



AYLESBURY VALE DISTRICT COUNCIL Democratic Services

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4 December 2018

STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Strategic Development Management Committee** will be held at **1.00 pm** on **Friday 14 December 2018** in **The Oculus - Aylesbury Vale District Council**, when your attendance is requested.

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

Membership: Councillors: B Foster (Vice-Chairman), C Adams, J Blake, J Bloom, A Bond, R King, L Monger, R Newcombe and C Paternoster (ex-Officio)

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AGENDA

1. **APOLOGIES**
2. **TEMPORARY CHANGES TO MEMBERSHIP**
Any changes will be reported at the meeting
3. **ELECTION OF CHAIRMAN**
4. **APPOINTMENT OF VICE CHAIRMAN**
5. **MINUTES** (Pages 3 - 4)

To approve as a correct record the Minutes of the meeting held on 26 October 2018. (Copy attached).



6. DECLARATION OF INTEREST

Members to declare any interests.

7. OVERVIEW REPORT - JULY 2018 (Pages 5 - 14)

8. 18/01153/ADP - LAND EAST OF AYLESBURY, BROUGHTON CROSSING, BIERTON
(Pages 15 - 38)

Approval of reserved matters pursuant to outline permission 10/02649/AOP relating to 228 new homes as part of village 3 to the Kingsbrook development plus associated infrastructure including a further section of the Stocklake link road.

Case Officer: Sue Pilcher

9. HUMAN RIGHTS ACT (Pages 39 - 40)

Strategic Development Management Committee

26 OCTOBER 2018

PRESENT: Councillor ; Councillors B Foster (Vice-Chairman), J Blake, J Bloom, A Bond, L Monger, R Newcombe, C Paternoster (In place of M Edmonds) and M Rand (In place of R King)

IN ATTENDANCE: Councillors R Stuchbury

APOLOGIES: Councillors M Edmonds, C Adams and R King

1. MINUTES

RESOLVED –

That the minutes of the meeting held on 22 August 2018 be approved as a correct record.

2. 16/03302/APP - LAND REAR OF THE GRAND JUNCTION PUBLIC HOUSE, HIGH STREET, BUCKINGHAM

RESOLVED –

That the application be **Approved** as per the officer report.

3. 16/02673/APP - LAND REAR OF 17 TO 55 ESKDALE ROAD AND 47 TO 63 STATION ROAD, STOKE MANDEVILLE

RESOLVED –

That the application be **Deferred** as per the officer report with the correction to read 34% instead of 30% affordable housing.

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Overview Report:

Introduction

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

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

- 1.1 The starting point for decision making is the development plan, i.e. the adopted Aylesbury Vale District Local Plan (and any 'made' Neighbourhood Plans as applicable). S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF.

The Development Plan

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

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

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

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

National Planning Policy Framework

- 1.8 The most up to date national policy is set out in the NPPF published in July 2018. At the heart of the NPPF is the presumption in favour of sustainable development (paragraph 11) in both plan-making and decision-taking.
- 1.9 The NPPF states at paragraph 8 that there are three objectives to sustainable development: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 1.10 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.(paragraph 9).
- 1.11 The Government's view of what "sustainable development" means in practice is to be found in paragraphs 7 to 211 of the NPPF. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 1.12 The presumption in favour of sustainable development in decision-taking is explained at paragraph 11 of the NPPF. Plans and decisions should apply a presumption in favour of sustainable development.
For **decision-taking** this means;
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Foot notes:

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

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

- 1.13 In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - d) the local planning authority's housing delivery was at least 45% of that required⁹ over the previous three years.

And subject to transitional arrangement set out in Annex 1

- 1.14 Local planning authorities are charged with identifying a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (paragraphs 67-70) .
- 1.15 The NPPF sets out the means to delivering sustainable development. The following sections and their policies are also relevant to the consideration of all proposals:
- Building a strong competitive economy
 - Promoting sustainable transport
 - Delivering a sufficient supply homes
 - Achieving well designed places
 - Making efficient use of land
 - Promoting healthy and safe communities
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
 - Meeting the challenge of climate change and flooding
 - Supporting high quality communications
- 1.16 The NPPF sets out that transport issues should be considered from the earliest stages including the impact of development on the network, opportunities from transport infrastructure, promoting walking, cycling and public transport, environmental impacts of traffic and transport infrastructure, patterns of movement. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. (Paragraphs 102-103)
- 1.17 Paragraph 177 of the NPPF states "The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined. "
- 1.18 The Planning Practice Guidance (PPG) has not yet been fully updated to reflect the new NPPF.

- 1.19 Local guidance relevant to the consideration of this application is contained in the following documents :
- Affordable Housing Supplementary Planning Document (November 2007)
 - Supplementary Planning Guidance on Sport and Leisure Facilities (August 2004)
 - Sport and Leisure Facilities SPG Companion Document Ready Reckoner (August 2005)
 - Five year housing land supply position statement (June 2018)
 - Affordable Housing Policy Interim Position Statement (June 2014)
- 1.20 Those documents which have been the subject of public consultation and the formal adoption of the Council can be afforded significant weight insofar as they remain consistent with the policies of the NPPF.

Housing supply

- 1.21 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 1.22 Paragraph 60 requires that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 1.23 Where the Council cannot demonstrate a 5 year housing land supply (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, there is a presumption in favour of sustainable development in line with paragraph 11 of the NPPF. The absence of an NPPF compliant supply or delivery of housing would add to the weight attached to the benefit arising from the contribution made to the supply of housing and boosting the delivery of housing generally. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.
- 1.24 In the absence of a figure for the Full Objective Assessment of Need which will emerge through the plan making process which will also need to consider potential unmet needs from adjoining authorities not within the Housing Market Area, the council has set out its approach in the published Five year housing land supply position statement. This is regularly updated and the latest version is dated June 2018 to take account of the new planning permissions and completions up to the new base date of the 31 March 2018. It also updates the estimated delivery of sites based on the latest information.
- 1.25 This continues to use 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 11.7 year supply this year (compared with 9 years previously). 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.
- 1.26 It is acknowledged that this 5 year housing land supply calculation does not include any element of unmet need, however at this stage it would not be appropriate to do so. Whilst the unmet need figure has progressed, it has not been tested through examination and it would not be appropriate to use a 'policy on' figure for the purposes of calculating a 5 year housing land supply for Aylesbury until the "policy on" figures and general policy approach has been examined and found sound. There are no up-to-date housing supply policies in AVDLP and therefore we still

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

Neighbourhood Planning

- 1.27 Paragraph 29 and 30 states: Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies¹⁶.
- 1.28 Paragraph 80 states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.
- 1.29 The Neighbourhood Planning Act 2017 (the “Act”) came into force on 19 July 2017 and makes two provisions which are relevant:

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

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

Further advice is also set out in the NPPG which has not been fully updated since the revised NPPF.

Prematurity

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

Conclusion on policy framework

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

Whether the proposals would constitute a sustainable form of development

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

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

- 1.37 Members will need to assess whether the development would will support the aims of securing economic growth and productivity , but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 83 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses.
- 1.38 Members will also need to consider whether each development proposal provides for a mix of housing based on current and future demographic trends, markets and community needs, of an appropriate size, type and tenure including the provision of affordable housing. Key to the

consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land. Further advice is given on affordable housing provision, including the requirement for 10% of the homes to be available for affordable home ownership. The definition of affordable is set out in Appendix 2. The new Housing Delivery Test (HDT) applies from the day following publication of the HDT results in November 2018. A transitional arrangement is set out in paragraph 215 and 216 phasing the % threshold where delivery is below of housing required over 3 years increasing from 25% November 2018, to 45% November 2019 and 75% November 2020.

