



## AYLESBURY VALE DISTRICT COUNCIL

### Democratic Services

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21 January 2019

### STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Strategic Development Management Committee** will be held at **1.00 pm** on **Wednesday 30 January 2019** 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 (Chairman), R Newcombe (Vice-Chairman), C Adams, J Blake, J Bloom, A Bond, R King, L Monger 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. MINUTES** (Pages 3 - 6)

To approve as a correct record the Minutes of the meetings held on 14 December 2018 and 9 January 2019 (Copies attached).

- 4. DECLARATION OF INTEREST**

Members to declare any interests.

**5. OVERVIEW REPORT - JANUARY 2019** (Pages 7 - 16)

Please note the updated Overview report of January 2019 attached

**6. 17/04457/ADP - LAND TO THE EAST OF FENNY ROAD, STOKE HAMMOND** (Pages 17 - 42)

Approval of Reserved Matters pursuant to outline permission 14/03000/AOP for appearance, landscaping, layout and scale of a residential development of 64 dwellings

Case officer: Nina Hewitt-Jones

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

# Public Document Pack Agenda Item 3

## STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

14 DECEMBER 2018

**PRESENT:** Councillors B Foster (Vice-Chair, in the Chair), C Adams, J Blake, J Bloom, A Bond, R King, R Newcombe and C Paternoster

**APOLOGIES:** Councillor L Monger

**1. ELECTION OF CHAIRMAN**

RESOLVED –

That Councillor Foster be elected Chairman of the Committee for the ensuing year.

**2. APPOINTMENT OF VICE CHAIRMAN**

RESOLVED –

That Councillor Newcombe be appointed Vice-Chairman of the Committee for the ensuing year.

**3. MINUTES**

RESOLVED –

That the minutes of the meeting held on 26 October 2018 be approved as a correct record.

**4. 18/01153/ADP - LAND EAST OF AYLESBURY, BROUGHTON CROSSING, BIERTON**

RESOLVED –

That the application be **Approved**.

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## STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

9 JANUARY 2019

**PRESENT:** Councillor B Foster (Chairman); Councillors R Newcombe (Vice-Chairman), C Adams, J Bloom, A Bond, R King, L Monger and C Paternoster

**IN ATTENDANCE:** Councillors M Rand

**APOLOGIES:** Councillors J Blake

**1. 17/04837/AOP - COLDSTREAM FARM, WATERPERRY ROAD, WORMINGHALL**

RESOLVED –

That the application be **Deferred** to allow negotiations to take place between the applicant and officers regarding officer concerns and then for the application to come back to committee.

Note: A Member commented that it would be preferable for all information to be available on the application in advance of the meeting.

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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 Interim Findings have been set out by the Inspector, and consultation on modifications will be required before adoption can take place. The adoption of the Vale of Aylesbury Local Plan is planned to be in 2019.

- 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-date<sup>7</sup>, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### Foot notes:

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



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

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

And subject to transitional arrangement set out in Annex 1

- 1.14 Local planning authorities are charged with identifying a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (paragraphs 67-70) .
- 1.15 The NPPF sets out the means to delivering sustainable development. The following sections and their policies are also relevant to the consideration of all proposals:
- Building a strong competitive economy
  - Promoting sustainable transport
  - Delivering a sufficient supply homes
  - Achieving well designed places
  - Making efficient use of land
  - Promoting healthy and safe communities
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
  - Meeting the challenge of climate change and flooding
  - Supporting high quality communications
- 1.16 The NPPF sets out that transport issues should be considered from the earliest stages including the impact of development on the network, opportunities from transport infrastructure, promoting walking, cycling and public transport, environmental impacts of traffic and transport infrastructure, patterns of movement. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. (Paragraphs 102-103)
- 1.17 Paragraph 177 of the NPPF states "The presumption in favour of sustainable development does not apply where 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 policies<sup>16</sup>.
- 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 on major housing development proposals. The definition of affordable is set out in Appendix 2. The new Housing Delivery Test (HDT) applies from the day following publication of the HDT results in November 2018. A transitional arrangement is set out in paragraph 215 and 216 phasing the % threshold where delivery is below of housing required over 3 years increasing from 25% November 2018, to 45% November 2019 and 75% November 2020.

