effect on the overall viability of the scheme and the benefits attained. This request cannot be secured at this reserved matters stage.

10.53 BCC Archaeology have requested a condition to secure the implementation of archaeological work given that an evaluation already carried out on the site established that surviving pits and ditches of probable prehistoric or Roman date had been found in the southwest corner of the site. A condition to this effect has been placed on the outline consent and as such this matter has already been suitably addressed.

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