Promote sustainable transport

- 1.39 It is necessary to consider whether these developments are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, taking account of the policies in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 1.40 The promotion of sustainable transport is a core principle of the NPPF and patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.

Conserving and enhancing the natural environment

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

Conserving and enhancing the historic environment

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

Promoting healthy and safe communities.

- 1.47 Decisions should aim to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.
- 1.48 It will therefore be necessary to consider how each scheme addresses these issues.

Making effective use of land

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

Achieving well designed places

- 1.50 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 1.51 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 1.52 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Members will need to consider whether these issues have been dealt with satisfactorily.

Meeting the challenge of climate change

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

S106 / Developer Contributions

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

Overall planning balance

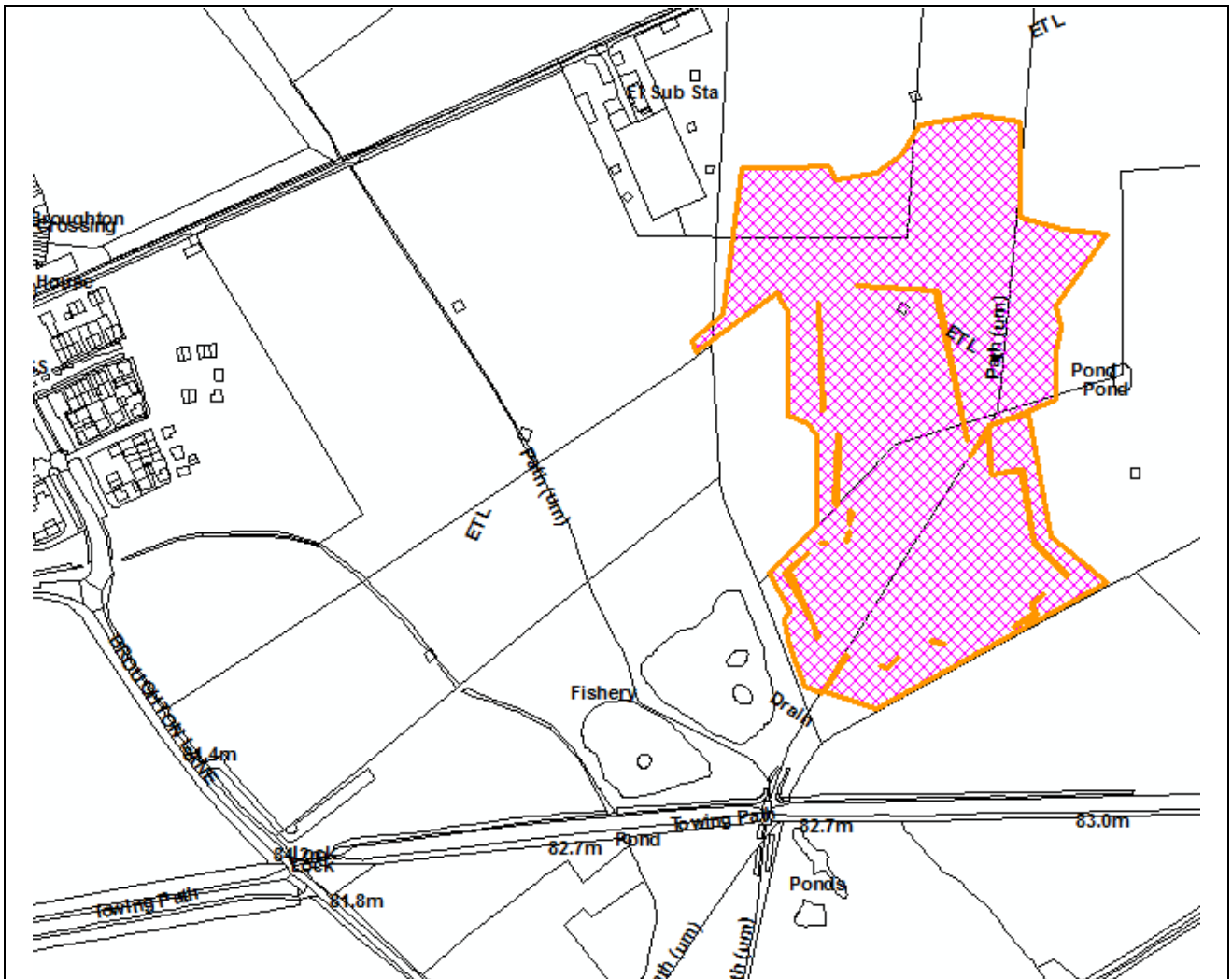
- 1.53 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

Conclusions

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

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18/01153/ADP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/01153/ADP	BIERTON WITH BROUGHTON	19/04/18
APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PERMISSION 10/02649/AOP RELATING TO 228 NEW HOMES AS PART OF VILLAGE 3 TO THE KINGSBROOK DEVELOPMENT PLUS ASSOCIATED INFRASTRUCTURE INCLUDING A FURTHER SECTION OF THE STOCKLAKE LINK ROAD.	The Local Members for this area are: - Cllr Alison Harrison Cllr Mary Stamp Cllr Julie Ward	
LAND EAST OF AYLESBURY		
MR MICHAEL GEORGE - BARRATTS		
STREET ATLAS PAGE NO. 102		

1.0 The Key Issues in determining this application are:-

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

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

- Building a strong competitive economy
- Promoting sustainable transport
- Delivering a sufficient supply of homes
- Achieving well designed places
 - Reserved Matters: Layout, Scale, Appearance, Landscaping
- Making efficient use of land
- Promoting healthy and safe communities
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment
- Meeting the challenge of climate change and flooding
- Supporting high quality communications

c) Impact on existing residential amenity

The recommendation is that permission be be deferred and delegated to officers to be **APPROVED** subject to the resolution of outstanding matters relating to the LEAP and subject

to the imposition of conditions.

2.0 Conclusions

- 2.1 This detailed scheme follows the grant of permission (following the completion of a legal agreement) of the outline proposal 10/02649/AOP where the principle of the development for the wider Kingsbrook development was accepted and this is a material consideration in the determination of this application.
- 2.2 The application has been evaluated against the Development Plan and the NPPF. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.3 It is accepted that the development (as part of the wider Kingsbrook development) would continue to make a contribution to housing land supply which is a significant benefit to be attributed significant positive weight in the planning balance. Furthermore the proposal would make a contribution to the provision of affordable housing to which significant 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 (subject to clarification from leisure), 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 11d of the NPPF as the AVDLP housing supply policies are out of date, it is considered that the adverse impacts would not significantly or demonstrably outweigh the benefits of the proposal. It is therefore recommended that the application be deferred and delegated to officers to be APPROVED subject to the resolution of outstanding matters relating to the LEAP and subject to the imposition of any conditions as considered appropriate by Officers.

WORKING WITH THE APPLICANT/AGENT

- 2.6 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, AVDC worked with the agent to revise the application and to consider further

details and layout plans which were considered to be acceptable overall and the application has been approved.

3.0 INTRODUCTION

- 3.1 The application needs to be determined by committee as Aylesbury Town Council and Berton with Broughton Parish Council have raised material planning objections and confirm that they will speak at the Committee meeting.