### **Promote sustainable transport**

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

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

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

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

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

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

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

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

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

### **Achieving well designed places**

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

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

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

### **S106 / Developer Contributions**

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

### **Overall planning balance**

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

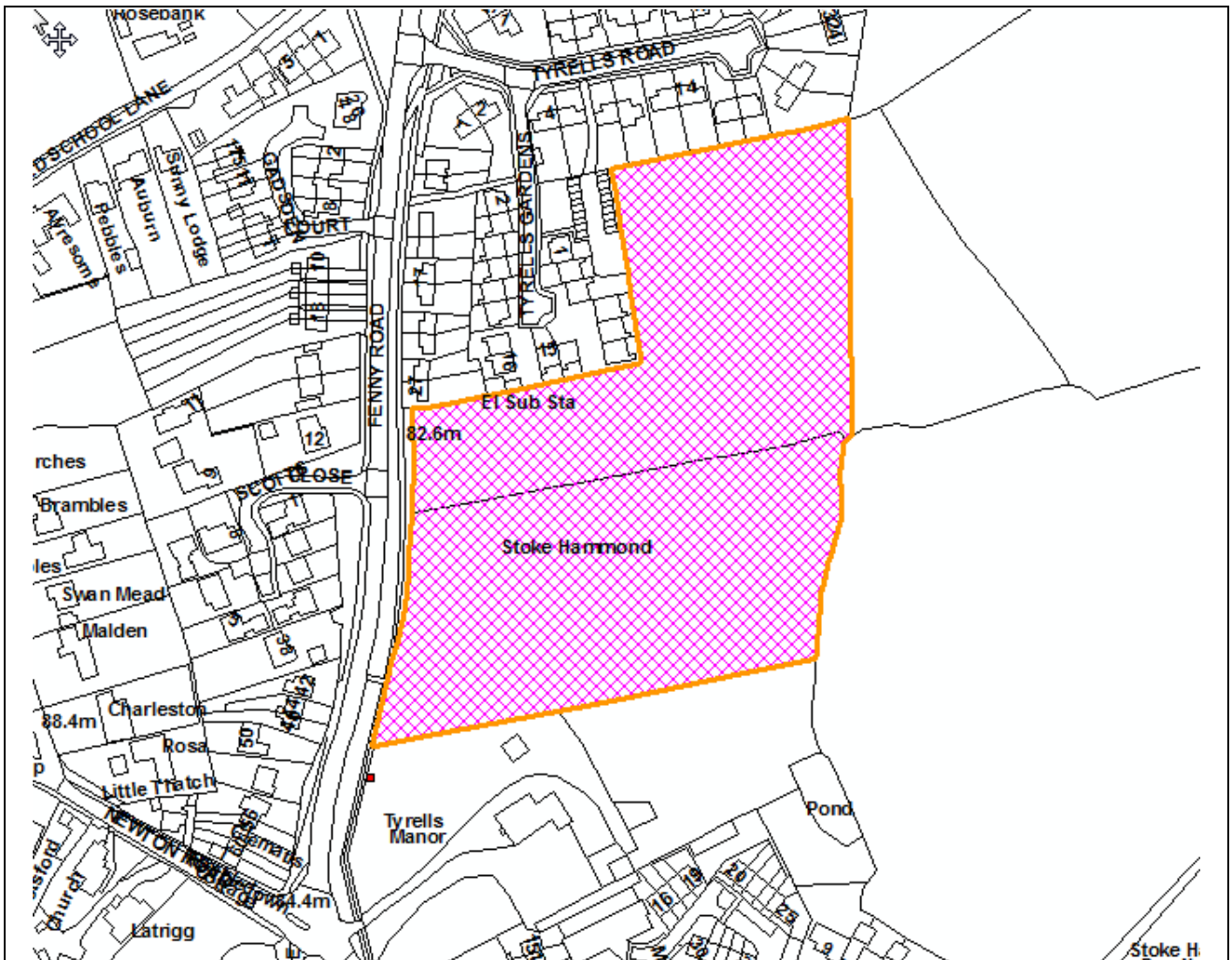
### **Conclusions**

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

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17/04457/ADP	
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REFERENCE NO	PARISH/WARD	DATE RECEIVED
17/04457/ADP	STOKE HAMMOND	23/11/17
Approval of Reserved Matters pursuant to outline permission 14/03000/AOP for appearance, landscaping, layout and scale of a residential development of 58 dwellings Land To The East of Fenny Road Mears News Homes Ltd & Aldwyck Housing Association	The Local Member(s) for this area are:  Councillor N Blake  Councillor B Everitt	
STREET ATLAS PAGE NO. 69		

**1.0 The Key Issues in determining this application are:**

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

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

- Sustainable location
- Building a strong competitive economy
- 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 residential amenities**

**d) Other matters**

**The recommendation is that the reserved matters be APPROVED subject to conditions.**

**CONCLUSION AND RECOMMENDATION**

- 1.1 This detailed scheme follows the grant of permission (following the completion of a legal agreement) of the outline proposal 14/03000/AOP where the principle of the development for up to 74 residential dwellings was accepted and this is a material consideration in the determination of this application. Following amendments to the proposed layout this application seeks the approval of reserved matters for 58 dwellings.
- 1.2 This 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.
- 1.3 It is accepted that the development would continue to make a contribution to housing land supply which is a significant benefit to be attributed considerable 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 considerable positive weight should be attached.
- 1.4 Compliance with some of the planning objectives of the NPPF have been demonstrated in terms of the highway impact and parking provision, promoting healthy communities, the design of the development, impacts on the natural environment, impacts on the historic environment, flood risk and impact 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.
- 1.5 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
- 1.6 It is considered that the details satisfactorily deal with the reserved matters of scale, appearance and landscaping. As such it is recommended that this reserved matters application be APPROVED subject to the following conditions:
  1. The development hereby permitted shall only be carried out in accordance with the following drawing Nos. which were submitted under cover of the agent's emails received by the Local Planning Authority on 16 July 2018 and 26 November 2018:

377/17/PL1000 – Site Plan

377/18/PL1002- Proposed Housing Layout  
377/18/PL1003- Proposed Transport Strategy  
377/18/PL10.00- Plot 1 Plans and Elevations  
377/18/PL20.00- Plots 2-3 Plans  
377/18/PL20.01- Plots 2-3 Elevations  
377/18/PL30.00- Plots 4-5 Plans  
377/18/PL30.01- Plots 4-5 Elevations  
377/18/PL40.00- Plot 6 Plans and Elevations  
377/18/PL60.00- Plots 9-11 Plans

377/18/PL70.00- Plots 12-13 Plans  
377/18/PL70.01- Plots 12-13 Elevations

377/18/PL80.00- Plots 14-15 Plans  
377/18/PL80.01- Plots 14-15 Elevations  
377/18/PL90.01- Plots 16-17 Elevations  
377/18/PL100.00- Plots 18-20 Plans  
377/18/PL100.01- Plots 18-20 Elevations  
377/18/PL110.00- Plots 21-22 Plans and Elevations  
377/18/PL120.00- Plots 23-24 Plans and Elevations  
377/18/PL130.00- Plots 25-26 Plans  
377/18/PL130.01- Plots 25-26 Elevations  
377/18/PL140.00- Plots 29-30 Plans  
377/18/PL140.01- Plots 29-30 Elevations  
377/18/PL160.00- Plots 40-45 Plans  
377/18/PL160.01- Plots 40-45 Elevations  
377/18/PL170.00- Plots 46-48 & 49-51 Plans  
377/18/PL170.01- Plots 46-48 & 49-51 Elevations  
377/18/PL180.00- Plots 52-53 Plans and Elevations  
377/18/PL190.00- Plot 54 Plans and Elevations  
377/18/PL200.00- Plots 55-56 Plans  
377/18/PL200.01- Plots 55-56 Elevations  
377/18/PL210.00- Plots 57-58 Plans  
377/18/PL210.01- Plots 57-58 Elevations  
377/18/PL220.00- Plots 27-28 Plans

377/18/PL500- Proposed Bin and Cycle Stores

10916-0010 rev B – Vehicle Tracking Refuse Vehicle  
10916-0011 rev B – Vehicle Tracking Pumping Station  
6425/ASP.HL.2.0 rev C – Hard Landscape Plan Overview  
6425/ASP.HL.2.1 rev C – Hard Landscape Plan 1 of 2  
6425/ASP.HL.2.2 rev C – Hard Landscape Plan 2 of 2  
6425/ ASP.PP.1.0 rev C– Planting Plan Overview  
6425/ ASP.PP.1.1 rev C – Planting Plan 1 of 3  
6425/ ASP.PP.1.2 rev C – Planting Plan 2 of 3  
6425/ ASP.PP.1.3 rev C – Planting Plan 3 of 3  
6425/ ASP.PS.3.0 rev B – Play Area Design

377\_18\_PL1001\_A\_Proposed Site Layout  
377\_18\_PL600\_Schedule of Accommodation\_Rev A  
377\_18\_PL150\_01\_Proposed Elevations\_Plots 31-39\_Rev A  
377\_18\_PL150\_00\_Proposed Plans\_Plots 31-39\_Rev A  
10916-SK-0024b S38 Highway Levels & FFLs  
377\_18\_PL50\_01\_A\_Proposed Elevations\_Plots 7-8  
377\_18\_PL50\_00\_A\_Proposed Plans\_Plots 7-8  
377\_18\_PL60\_01\_A\_Proposed Elevations\_Plots 9-11  
377\_18\_PL90\_01\_A\_Proposed Elevations\_Plots 16-17  
377\_18\_PL220\_01\_A\_Proposed Elevations\_Plots 27-28

Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the National Planning Policy Framework.

2. The area of open space to the south east of the site shall not be planted with any new trees or large shrubs.

Reason: To safeguard the archaeological remains to be preserved in situ, and to ensure the development would be acceptable to the LPA as the roots of any large shrubs being planted in the area of open space could disturb the buried archaeological remains below. To comply with policy GP59 of the AVDLP and with the guidance set out in the NPPF.

3. Prior to the commencement of works in relation to the LEAP a method statement detailing how the proposed children's play equipment is to be installed shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details and retained as such, and no other works shall be carried out thereafter without the express consent of the Local Planning Authority .

Reason: To safeguard the archaeological remains to be preserved in situ, and to ensure the details of the proposed LEAP installation and maintenance would be acceptable to the LPA. These details are required to be submitted prior to work beginning on the LEAP in order to ensure that the proposed installation of the play equipment would not disturb the buried archaeological remains below. To comply with policy GP59 of the AVDLP and with the guidance set out in the NPPF.

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

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of the dwelling or erection of a garage, dormer windows, buildings, structures or means of enclosure having regard for the particular layout and design of the development, in accordance with policies GP8 and GP35 of Aylesbury Vale District Local Plan and the guidance set out in the NPPF.

5. No windows shall be inserted in the western elevation of plots 7, 17, and 51, or the eastern elevation of plot 16 without the prior express permission in writing of the Local Planning Authority.