4.0 SITE LOCATION AND DESCRIPTION

- 4.1 The site forms part of the Kingsbrook development site which commenced construction in 2016. Kingsbrook is located immediately to the east of Aylesbury and the overall site extends to some 306.6ha from Oakfield Road to the west and to the south with the Grand Union Canal, with a small area of the site extending to the other side of the canal, towards Broughton. To the east of Kingsbrook is the Aylesbury Golf Centre as well as open countryside/agricultural fields and to the north lies the village of Berton. The land is a flat low lying landscape characterised by a mix of arable and pastoral fields bordered by hedgerows and hedgerow trees with scattered settlements and low woodland cover. Village 2 is currently under construction and is partly occupied.
- 4.2 The application site forms part of the residential element of Village 3 to the north of the Stocklake Link Road. Further proposed residential development to the north and east of the application site will form part of a future phase and the canal quarter comprising commercial and residential elements of Village 3 which are located to the south of the Stocklake Link Road will also be part of a future phase.
- 4.3 The red edge application site includes land which goes to the south of the SLR and this land forms part of the mitigation measures and surface water drainage scheme for Village 3.

5.0 PROPOSAL

- 5.1 This is a reserved matters scheme pursuant to outline permission 10/02649/AOP relating to 228 new homes as part of village 3 to the Kingsbrook development plus associated infrastructure including a further section of the Stocklake link road.
- 5.2 The detailed scheme under consideration proposes:
- 48 x 2 bed dwellings in the form of five blocks of flats fronting the Stocklake Link Road on its northern side.
 - 35 x 2 bed houses
 - 110 x 3 bed houses
 - 35 x 4 bed houses
- 5.3 The development would be finished in a mixture of brickwork, weatherboarding and tiles as discussed in more detail below. Means of enclosure would comprise brick walling, close boarded fencing, metal railings and timber knee rails.
- 5.4 With regards to the affordable units, 20% affordable units would be provided in accordance with the level agreed at outline stage and in the S106 agreement accompanying the approval. These would be provided in the form of 2-bed flats and two, three and four bedroom dwellings providing a total of 46 units in this part of Village 3.
- 5.5 A LEAP is provided for in the eastern side of the application site.
- 5.6 Access into this part of village 3 would be via two main access points off the Stocklake Link Road, the western access also acting as part of the bus route. In respect of parking provision, this would take the form of on plot parking for the majority of dwellings with parking to the front of the terraced properties and within an enclosed parking area to the

rear of the apartments. Some parallel parking is also shown within the scheme, mainly to take account of visitor parking.

- 5.7 Throughout the scheme soft landscaping and tree planting is provided, particularly along street frontages and within the swales and along the length of this part of the Stocklake Link Road.
- 5.8 Discussions have taken place with the applicant in respect of several matters including back to back distances, garden depths, parking, highway matters and the layout of the development. The applicant has submitted amended plans to address these matters.

RELEVANT PLANNING HISTORY

10/02649/AOP - New urban extension comprising 2450 homes, 10ha employment land, neighbourhood centre, two primary schools, construction of eastern link road (part) and the Stocklake link road (rural section), green infrastructure, associated community facilities and support infrastructure including expanded electricity sub station and flood defences - Approved

14/03486/ADP - Approval of reserved matters pursuant to outline permission 10/02649/AOP relating to appearance landscaping, layout and scale for village 2 (including all mitigation land) comprising the development of 492 residential units, community facilities, associated landscaping and public open space, internal access and infrastructure – Details approved

14/03487/ADP - Approval of reserved matters pursuant to outline permission 10/02649/AOP relating to appearance landscaping, layout and scale for the road infrastructure to serve village 2 (excluding Section 278 highways works) – Details approved

15/01767/ADP - Approval of second reserved matters pursuant to planning permission 10/02649/AOP relating to Village 4 (including all mitigation land) comprising the residential development of 861 dwellings, community facilities, public open space, SuDS, mitigation land, electricity substation and associated infrastructure to serve – Details approved

15/01768/ADP - Approval of second reserved matters pursuant to planning permission 10/02649/AOP relating to the Eastern Link Road (part) comprising the extent of the Eastern Link Road to serve Village 4 between the S278 works (junction with A418 not included within the application site) to the roundabout serving the employment land - Details approved

15/03462/APP - Erection of Community Hall and Day Nursery in Village 2 pursuant to outline planning permission 10/02649/AOP and reserved matters planning permission 14/03486/ADP - Approved

16/01486/APP - Variation of condition 2 to revise the approved parameter plans as previously approved under planning permission 10/02649/AOP for a new urban extension comprising 2450 homes, 10ha employment land, neighbourhood centre, two primary schools, construction of eastern link road (part) and the Stocklake link road (rural section), green infrastructure, associated community facilities and support infrastructure including expanded electricity sub station and flood defences - Approved

16/01487/ADP - Approval of reserved matters pursuant to planning permission 10/02649/AOP relating to the bus link road between Village 2, Village 4 and the second serviced primary school site – Details approved

17/03061/APP - Variation of Conditions 1 m (Development Framework Plan), 1 q (Play Strategy drawing) and 2 d (Parameter Plan -Green Infrastructure) relating to outline permission 10/02649/A - Approved

6.0 PARISH/TOWN COUNCIL COMMENTS

- 6.1 Bierton with Broughton – Opposes. It is inappropriate for this application to be considered in isolation from the rest of Village 3. The documentation is not clear as to what is being considered/proposed for this application. The Design Code shows the application site as the whole of Village 3. The application refers to phase 2 but the Transport Statement (12-005-RP3-006, March 2018) refers to Phase 1A. What is the scope of Phase 1A? Does the Transport Statement cover the cumulative traffic impact of the whole of Village 3?

The Design Code P9 considers only the Aylesbury Town Centre Conservation Area and listed buildings, with no reference to the Bierton or Hulcott Conservation Areas or the associated listed buildings, when these are much closer to the development site than the town centre. Even when considering Wider Design Guidance (Design Guide Section 3) the

developer has not included the Bierton and Hulcott Conservation Areas. The scope of the Contextual Analysis is therefore inadequate for Village 3 as a whole and for this application in particular. What is (are) the bus route(s) through the whole of Village 3? While the indication of a bus lay-by close to the school and village centre for west bound traffic on the Southern Link Road (Bellingham Way) is noted, where are the other bus stops for both west and east bound traffic along SLR and within the residential areas to meet the criteria for all dwellings to be within 400m of a bus stop?

It should be noted that Vol3 Page 12 of the Transport Assessment (12-005-RP3-006 March 2018) envisages over 1450 two-way vehicle movements per hour on Bellingham Way for most of the period between 07.45 and 09.15 (<500vph C-A and >950vph A-C). That is 1 vehicle every 2.5 seconds! Without (at least one) controlled crossing, how is anyone going to get across the road?

The documentation does not identify any crossing points over Bellingham Way, to provide access between the residential areas to the north and the primary school and village centre to the south (both of which are outside the scope of this application). This will be increasingly important as more dwellings are delivered to the north of Bellingham Way in future phases of Village 3. Where will passengers disembark from an East-bound bus cross the road to the dwellings (or facilities) south of Bellingham Way?

Will village 3 follow the same process as Village 2 in that the communal areas and facilities will not be adopted by AVDC or BCC (Except the principal roads) and have Maintenance Management companies for each of the 9 parcels that are identified in the Design Code? What speed limits are proposed for Bellingham Way?

What speed limits are proposed for the roads and street within the residential areas? Transport statement 12-005-RP3-006 March 2018 Vol 2 Appendix A has assumed 20 mph speed limits on internal roads. What are the sighting distances for vehicles moving within the residential areas? NOTE that in Village 2 the sited distances were BELOW THE MINIMUM values stated in the Manual for Streets for 20mph areas. Confirmation is required that the road surface markings and signage conform to the requirements for Manual for Street.

The Noise Assessment is clearly limited in scope to the dwellings in Phase 1 only. No consideration is given to dwellings on the South side of Bellingham Way and it is not clear that consideration has been given to the cumulative noise effects on the north side from traffic generated by future phases of village 3, especially from development on the south side. Should there not have been a single noise assessment for the whole of village 3?