Reason: To preserve the amenities of the occupants of the adjacent dwelling and to comply with GP8 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

**Informatives:**

1. For the avoidance of doubt it is confirmed that the details submitted with this application as part of the reserved matters in relation to Conditions 4 (submission of materials), 5 (Hard and Soft Landscaping) and 7 (slab levels), 15 (details of the internal access road), 16 (scheme for parking, garaging, cycle parking and manoeuvring), and 17 (loading and unloading of vehicles) of the outline permission (14/03000/AOP) are considered acceptable and those conditions have been discharged in so far as it relates to the requirement to submit details. Furthermore, it is confirmed that the details submitted with this application are sufficient to discharge paragraphs 1 to 1.4 of the 2nd schedule, and paragraph 1 of part 1 of the 5th schedule of the s106 in so far as it relates to the requirement to submit information.

2. Nothing herein contained shall be deemed to effect or vary the conditions imposed on outline permission no. 14/03000/AOP which shall continue in full force and effect, save insofar as they are expressly varied by any conditions imposed hereby.

3. You are advised that a legal agreement has been entered into in connection with the

outline consent for the site 14/03000/AOP.

4. The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:-

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

5. It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.

6. The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the appropriate Water Authority may be necessary.

#### **WORKING WITH THE APPLICANT/AGENT**

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

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

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

In this case, 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.

## **2.0 INTRODUCTION**

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

## **3.0 SITE LOCATION AND DESCRIPTION**

3.1 The site consists of 2.70ha of pastureland located on the eastern side of Fenny Road. The land is divided roughly in half by a hedgerow and there are further hedgerows to the (east) rear of the site between it and the Grand Union Canal and also along the southern and western boundaries.

3.2 The site gently falls eastwards away from Fenny Road to eventually begin markedly rising again beyond the far eastern boundary and up towards the Grand Union Canal. The site is

adjacent to the conservation area, which runs along its southern boundary, and falls within the Brickhills Area of Attractive Landscape (AAL).

### 3.3 To the:

- North are properties forming Tyrells Gardens and Tyrells Road. These are a collection of bungalows, semi-detached and terraced dwellings.
- East is open countryside leading towards the Grand Union Canal which then rises up to Great Brickhill beyond.
- South is Tyrells Manor a large grade II listed building set within a large curtilage. The property falls within the Conservation Area. Beyond Tyrells Manor are modern housing estate (Manor Close and Bragenham Side) which extend back from Fenny Road to roughly the same depth as the curtilage of Tyrells Manor.
- West are properties along Fenny Road. Again these are mixture of house types ranging from modern detached dwellings to terraced cottages.

## 4.0 PROPOSAL

- 4.1 The application as originally submitted sought approval of Reserved Matters pursuant to the outline permission 14/03000/AOP for appearance, landscaping, layout and scale of a residential development of 64 dwellings.
- 4.2 The proposed layout was revised in response to some of the consultation responses, mainly in relation to heritage and urban design issues, and the quantum of development has been reduced to 58 dwellings as a result of those amendments.
- 4.3 The detailed scheme under consideration proposes 43 houses and 15 flats:
- 5 x 1bed,
  - 21 x 2 bed,
  - 14 x 3 bed, and
  - 18 x 4 bed dwellings
- 4.4 The development would be finished in a mixture of brickwork, off white render and timber cladding and tiles. Means of enclosure would comprise brick walling, close boarded fencing, metal railings and timber knee rails.
- 4.5 With regards to the affordable units, 30% 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 1 x 4 bed, 6 x 3 beds, 6 x 2 beds, and 4 x 1-2 bed apartments.
- 4.6 Open space is provided with play equipment to the south eastern part of the site of the application site.
- 4.7 Access would be via a single point of access off Fenny Road, and follows the outline application in principle. The proposed spine road would provide easy of movement through the site and connects to the site access on to Fenny Road as approved. The main spine road would lead on to smaller secondary roads servicing a small number of dwellings and a mix of surface materials is proposed. 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 properties. Some parallel parking is also shown within the scheme,.
- 4.8 Some of the information submitted in support of the reserved matters application also fulfils the requirements of conditions imposed on the outline planning permission and seeks to discharge the following conditions: 4, 5, 7, 15, 16 and 17
- 4.9 In addition the affordable housing plan, the SuDS scheme, and the landscaping plans are submitted in accordance with paragraphs 1 to 1.4 of the 2<sup>nd</sup> schedule of the s106. The

landscaping plans are also submitted to fulfil the requirements of paragraph 1 of part 1 of the 5<sup>th</sup> schedule of the s106.