Are the surface water management arrangements satisfactory? Experience of residents in Village 2 suggests that the arrangements in place there are not working effectively.

The covering letter to AVDC from Wessex Environmental Planning accompanying the submission states that documents included:

Planning Statement by Wessex Environment Planning

Ecological Survey and Assessment by Southern Ecological Consultants

Neither of these was included in the pack of documents delivered to Bierton with Broughton Parish Council, nor (more importantly) were they listed in the documents section of the web site for this application.

Furthermore advertisement in the Bucks Herald (reproduced on the web site) refers to Application and Environmental Assessment: there is No EIA included among the documents on the web site. The Parish Council reserves the right to make further comments when the above documents become available.

If the application is considered by Committee then the Parish Council will wish to speak at the Committee.

6.2 Bierton with Broughton further comments:

Having now had opportunity to read the letter to AVDC dated 26 July from IDP Group on behalf of the Applicant, and subsequent correspondence published on the web site for this Application, Bierton with Broughton Parish Council (BwB PC) has the following additional comments which it wishes to be taken into account in the evaluation of this Application.

1. BwB PC notes that, in the IDP Group's letter, the Applicants have not commented on the Highways Authority's (HA's) proposal to relocate the already-agreed crossing in Village 2 with a view to having just a single crossing over Bellingham Way. The HA's proposal is not supported by BwB PC.

2. In this context, BwB PC notes that the ADP letter states (Bullet 3 in "other amendments") that a "*Crossing point [has been] **added** [PC's emphasis] to the SLR which connects the Neighbourhood Centre to the northern part of the scheme*" to connect the north and south sides of Village 3 at the Village Centre. The Barratts/David Wilson brochure published for the Canal Quarter Consultation in July 2017 appears to show a crossing point at that location; so even at that time, the need for a crossing within Village 3 was recognised.

3. However, it is not clear from the IDP letter whether this will be a **controlled** crossing. BwB PC considers that the volume of traffic travelling on this road (at least 1450 vehicles per hour in peak times = 1 vehicle every 2 seconds) makes it **essential that the crossing is controlled** to cater for the number of people wishing to cross in both directions.

Furthermore, BwB PC is of the opinion that an uncontrolled crossing in this location would not comply with NPPF as it would not satisfy the requirements of Para 35:

- a. Bullet 2: "give priority to pedestrian and cycle movements";
- b. Bullet 3: "create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians".

In this context, BwB PC would welcome confirmation that the already-agreed pedestrian crossing in Village 2 will be "controlled".

- 6.3 Aylesbury Town – Object to this application as it does not appear to adequately represent the initial proposed plan for development. The proposed seems to have regressed from providing some open spaces to an overly dense housing site that has failed to adopt the Garden Town principle, which has been adopted by other developments in the area. Aylesbury Town Council object to this application as it is overdevelopment of the site. If the application is considered by Committee, Aylesbury Town Council will speak at this meeting.

7.0 CONSULTATION RESPONSES

- 7.1 Crime Prevention Design Advisor – There is a good level of both active and natural surveillance across the development whilst designing in connectivity the layout does not appear to be excessively permeable. Improvements could be made to reduce the number of rear access footpaths, access controls should be used to prevent unauthorised access to parking courts, blank elevations should be avoided as they provide no surveillance, bin and cycle stores should be secured and observed and consideration given to provisions for postal services, robust access controls should be provided to communal dwellings.
- 7.2 Biodiversity – There are no material objections towards the information provided. The Council's Biodiversity Officer is working with the ecological consultant SES, the house builder Barrat Homes and the RSPB in respect of the ecological enhancement measures proposed throughout the whole of this development. Measures in the open space proposed are being discussed along with the species specific enhancements in the fabric of the buildings. This element of the reserved matters does not include these measures.
- 7.3 BCC Archaeology – No comments to make.

- 7.4 BCC SuDS – The submitted information provided in the Surface Water Drainage and Management Plan (12-005-RP3-007, March 2018, C&A Consulting Engineers) has been reviewed and no objections are raised to the development subject to conditions.
- 7.5 Housing – If affordable housing at 20% is confirmed by the viability review then the numbers of affordable housing would be acceptable. The affordable housing mix does not currently reflect the needs of the District and the number of affordable three-bed dwellings should be increased and the number of affordable 2 bed flats reduced. An affordable housing plan is required to identify the tenure types, the unit sizes and the locations with a schedule detailing the same. The clustering restrictions seem to have been adhered to. As per the S106 no more than 60% of private units on each phase should be occupied until all the affordable units on each phase of sub phase have been completed and transferred to a partner housing association.
- 7.6 Parks and Recreation – The LEAP meets the recommended buffer distances from dwellings but is sited on a smaller area of public open space than previously approved on the parameter plan. The developer has failed to demonstrate that the LEAP will score a minimum of Good against RoSPA's play value assessment for both toddlers and juniors and no pre-installation report has been provided to demonstrate the LEAP is safe as necessary. Comments are awaited on the amended plans.
- 7.7 BCC Highways – For the purposes of this application comments are confined to the detailed layout of the estate roads proposed within this village. Whilst the layout is generally considered acceptable, there are a number of concerns in relation to some details of the proposed layout. Following much consideration and discussions with the County Council's road safety team the controlled crossing can remain in its current approved location, towards the west of the scheme extents, north of the proposed primary school. The Canal Side crossing location is within the built-up urban area which is subject to street lighting and has activity on both sides, together with a central refuge. As such driver awareness should be greater as a vehicle passes through this area. It is also noted that the crossing north of the school is located outside of the urban form as it sits between Villages 2 and 3 and therefore there is increased risk of higher driving speeds. Notwithstanding the above, given the sensitivity surrounding the location of the crossing, the applicant has agreed to provide passive provision for a toucan crossing at the Canal Side location, in addition to providing the full crossing in the current proposed location. The current location of the toucan crossing will serve users of the adjacent school situated to the south. Upon opening of the two schools within Village 4 to the north of the SLR, the location of the crossing point may need to be reconsidered and at that time a decision can be made on the basis of real data. If it is identified at such a future date that the canal side location would be the preferred location, the passive provision will be in place and the relocation of the crossing will be possible with minimal disruption and cost.

Further to the shortfall in visitor parking and parking provision anomalies referred to in previous responses, this has been addressed in the latest plans received it is considered that an adequate number of visitor parking bays are provided. Overall, following the latest amendments to the design proposals, the parking layout will not present a highway safety issue and can be considered acceptable for the purposes of this application.

With respect to pedestrian access, footways and shared surfaces these are considered to be acceptable. It is appropriate to note that the Highways Authority consider the design of gradients in the form of granite sets to be unsatisfactory due to maintenance implications, however this is matter that will be addressed through detailed design. With respect to the previously proposed footway levels, it has since been agreed with the applicant that these will be provided with a minimum upstand of 50mm and the majority of the development will be subject to 125mm kerbs. As such, the Highway Authority are satisfied that this further addresses the recent DfT guidance.

Where the footway reduces to 2.0m in width west of the toucan crossing, the Highway Authority are satisfied that the toucan crossing enables the safe crossing of cyclists onto the 3.0m footway provided on the southern side of the SLR.

Bin Collection Points have also been added to cul-de-sacs that exceed 25m in length and this addresses the respective concern raised in previous comments.

Clarification has been provided by the applicant with respect to the junction layout in the vicinity of plot P8/85 (referred to as plot P8/01 previously) and the Highway Authority are satisfied that this junction incorporates a realigned 2.0m footway and uncontrolled crossing point.

As a result of concerns over the distance to a bus stop from the south east corner of Village 3, south of the SLR, an additional bus layby has been provided on the SLR in the vicinity of plot P5/21. This will improve accessibility to sustainable transport and whilst not necessarily resulting in a walking distance of less than 400m to every dwelling, it will improve the situation for the majority and is a far more satisfactory distance than it would be otherwise in terms of pedestrians having to walk to the bus stop in the Canal Side area.

The applicant has confirmed that the minimum garage dimensions will be 3.0m by 6.0m in order for the provision to be used for both storage and parking, ensuring that parking is not displaced onto the carriageway. This measurement has been taken as an internal measurement between structures.

Mindful of the above, the Highway Authority are now satisfied that the outstanding matters have been sufficiently addressed such that there are no objections to the application subject to conditions.

7.8 Canal and River Trust – The submitted details do not appear to discharge water to the Aylesbury Arm of the Grand Union Canal and therefore the Trust has no objection.

Environmental Health – Provided that the development is carried out in accordance with the recommendation in the noise assessment regarding the provision of acoustic fencing on plots P9/23 and P6/05 and acoustic glazing and ventilation as specified then satisfactory internal and external noise levels can be achieved on the development.

8.9 Landscape – A number of concerns were raised relating to inconsistencies with the Strategic Design Code (April 2013) (SDC) and proposed layout, use of unsecured rear parking courts, relationship of parking to dwellings they serve, street typologies in the circulation hierarchy and treatment of lanes. A series of discussions have taken place and amendments submitted to meet an agreed position.

8.0 REPRESENTATIONS

8.1 Three letters of objection have been received making the following comments:

- Noise impact on residential dwellings and public realm should be considered, including use of community facilities which should be sited away from main road
- Should be an air quality report
- Development should not diminish use of SLR as key strategic route to improve traffic flow and air quality for town and community
- Village 3 should be looked at in its entirety. Application details refer to whole of Village 3 but application only for part
- Design Codes should make reference to Berton and Hulcott conservation areas and village 3 should be looked at as a whole in this regard
- Bus routes should be looked at as a whole with village 3
- Buses stopping should not interfere with strategic route
- Need adequate controlled crossing of the SLR
- Noise assessment should take account of future development for rest of village 3
- SLR must allow for diversion of through freight traffic from Tring Road to allow capacity

for bus route

- Streets are not wide enough to allow larger vehicles to pass parked cars
- No provision for bus stops or pedestrian crossings on busy link road

9.0 EVALUATION

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

9.1 The overview report attached sets out the background information to the policy framework when making 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 (July 2018) and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, 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.

Aylesbury Vale District Local Plan (AVDLP)

9.2 As set out in the overview report Policies RA.13 and RA.14 seek to restrict development to small-scale infill or rounding off at Appendix 4 settlements and are considered out of date for the reasons given. Since policies RA13 and 14 are out of date the presumption in favour of sustainable development at paragraph 11 of the NPPF would apply, 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.

9.3 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 GP.2, GP.8, GP.24, GP.35, GP.38 – GP.40, GP.45, GP.59, GP.84, GP.86-88, GP.90-91 and GP.94. They all seek to ensure that development meets the three objectives of sustainable development and are otherwise consistent with the NPPF.

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

9.4 The Council has laid out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. This 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 examination hearing ran from Tuesday 10 July 2018 to Friday 20 July 2018. The adoption of the Vale of Aylesbury Local Plan is planned to be in early 2019.

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

Neighbourhood Plan

9.6 There is currently no neighbourhood plan in existence for Bierton. A neighbourhood plan area has been established which follows the Parish boundary for Bierton with Broughton Parish but no further work has been undertaken and therefore no weight can be given to the neighbourhood plan.

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

- Sustainable location

9.7 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 7 to 211 of the NPPF, taken as a whole (paragraph 3). The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development for both plan-making and decision-making.

9.8 It is only if a development is sustainable when assessed against the NPPF as a whole that it would benefit from the presumption in paragraph 11 of the NPPF. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.

9.9 Outline consent has been granted for the Kingsbrook development including the part of the site comprising village 3 and that part forming the red edge for this application site. Therefore the principle of development on this site has been previously considered and accepted and this is a material consideration in the determination of this detailed application.

- ***Build a strong competitive economy***

9.10 The Government is committed to securing and supporting sustainable economic growth and productivity, but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 9.11 It is considered that there would be economic benefits in terms of the construction of the development itself, its operation and the resultant increase in population contributing to the local economy which would attract significant weight in the overall planning balance.
- ***Delivering a sufficient supply of homes***
- 9.12 Local planning authorities are charged with delivering a wide choice, 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. Based on the findings of the HEDNA, the housing land supply document shows we have a 11.7 year supply this year (compared with 9 years previously). 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. The overview report on the detailed clarification and background information on the HEDNA position, the new Housing Delivery Test to apply in November 2018 and the approach to not include any element of unmet need is appended to this report.
- 9.13 With regards to the contribution that the development would make to housing supply, it is considered that this would be significant and that this matter should be afforded significant positive weight in the planning balance.
- 9.14 The overall mix of dwellings provided with 83 x 2 beds, 110 x 3 beds and 35 x 4 beds is considered to be acceptable for this part of Village 3.
- 9.15 In respect of affordable housing the outline scheme met the thresholds for securing such provision on site as outlined in AVDLP policy GP.2 which refers to the provision of 25 dwellings or more on a site area of 1 ha or more. At the time of the outline application being considered a detailed viability assessment was provided and independently assessed by the District Valuer. This showed that significant investment in infrastructure such as the Eastern and Southern Link roads, secondary school, significant green infrastructure and town wide flood defences resulted in an impact on viability such that the minimum amount of affordable housing could be provided, at 20%. This level of provision was secured in the S106 with a review mechanism included so that the level could be re-visited at appropriate intervals so that if the economic situation improves, an increased amount of affordable housing could be secured. At the time the Village 4 reserved matters scheme was considered in 2016 (15/01767/ADP) a viability review was submitted and the Authority accepted that 20% provision would be appropriate having regard to the circumstances at the time.
- 9.16 As part of this application for 228 dwellings forming part of Village 3, 46 affordable units are proposed, representing 20% provision, and a further viability review has been undertaken and submitted to the District Valuer for review. In considering the information submitted the District Valuer is of the opinion that 20% continues to be appropriate for this scheme having regard to the financial viability test set out in the S106.
- 9.17 With regard to residential mix for the affordable units, there would be 21 x 2 bed flats, 17 x 2-bed houses, 6 x 3-bed houses and 2 x 4-bed houses. This is not reflective of the mix of

the market houses coming forward since 38 of the 46 affordable units are 2-bed dwellings. However this is a higher density part of village 3 and it is accepted that as this application site only forms part of Village 3 that the affordable units could be adjusted across the rest of Village 3, as put forward by the applicant. The table below indicates the affordable housing known to date and coming forward as part of this application and that which would need to be provided in the rest of Village 3. The location across the application site for the affordable units is generally considered to be acceptable in that there is no unacceptable pepper-potting.

	Village 2	Village 4	Village 3 (part)	Remainder required	HEDNA
1 bed appt	0	22	0	22	44
2 bed appt	28	33	21	0 (excess 52)	30
2 bed house	42	55	17	72	186
3 bed house	24	59	6	97	186
4 bed house	7	5	2	30	44

9.18 In respect of affordable housing it is considered that overall the scheme would be acceptable in that it would achieve the 20% affordable as required by the S106 and as justified by the viability review undertaken. Officers will ensure that the appropriate mix of affordable housing would be addressed as part of considering the remainder of Village 3. On this basis taking into account the contribution of the scheme to the provision of affordable housing it is considered that in taking into account the need for affordable housing the development should be afforded significant positive weight.