## **5.0 RELEVANT PLANNING HISTORY**

- 5.1 14/03000/AOP - Outline planning application with access to be considered and all other matters reserved, to provide up to 74 residential dwellings (including affordable housing), open space, landscaping, new vehicular and pedestrian accesses and car parking. – approved – along with an associated s106 agreement
- 5.2 14/A3000/DIS - Submission of details pursuant to Conditions 8 (archaeological methodology) and 9 (programme of archaeological works) relating to outline planning permission 14/03000/AOP – partially discharge
- 5.3 14/B3000/DIS - Submission of details pursuant to Conditions 11 (Details of bus shelter) and 12 (Footway) relating to outline planning permission 14/03000/AOP – Pending consideration

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

- 6.1 The Parish Council initially commented that “This application differs significantly from the original planning permission. Most concerning is the change to include 3 storey houses. This is totally out of keeping with village vernacular, there are no other 3 storey homes in the village. This development overlooks Area of Attractive Landscape, designated by AVDC. This effectively provides a 'window' overlooking the AAL. This will be lost permanently to this development, if approved as it stands. Houses are turned sideways behind the front boundary hedge in order to fit them into the site. The site contains cul de sacs allowing access to homes, from a central single road. Social housing is grouped together, rather than being within the development as mixed tenure. This is bad planning practice. There is grave concern about the adequacy of existing foul and surface water drainage. Overall, the development is more suited to a town rather than village environment. The PC requests, in view of the new planning issues raised that this matter be returned to committee for determination. The PC wishes to speak at a committee meeting.”
- 6.2 A second consultation response from the Parish Council makes the following comments: “The Parish Council objected to this development initially. Detailed planning consent does not appear to deal with traffic and highways concerns, nor the following points:
  - 1. Egress from the site is underestimated at 3-6 cars in morning rush. This cannot be correct. The PC would ask that Highways is re-consulted before planning permission is given.
  - 2. A pedestrian crossing is mentioned, details need to be checked for health & safety.
  - 3. Concerns were expressed by parishioners and councillors regarding increased traffic at the junction. The recent northern M1 junction 11A has already increased traffic flows through the village with 'rat running' vehicles and Highways must be asked to re-visit traffic predictions which the PC does not believe to be accurate.
  - 4. On the design side the vernacular does not meet existing properties within Stoke Hammond. (In particular the large windows to the blocks of flats).
  - 5. The materials indicated are out of keeping with the village vernacular. It is at the start of the village, and is first thing visitors will see on entering Stoke Hammond.
  - 6. The PC will submit MVAS data on traffic numbers if helpful.
  - 7. The houses are outward-facing with retained hedge on Fenny Road with a fence behind the hedge ('secure by design'). Retained hedges MUST be retained to preserve the outlook for neighbouring properties. Cutting down existing hedges, and replacing with new hedging plants is insufficient to provide 'safe design'.
  - 8. In the original plans a wildlife barrier was included between Tyrells Manor (a Grade II listed building) which is not shown on the detailed plans which now appear to include 8 houses on this boundary line.



9. A neighbouring landowner will contact you separately regarding the boundary hedge and land ownership in that area and has brought the issue to the attention of the PC.
10. There is a drainage ditch at the bottom of the site, which drains into the neighbouring land without access to a water course which has been blocked by development in Bragenham Side (still under construction). Rainwater run off is a concern that was raised by parishioners.
11. The PC would ask that a condition of planning permission is that any trees or hedgerows removed during construction or during site preparation must be replaced with mature hedging trees.”

## 7.0 CONSULTATION RESPONSES

- 7.1 **Highways** – No objections to this proposal from a highway perspective subject to conditions. Satisfied that the proposed carriageway would be suitable to cater for the vehicle and pedestrian movements associated with a development of this scale. Proposed tracking would be acceptable. The proposed parking spaces and manoeuvring areas are of adequate dimensions. The Highway Authority have considered the amended plans and remain satisfied that there is adequate turning and manoeuvring space within the limit of the site.
- 7.2 **Environment Agency** – No comments
- 7.3 **Archaeology** – An archaeological evaluation of the proposed development area was carried out in September 2015, which confirmed the presence of a Roman settlement on the site. Following discussions with the developer, part of this Roman settlement will be preserved in situ beneath the area of open space. The rest of the site will be subject to an archaeological excavation, which is secured as Condition 9 of the outline consent 14/03000/AOP. Accordingly it is not necessary to recommend another condition for archaeological excavation as part of this reserved matters application. It would not be appropriate for large shrubs to be planted in the area of open space as the roots could disturb the buried archaeological remains below. A method statement detailing how the children's play equipment will be installed is to be requested to see if any archaeological monitoring is required.
- 7.4 **Landscape/urban design** – On the whole the amended layout is an improvement. Areas of concern have been revised.
- 7.5 **Lead Local Flood Authority** – BCC as LLFA has reviewed the information provided in the following documents:
  - Response to SuDS officer’s comments (10916w0009, 14th August 2018, Craddys)
  - Drainage Strategy and Flood Risk Assessment (10916w0006e, 16th July 2018, Craddys)
  - Deed of easement for underground service media (6th June 2018, BPE Solicitors LLP)

The LLFA recommends approval of the reserved matters. The applicant has provided evidence of the land transfer demonstrating that the surface water connection to the ordinary watercourse can be made. It is now proposed to use permeable paving for the access roads within the proposed development this will provide benefits of water quality and quantity management.
- 7.6 **NHS** - The s106 was agreed on 12th May 2016 as part of the Outline planning permission and did not secure any health contributions.
- 7.7 **Affordable Housing** - The number, tenure, mix and distribution of the affordable housing is appropriate for this scheme and satisfactorily illustrated on the Proposed Site Plan Analysis. As per the s106 no more than 50% of the private units are to be occupied until all

of the affordable units have been completed and transferred to a partner Housing Associations. It is noted that the amended plans result in the reduction in the number of dwellings proposed and can confirm that the number, mix and tenure of the affordable units illustrated in the most recent plans would be appropriate for this scheme.