- **Promoting sustainable transport**

9.19 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.

Locational sustainability

9.20 In respect of transport sustainability, following the grant of outline consent for the Kingsbrook development and the provision of access to public transport that the development would incorporate it is considered that the development would be locationally sustainable. Consideration has been given to the location of bus stops along the SLR and one is proposed to the south of the block of flats AA on the southern side of the SLR. This will improve accessibility to sustainable transport and whilst not necessarily resulting in a walking distance of less than 400m to every dwelling, it will improve the situation for the majority and is a far more satisfactory distance than it would be otherwise in terms of pedestrians having to walk to the bus stop in the Canal Side area.

9.21 With regards to the impact on highway safety, BCC as the Highway Authority have considered the information submitted in the transport statement and the further detail

provided by the applicants. For the purposes of this reserved matters application highway comments have been confined to the detailed layout of the estate roads proposed within this part of village 3. Initial comments received by the Highway Authority did state that the layout was generally considered acceptable, but that there were a number of concerns and these are discussed in more detail below.

Crossing points

- 9.22 As part of the proposals for this part of Village 3, a toucan crossing with lights is proposed to the western end at a location where the primary school is to the south of the SLR. Towards the centre of the site and the canal side there would be an uncontrolled crossing where a pedestrian refuge is provided in the centre of the SLR. This would have passive provision for a toucan crossing (whereby all the ducting and underground chambers etc would be provided and this would have to be secured by condition) in the event that it becomes necessary (through increased use and provision of real data) to upgrade this crossing point to become a toucan crossing. A further crossing point is indicated outside of the red edge application site adjacent to the roundabout on the eastern side of the site with the Eastern Link Road.
- 9.23 Following much consideration and discussions with the County Council's road safety team BCC Highways are now satisfied with the location of the controlled toucan crossing. towards the west of the scheme extents, north of the proposed primary school. The Canal Side uncontrolled crossing location referred to above is within the built-up urban area which is subject to street lighting and has activity on both sides, together with a central refuge. As such driver awareness should be greater as a vehicle passes through this area. It is also noted that the crossing north of the school is located outside of the urban form as it sits between Villages 2 and 3 and therefore there is increased risk of higher driving speeds. Notwithstanding the above, given the sensitivity surrounding the location of the crossing, the applicant has agreed to provide passive provision for a toucan crossing at the Canal Side location, as described above.

Highway safety

- 9.24 With regard to highway safety and parking provision the Highway Authority are satisfied that following the latest amendments to the design proposals, the parking layout will not present a highway safety issue and can be considered acceptable for the purposes of this application. The applicant has confirmed that the minimum garage dimensions will be 3.0m by 6.0m in order for the provision to be used for both storage and parking, ensuring that parking is not displaced onto the carriageway.
- 9.25 With respect to the junctions, footways and shared surfaces indicated, including footway levels and kerb heights, the Highway Authority are satisfied that these would be acceptable and any outstanding matters could be addressed through detailed construction design and by condition.
- 9.26 Bin Collection Points have also been addressed and added to cul-de-sacs that exceed 25m in length to address the concerns of the Highway Authority in this regard. The remainder of the site can be adequately serviced by refuse vehicles and fire trucks.
- 9.27 The footway layout in the vicinity of the play area has been revised following discussions with the applicant and a 2.0m footway link is now proposed down the western side of the play area linking to a shared junction table at the northern end and crossing point that meets a 2.0m footway to the south. On the eastern side of the play area the footpaths both now tie into footways on the opposite side of the carriageway and the Highway Authority are now satisfied with this layout for pedestrian access.

- 9.28 Having regard to the above matters the Highway Authority are satisfied that the outstanding matters have been sufficiently addressed such that they can confirm that there are no objections to the application subject to the imposition of conditions. 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.
- 9.29 In respect of car parking provision, a sufficient number of car parking spaces would be provided for the future occupiers of the dwellings mainly in the form of on plot parking but also with parallel parking on the highway for visitor spaces. Although there are instances where some of the dwellings have an over provision of parking (for some of the three bedroom properties where there are two spaces to the front of the garages) the applicants have indicated that this happens where rear access to the gardens is required between the garage and dwelling such that the garage is set back further in the plot. Although this is not ideal it would result in less future pressure for on street parking and it has also been previously accepted for both Villages 2 and 4. In respect of the flats, there would be a shortfall of 4 spaces overall. Having regard to the location of the flats adjacent to the bus route and commercial centre which will come forward as part of the remainder of Village 3 to the south of the SLR, it is considered that the level of provision would be acceptable. On this basis the development would accord with the aims of policy GP24 of the AVDLP and with the guidance in the NPPF such that this matter should be afforded neutral weight in the planning balance.

- **Conserving and enhancing the natural environment**

Landscape

- 9.30 In terms of consideration of impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside and recognising the intrinsic character and beauty of the countryside. Regard must be had as to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. The following sections of the report consider the proposal in terms of impact on landscape, agricultural land, trees and hedgerows and biodiversity.
- 9.31 Within the AVDLP, Policy GP.35 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. 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. Policy GP.84 states that development affecting a public right of way the Council will have regard to the convenience, amenity and public enjoyment of the route and the desirability of its retention or improvement for users, including people with disabilities.
- 9.32 As discussed above, this application site forms part of the wider Kingsbrook development and this particular phase is sited between future phases to come forward. As such any impact on the wider landscape has already been assessed and found acceptable in the planning balance and must therefore be attributed neutral weight.

Impact on Public Rights of Way

- 9.33 There is an existing public right of way which runs through the centre of the site, north to south, linking Bierton with the Kingsbrook site. This route is maintained through this application site along an attractive tree lined street leading down on the other side of the SLR to the commercial centre (to come forward as part of a future phase). The change to the visual impact experienced by users of the footpath has been previously accepted with the grant of the outline consent and approved parameter plans. Nevertheless it is not considered that the development would result in any significant adverse harm than previously identified and with the proposed landscaping will still provide a safe and attractive route for users. As such it is considered that this matter should be afforded neutral weight in the planning balance.

Trees and hedgerows

- 9.34 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.
- 9.35 As previously explained, with the approval of the outline consent it has been accepted that there would be some impact on existing trees and hedgerows which form existing field boundaries throughout Kingsbrook. However, the proposed scheme comprising this part of Village 3 includes significant tree planting and with associated soft landscaping to verges and other parts of the site, it is considered that the development would compensate for any planting lost. As such it is considered that this matter should be afforded neutral weight in the planning balance.

Biodiversity/Ecology

- 9.36 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.
- 9.37 The application was accompanied by a assessment which referred to the ecological chapter of the EIA which gave mitigation, compensation and enhancement measures for the Kingsbrook development which result in a net significant positive gain for biodiversity. Further surveys have been undertaken. Notwithstanding that this part of the Kingsbrook development does not propose significant biodiversity enhancements, since being a more built up urban environment it was not meant to, the Council's Biodiversity Officer is satisfied with the information provided and is continuing to work with the housebuilder throughout the whole of the development. Swift boxes, house martin cups, sparrow boxes, bat roost boxes, bug boxes and hedgehog highways (gap/hole in fence) will be utilised throughout this part of Village 3 and details of this have been indicated on a plan submitted with the application and the implementation of these measures can be secured by condition. On this basis it is considered that for this particular application this matter should be afforded neutral weight in the planning balance.