7.8 **Heritage** - Initially objected due to the loss of the previous green buffer between the listed building and the site. The amended plans are considered acceptable given the removal of the dwellings from the area of land to the RHS of the access, adjacent to the LB, and having at least a 10m landscape buffer in that location.

7.9 **Trees** – further information requested to show that new planting is appropriate and will successfully establish.

## 8.0 REPRESENTATIONS

8.1 160 letters of objection have been received which raise the following issues:

- No buffer between the row of houses at the northern corner adjoining Tyrells Road
- The proposal would overlook the back of the houses in Tyrells Road and Tyrells Gardens meaning a total lack of privacy
- It should be a condition that no windows (other than obscure glazed) are to overlook the existing houses/bungalows
- In a few situations the units are less than 20m off the brick elevation of existing dwellings
- The development would contravene the right to the quiet enjoyment of garden amenities – the Human Rights Act
- The transport statement proposes a bus stop on the east of Fenny Road north of the site and there is concern that cars will park in the bus stop and obstruct access/egress from 4 and 6 Fenny Road and should be moved
- The village bus service has changed and no longer provides a realistic alternative to using a car
- The proposed access would create additional risks for the driveway of 38 Fenny Road
- Cars are regularly parked on-street within Fenny Road and directly opposite the site entrance
- The proposal is overdevelopment and out of character with the locality
- Officers should look at other recent developments in Kingsbrook and Wing where consideration has been given to appearance, landscaping, space between houses, roads and tree planting
- If the roman remains area is to be used as a children's play area how will big holes be dug and filled with cement to support the framework for the equipment and still preserve the site?
- Anti-social behaviour will be compounded with the change in the community
- The proposal is causing extreme concerns in terms of flood risk. Flood water has built up on this site several times in the last year
- The suggestion of 3 storey houses would spoil views and the well being of the environment
- The village is already taking its quota of housing and there should be no more building in the vicinity for five years

- Houses are already being built in Brook Farm Close, the garage site next to the Dolphin PH, and at Lodge Lane – any more housing will have a detrimental effect on the village
- Development should be pursued in other villages
- The village has not got good infrastructure in place to support more housing
- The view across the AAL to Great Brickhill will be lost
- Tyrells Manor is a beautiful Queen Anne House and no thought has been given to the effect this development would have on this grade II listed building
- A proposal for a house within the grounds Tyrells Manor was refused some years ago
- The main road through the village is extremely busy, since the bypass has been closed for repair, and the highways situation should be considered. This road suffers from excessive speed and failure to observe the pedestrian crossing
- The drains are extremely old in the village and need updating
- The cul de sacs could cause no go areas for the police and a nuisance to residents
- Utility services within the village are lacking and unreliable
- The local schools are full
- No doctors surgery
- The driveways appear too narrow for modern cars. There will be on street parking which will block access for emergency vehicles
- Can a traffic light crossing be installed at either end of the village and traffic calming measures introduced so it is safe for children and school buses

## **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.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.
- 9.4 In addition policy GP53 of AVDLP, which requires new developments in and adjacent to conservation areas to preserve and enhance the character and appearance of the Conservation Areas, is relevant. By seeking to ensure that the significance of the heritage asset (the conservation area) is preserved or enhanced, this policy is in that respect consistent with the NPPF. The policy does not however go on to include the balancing elements of NPPF in circumstances where either substantial or less than substantial harm is found, and in that respect it is inconsistent with the NPPF. Given this, the weight to be applied to this policy must be reduced but limited weight can still be afforded to it.

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

- 9.5 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.
- 9.6 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*

- 9.7 There is currently no neighbourhood plan in existence nor in preparation for Stoke Hammond.

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

**Sustainable location**

- 9.8 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 7 to 211 of the NPPF, 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.
- 9.9 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.

- 9.10 Outline consent has already been agreed under planning permission ref. 14/03000/AOP, 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. This current application simply seeks approval of details relating to the appearance, landscaping, layout and scale of the development.

### **Build a strong competitive economy**

- 9.11 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 of the NPPF 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.
- 9.12 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**

- 9.13 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 of the NPPF 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).
- 9.14 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.
- 9.15 With regards to the contribution that the development would make to housing supply, it is considered that this would be significant although this matter should be tempered to considerable positive weight in the planning balance due to the scale of the number of dwellings proposed.
- 9.16 A range of dwelling types would be incorporated within the development including detached, semi detached and flats. The overall mix of units (private and affordable) proposed is: 43 houses and 15 flats (5x1bed, 21x2bed, 14x3bed, and 18x4bed) which is considered to be acceptable in this context and would be consistent with the general mix of

dwellings considered at outline stage.