Contamination

- 9.38 A further consideration in the NPPF in relation to the need to conserve and enhance the natural environment is contamination, and the guidance states in paragraph 178 that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions.
- 9.39 The existing land use of the majority of the Kingsbrook development area was originally

agricultural and therefore it was not anticipated that there would be any contamination. With the outline consent the Environmental Statement concluded that soil and ground conditions had none or negligible impacts during construction and operation and these conclusions were accepted at the outline stage and therefore need not be re-assessed here. On this basis this matter should be afforded neutral weight in the planning balance.

9.40 With regards to air quality, this application seeks reserved matters approval following the outline approval given and the land uses proposed as part of this application follow that set out in the outline consent. The Environmental Statement at that time considered the effects of traffic emissions from the proposed ELR and SLR on the proposed development and exiting dwellings as well as from the traffic generated by the proposed development and temporary effects from the construction phases. A range of measures were incorporated into the EMEMP (Environmental Monitoring Evaluation and Mitigation Plans) to manage and mitigate this issue and the data provided indicates that air quality objectives will be met and that the situation in the existing AQMA (Air Quality Management Areas) will not worsen. Previously when considering the reserved matters application for Village 4 (15/01767/ADP) as part of their monitoring under the Air Quality Action Plan Environmental Health advised that data collected indicated that air quality has improved in the existing AQMA. Whilst the comments of the Council's Environmental Health Officer have been sought in respect of this reserved matters application and their comments will be reported to Members, it is not considered that this matter raises issues of any material impact and currently this matter should be afforded neutral weight in the planning balance.

- ***Promoting healthy and safe communities***

9.41 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.

9.42 Policies GP.86-88 and GP.94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development.

9.43 As part of this development a LEAP is indicated to the western edge of the site. Concerns have been expressed from the Council's Parks and Recreation Officer in respect of the amount of public open space provided. The buffer distances to dwellings are now considered to be acceptable and the S106 requires the play equipment to meet the required standards and for it to meet the relevant play assessment value of RoSPA. Updated comments on the latest amended plans regarding the size of the LEAP space are currently awaited, although the applicant has assured Officers that the space is of the appropriate size (400m²) and these will be report to Members at Committee. Notwithstanding this, it must be remembered that the wider development of Kingsbrook provides more open space and green infrastructure than would be required by the development and given the amount of open space provided overall and the fact that this part of Kingsbrook was envisaged as being a more urban and intensively developed environment, it is not considered that the amount of open space provided would be unacceptable. Having regard to the above, it is considered that this matter should be afforded neutral weight in the planning balance.

- ***Making effective use of land***

- 9.44 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.
- 9.45 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.
- 9.46 Overall it is anticipated that Village 3 will provide for around 1100 dwellings including a mixed use centre and space for a school. The average density across Kingsbrook is approx. 40dph with lower densities identified at the periphery and higher densities within the urban core, whilst not being at the expense of garden sizes or amenity. Across Village 3 it was anticipated that the density would vary between 40 and 60 dph to respond to the central location of Village 3 and the confluence of movement corridors around the neighbourhood centre. This part of village 3 is purely residential and the Design Codes anticipated a density of 35-45+ dph. The higher density development is within the core with a lesser density (and reduced scale of dwellings) at the edges of the site, except where the development fronts the SLR. This will be more apparent when the remainder of the development for Village 3 comes forward. This development proposes 288 dwellings on a site measuring 7.06ha and across the site this would result in an overall density of 41dph. This is considered to be acceptable and would make effective use of the land having regard to the context of the site and the wider Kingsbrook development site.

- ***Achieving well designed places***

- 9.47 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.
- 9.48 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).
- 9.49 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. The overview report sets out Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.
- 9.50 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.

Reserved matter: Layout

- 9.51 Within the Strategic Design Code the character area overview for Village 3 describes it as having *'an urban layout reflecting the focal nature and higher density character of this neighbourhood area. The character area is laid out in a highly permeable, structured pattern of well contained street and lanes reflecting the distinctive urban form and spaces found within the historic centre of Aylesbury...to the north (of village 3) the village street pattern and architecture becomes more formal, focussing upon a green square space'*. The Design Codes accompanying this application accord with the SDC in that they describe Village 3 as having an urban layout to reflect the focal nature and higher density character of this neighbourhood area and to complement the urban form of Aylesbury as the nearest town.
- 9.52 As a result of discussions between Officers and the applicant amended plans have been submitted to improve the overall layout of the scheme. Perimeter blocks are utilised to a greater extent resulting in improved layouts and fewer exposed rear boundaries. Long lengths of driveways have been reduced (triple parking) in the majority of cases so that there is not an over provision of car parking for the size of dwelling proposed, but also that visually the amount of hard surfacing has been reduced. Whilst some longer driveways remain, it is accepted that such features occur elsewhere in Kingsbrook and Officers have endeavoured to address this where possible. The scheme offers an accessible and permeable layout which would generally follow good urban design principles with the use of perimeter blocks and buildings forming focal points to provide a sense of place, enclosed backs and active frontages. In addition there are views down this part of village 3 across the SLR and into the more commercial area indicated which will provide connectivity and inclusion with the remainder of Village 3.
- 9.53 The issue of car parking for the apartments was also discussed with the applicants in an effort to reduce the expanse of car parking apparent in the street scene but also to ensure that adequate space was available and in close proximity to the dwellings the parking would serve. This has resulted in the use of rear parking courts to serve the apartments, however, gated accesses are shown to be provided and the parking internalised by built form so that it is not visible in wider street scene thus ensuring a level of security also. It is appreciated that parking courts are not the Council's preferred choice and none are proposed for the houses, however, given the proposed layout and design of the apartment blocks for this scheme, this approach is considered appropriate and would be an acceptable solution to the parking requirements in these circumstances and in the overall scheme of Kingsbrook would represent a small part of the development.
- 9.54 The comments of the Landscape Officer in respect of some of the car parking spaces being remote from the front of the properties that they seek to serve has been noted and the amended plans indicate the use of rear access gates into the gardens for the properties affected such that occupiers would be afforded easy access to their properties and this matter is therefore considered to have been adequately addressed.
- 9.55 The layout of the development reflects a hierarchy of streets so that there is the main SLR to the south of this site with the northern part of a loop, referred to as an avenue, in the application site which connects with the remainder of Village 3 to the south of the SLR. The canal side forms a street which runs parallel with the SuDS network and forms a main route through the site. Then there are streets which connect with the avenues and then streets, mews and lanes which lie at the lower end of the hierarchy. These shared surfaces range in width from 4.8m to 6m wide.
- 9.56 Concerns were also expressed by the Landscape Officer in respect of the 'lanes' and 'tertiary routes' characters in the development and how these accorded with the Strategic

Design Code. The applicants have submitted amended plans to indicate the use of additional landscaping with tree planting to ensure that the character of the 'lanes' is adhered to where they are adjacent to the open space area to the west of the site and this could be secured by condition. In respect of the tertiary route of concern this is sited relatively centrally within the development site and it is not considered that there would be significant lengths of parallel frontages. There would be set backs and varying house types and roof heights such that it is considered that adequate regard has been had to this matter.