- 9.17 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. 17 of the proposed units would be affordable (13 houses and 4 flats) in accordance with the details agreed at the outline stage and set out in the S106 agreement accompanying the outline planning approval.
- 9.18 The number, tenure, mix and distribution of the affordable housing is considered appropriate for this scheme and accords with the terms of the S106.
- 9.19 The detailed breakdown of the proposed affordable dwellings would be 1 x 4 bed, 6 x 3 beds, 6 x 2 beds, and 4 x 1-2 bed apartments.
- 9.20 Taking into account the contribution of the scheme to the provision of affordable housing and taking into account the need for affordable housing it is considered that this factor should be afforded considerable positive weight in the planning balance.

### **Promoting sustainable transport**

- 9.21 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 of the NPPF requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.22 In respect of transport sustainability, following the grant of outline consent for the development of up to 74 dwellings at this site it is considered that the development would be locationally sustainable. Consideration was given at the outline stage to the opening of the Stoke Hammond bypass which has substantially reduced traffic passing through the village, such that there would be no capacity problems, or any material impact upon highway safety and convenience. In addition the siting of the proposed access has been agreed. Consideration has also been given to the location and proximity of the bus service and a financial contribution to be put towards the local bus service has been secured in a s106 agreement.
- 9.23 With regards to the impact on highway safety, BCC as the Highway Authority have considered the information submitted and for the purposes of this reserved matters application highway comments have been confined to the detailed layout of the development.
- 9.24 Initial comments received by the Highway Authority stated that the layout was generally considered acceptable. Since that initial consideration amended plans have been submitted which show an amended layout and lower quantum of development. Also additional information has been submitted in the form of a Transport Statement.
- 9.25 The amended Transport Statement has been updated in terms of the proposed quantum of development; as such the estimated trip rates have been updated using TRISC®. The bus time table has also been amended due to service level changes. These changes are considered to be acceptable to the Highway Authority, and it is important to remember that the site already has outline planning permission granted under 14/03000/AOP for up to 74 dwellings.

- 9.26 It is noted that the internal layout of the site has also been amended; the layout now shows a carriageway width of approximately 5.5m with a small section for carriageway which is 4.8m. The majority of the site benefits from 2m footways either on both or one side of the carriageway, and the footway links with the existing footway along the site frontage.
- 9.27 Due to the change in layout and quantum of development the proposed car parking layout has also changed, although the quantum of parking for this scale in development would be acceptable and in accordance with policy GP24 of the AVDLP and the guidance set out in the Council's adopted Parking Standards, and the NPPF. The Highway Authority are satisfied that there is adequate turning and manoeuvring space within the limit of the site
- 9.28 Furthermore, a tracking drawing has also been submitted which shows the path of an 11.22m long refuse/service vehicle serving the site. Although some areas are tight these plans do show that this type and length of vehicle could service the site without overrunning kerbs or being forced to reverse over extended distances, in accordance with the Council's advice note and the guidance set out in the NPPF.
- 9.29 Cycle storage and bin collection points have also been addressed and added to serve the proposed flats.
- 9.30 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 Council's SPG, Policy GP24 of the AVDLP and with the guidance set out in the NPPF, and that it could be implemented without harm to highway safety and convenience and that sufficient parking can be provided to serve the development.
- 9.31 This absence of harm is afforded neutral weight in the planning balance.
- 9.32 The details submitted with this reserved matters application are considered acceptable to discharge conditions 15 (details of the internal access road), 16 (scheme for parking, garaging, cycle parking and manoeuvring), and 17 (loading and unloading of vehicles) in so far as it relates to the requirement to submit information.

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

- 9.33 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.

Within the AVDLP, Policy GP35 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 GP38 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 RA8 of the AVDLP states that development proposals in areas of attractive landscape (AAL) should respect their landscape character. Development that adversely affects this character will not be permitted, unless appropriate mitigation measures can be secured.

### *Landscape*

- 9.34 As set out above, this application site already benefits from outline planning permission for the development of up to 74 dwellings. As such impact on the wider landscape, the AAL, and the loss of a greenfield site have already been assessed and found acceptable in principle in the planning balance.
- 9.35 The proposed layout detailed in this reserved matters application has been designed so as to ensure that a view of the proposed open space, and the AAL beyond, would be maintained.
- 9.36 The proposed layout would be lower density adjacent to the eastern boundary in the northern section of the site. This is to allow for the establishment of a significant landscaping buffer adjacent to the eastern boundary, and provides a transition out towards the open countryside beyond. Landscaping corridors and ecology zones are a fundamental part of the proposed layout. These include a proposed landscape corridor opposite the site entrance which signposts the area of Public Open space; the ecology zone adjacent to the southern end of Tyrells Gardens; and the retained hedgerow to the north of the Public Open Space, providing a link to the adjacent area of open countryside.
- 9.37 The reserved matters therefore comply with policies GP35 and RA8 of the AVDLP and the guidance set out in the NPPF and this factor is attributed neutral weight.