Reserved matters: Scale and Appearance

- 9.57 In terms of the SDC, this envisaged different character areas for Village 3 comprising the following:
- Village edge (southern edge) with lower densities 30-35dph, looser grain, addresses Grand Union Canal and wildlife corridor, predominantly dwellings, varied heights with architecture appropriate to canal setting
 - Canal basin spur to have a continuous form, up to 4-storey development of a civic scale, hard in character with soft breakout areas, higher density 45-45+dph
 - Urban core (eastern edge) similar to canal spur with high density 35-45+dph and a continuous built edge with strong perimeter blocks
 - Park edge (northern edge) which would have a lower density 35-45dph, more formal pattern and architecture focussing around a green square
- 9.58 Within the design codes for Village 3 the character areas are referred to as Canal Park Edge (Village edge), Canal Spur, Urban Edge (Urban core) and Railway Park Edge (Park edge), although in this part of village 3 only the latter 3 areas feature. It is considered that these areas accord with the design codes of the SDC in respect of the scale and appearance of the development as discussed further below.
- 9.59 The proposed houses incorporate a number of different house types to provide variety in their appearance and to reflect the character areas. Typically the buildings within the urban edge fronting the SLR on the opposite side of the commercial centre (where four storey high development is envisaged) comprise the apartments which are three-stories high at around 11.4m. These buildings would provide focal points to this part of Village 3. There are some three storey (10.5m) and some two and a half storey high (9.7m) dwellings on the western side of canal spur with two-storey high dwellings (7.7m) on the eastern side of the canal spur. Dwellings to the Railway Park Edge are typically two stories high at around 7.4m. There is though variation in the heights of the two and two and a half storey dwellings to provide variation whilst maintaining the built up appearance and sense of enclosure to the streets.
- 9.60 In terms of the design of the dwellings, this would complement the development already approved for Villages 2 and 4. Gable ends (and some fronts) feature prominently across the site and there is variation in heights as discussed above to provide variation. The materials pallet is not extensive to ensure that the development appears cohesive and connected throughout. The three different areas identified (urban edge, canal spur and railway park edge) within this part of Village 3 have a varying though complementary materials pallet. Within the urban edge the dwellings would be finished in brick or brick and render with grey roof tiles; within the canal spur, there would be weatherboarding, brick and render with grey tiles and within the railway park edge area there would be brick, render and brown tiles. These colours of finishing materials are found elsewhere in the Kingsbrook development.

Reserved matter: Landscaping

9.61 The layout plan indicates grass verges and tree planting within the swales and along the streets. Some tree planting would also take place within some of the garden areas and there would be shrub planting to the fronts of the dwellings. The SDC makes reference to the 'entrance gateways' and notes that *'the approach to this urban neighbourhood ... will be celebrated with a distinct gateway character, signing arrival'*. More specifically the SDC notes that *'the eastern gateway forms the principle access to the urban area from the new Eastern Link Road'* and that *'that this will require a transition from the landscape buffer to the urban forms'* and that *'a strong edge reminiscent of buildings over a town wall would be appropriate'*. The applicants have submitted an amended plan to address this matter and this indicates areas at the western end of the site to be landscaped which would allow landscaping to be provided which would be appropriate as 'gateway' statement planting and could be secured by condition. An area to the eastern side of the site adjacent to the ELR is similarly indicated as having landscaping suitable for this gateway and which could be secured by condition.

9.62 Subject to the submission of further detail which could be secured by condition, the level of landscaping indicated for this urban environment is considered to be acceptable. On this basis this matter should be afforded neutral weight in the planning balance.

Reserved matters conclusions

9.63 Whilst the Parish Council have raised objections in terms of the references to the Berton and Hulcott Conservation areas in the Design Codes, Village 3 is considered to represent an urban environment of a higher density and form of development than would feature in these areas, however the design code is referencing characteristics of buildings in Berton in its amended form.

9.64 Overall it is considered that in terms of the matters to be considered as part of this detailed application, and following the receipt of amendments where significant improvements were made to the layout in particular, it is considered that due regard has been had to the strategic design codes from the outline approval and that in general the scheme is considered to be acceptable.

- ***Conserving and enhancing the historic environment***

9.65 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification. Paragraph 189 extends this provision to non-designated heritage assets with an archaeological interest.

9.66 In this instance there are no heritage assets on this site or nearby which would be adversely affected and BCC Archaeology have no comments to make on this particular application as a result. As far as condition 19 on the outline consent goes, which refers to archaeological matters, this condition is considered to be discharged in respect of the information submitted for this application only. Whilst the comments of the Parish Council are noted in respect of the Berton Conservation Area, the application site is some significant distance from the boundary of the conservation area and being a more urban built up environment the applicants considered that it would be less appropriate for the design cues for this development to be taken from Berton. There would be no harm to the conservation area or any listed buildings within Berton due to the distances involved. On

this basis this matter should be afforded neutral weight in the planning balance.

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

- 9.67 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.
- 9.68 Further information was sought by BCC SuDS to ensure that the information was sufficiently robust to assess the impact and also that the surface water drainage scheme is resilient to change in the future (such as when future residents may create additional hard standings for example). They are now satisfied with the detail provided and raise no objections subject to the imposition of a condition to secure full construction details of permeable paving and details of overland flows in the event of system exceedance or failure with demonstration that such flows can be appropriately managed and control structures identified. On this basis it is considered that the development would be appropriately flood resilient and that surface water drainage has been accounted for and as such this matter should be afforded neutral weight in the planning balance.

c) Impact on residential amenities.

- 9.69 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.
- 9.70 Discussions have taken place with the applicant regarding revisions to the scheme to improve the layout of the site and concerns had also been expressed by Officers regarding the length of some of the back gardens for the properties and the distances between properties and revisions have been received to address these matters. The SDC requires that where the rear elevation of a 2 and 2.5 storey dwelling faces the rear elevation of a 1, 2 or 2.5 storey dwelling a distance of 22 metres shall be maintained; where a combination of 2/2.5 and 3 storey buildings is proposed, 25 metres shall be maintained. With regard to 'back to side' distances the SDC states that 'where principle windows face the wall of a 2, 2.5 or 3 storey dwelling that contains no windows, the distance shall be a minimum of 14 metres'. Although the distances between the dwellings as set out in the SDC has not been achieved for every property, the majority are compliant and overall the layout and distances between properties for the scheme is considered to be acceptable and would provide a satisfactory level of amenity. Whilst the flats would not have access to a communal garden area, the future residents would have access to open space within the Kingsbrook development and Village 3 itself in close proximity, including with the provision of the LEAP to the west and the commercial centre and facilities to the south of the SLR.
- 9.71 A noise assessment has been provided and Environmental Health Officers are satisfied that the scheme is acceptable and that satisfactory internal and external noise levels can be achieved, including acoustic fencing to plots P9/23 and P6/05 and acoustic glazing and ventilation as specified, which would address condition 31 of the outline consent as far as the submission of information relating to this application is concerned.

9.72 On this basis it is considered that adequate regard has been had to residential amenities such that this matter should be afforded neutral weight in the planning balance.

Other matters

9.73 Comments have been received from Aylesbury Town Council and Bierton with Broughton Parish Council that the development for Village 3 should be considered as a whole and not in a piecemeal fashion. Whilst this is noted, the applicants have submitted the application and it must be determined on its planning merits. The Authority are not in a position to refuse to determine the application because the applicants have chosen to seek approval for Village 3 on a phased basis.

9.74 The details put forward in this application for approval of reserved matters are considered to be substantially in accordance with the outline permission. It is considered that the current application gives rise to no effects that were not identifiable at the outline stage and addressed in the Environmental Statement submitted with the outline application. It is also considered that there has been no significant change in circumstances since the outline permission was granted in 2013. It is therefore concluded that a new Environmental Assessment is not necessary.

9.75 A detailed S106 agreement was signed as part of the outline permission and this applies to all phases of the subsequent development, including maintenance of amenity areas and facilities, and as such a further S106 agreement is not appropriate at this reserved matters stage. Monitoring for compliance with the provisions of the S106 and submission of information is on going.

Case Officer: Mrs Sue Pilcher

Telephone No:01296 585413

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

DETERMINATION OF PLANNING APPLICATIONS

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

HUMAN RIGHTS ACT 1998

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

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

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

SECTION 17 CRIME AND DISORDER ACT 1998

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

EQUALITY ACT 2010

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

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