### *Trees and hedgerows*

- 9.38 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 9.39 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 within the site.
- 9.40 The Supporting Arboricultural Impact Assessment proposes three trees for removal, two of these trees are rated as Category U (Category U trees are defined in BS5837:2012 Table 1 as Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years) and should be removed irrespective of the development. All remaining trees can be adequately retained and protected as part of the development – there is some minor encroachment into root protection areas, and some minor pruning proposed but, taking into account the proposed mitigation, the Council's Tree Officer comments that this falls within acceptable levels.
- 9.41 There are a significant number of new trees proposed within the development, and many are proposed to the street frontages which is welcomed, but there is a distinct lack of planting within the open space. However, the open space area is deliberately free of any trees to avoid any damage to the remaining archaeology by uncontrolled roots etc. and this is therefore considered acceptable.
- 9.42 On balance it is considered that this matter should be afforded neutral weight in the planning balance.

### *Ecology*

- 9.43 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.
- 9.44 Condition 10 of the approved outline consent requires the submission and approval of a Landscape and Ecological Management Plan (LEMP) before the commencement of development on site. The LEMP will be the subject of a separate submission and will demonstrate net ecological gains and enhancement in accordance with the NPPF guidance.
- 9.45 On this basis it is considered that for this particular application this matter should be



afforded neutral weight in the planning balance.

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

- 9.46 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.
- 9.47 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.

#### *Leisure/Play areas*

- 9.48 As part of this development a LEAP is indicated within the south eastern section of the site. The buffer distances to dwellings are considered to be acceptable and the S106, which was agreed at the outline planning stage, requires the play equipment to meet the required standards and for it to meet the relevant play assessment value of RoSPA.
- 9.49 It is considered that the amount of open space provided within the site would be acceptable and in any case is greater than that indicated within the approval of the outline consent.
- 9.50 The proposed LEAP would be appropriate, with a good ROSPA rating and is considered suitable in this proposed location.

#### *Education*

- 9.51 A financial contribution towards a suitable education project has been secured by means of the s106 that was agreed at the outline planning stages.

#### *Healthcare*

- 9.52 The NHS have commented that this development will result in patient increase and will have an impact on the Red House Surgery, Water Eaton Health Centre, Drayton Road and Westfield Road.
- 9.53 However, the existing outline planning permission has accepted the principle of up to 74 new dwellings at this site and the s106 that accompanies that permission does not secure any health contributions.
- 9.54 Mindful that no health contributions were considered necessary to support the development of 74 dwellings at this site, this is a matter which was considered at the outline stage and cannot be revisited through this reserved matters application. This application only seeks approval for appearance, landscaping, layout and scale and not the principle which has been agreed through the outline permission.
- 9.55 Having regard to the matters above, it is considered that these factors are to be afforded neutral weight in the overall planning balance.

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

- 9.56 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.

- 9.57 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.
- 9.58 The proposal would accord with the NPPF by providing additional housing which does not result in any adverse impacts.
- 9.59 The density of the proposed development would be 21.4 dph which is considered appropriate in this edge of village location and would be commensurate with the surrounding dwellings.
- 9.60 This factor is afforded neutral weight in the overall planning balance.

### **Achieving well designed places**

- 9.61 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.
- 9.62 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).
- 9.63 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.
- 9.64 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 GP45 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*

- 9.65 As a result of discussions between Officers and the applicants amended plans have been submitted that improve the overall layout of the scheme and result in fewer exposed rear boundaries.
- 9.66 The revised scheme offers an accessible layout which would generally follow good urban design principles with enclosed backs and active frontages to the dwellings. In addition space has been incorporated within the layout with a landscaped buffer zone reinstated adjacent to the listed Manor house (through the removal of dwellings originally proposed), and the Roman remains being preserved in situ as an area of open space within the development. There would be set backs and varying building lines such that it is considered that adequate regard has been had to this matter.

- 9.67 Ensuring a safe and secure living environment is a fundamental consideration in the design of any residential development. To this end the proposed development has drawn on the principles of Manual for Streets, Designing Out Crime and Secure by Design. The arrangement of buildings and public and private spaces have been revised to enhance opportunities for natural surveillance.
- 9.68 The main vehicular access onto Fenny Road has been accepted and approved under the outline consent. The proposed spine road has been designed to ensure easy of movement through the site and connects to the approved site access on Fenny Road. As visitors to the development would enter the site they would have a focal view point of the public open space to the east and of the countryside, including views towards the hills and out over the AAL which lies beyond the site.
- 9.69 The proposed dwellings would front on to the roads with varying building lines which adds interest to the proposed layout and is reflective of the variation of existing dwellings within the village. Where possible dwellings have been set back from the proposed spine road to ensure the provision of more areas of open space and landscaping. Secondary roads have been incorporated to serve a small number of dwellings and also a mix in surface materials is proposed.
- 9.70 The dwellings proposed in the western part of the site would face onto a roadway which is set back and behind the existing front hedge that bounds Fenny Road. This hedgerow is an important feature and the proposed layout would ensure it can be retained.
- 9.71 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 some marked parallel parking on the highway. Car parking is to be related to each dwelling, and overly long driveways (which would result in surplus 'half spaces') have been avoided to ensure that parked cars would not encroach across pavements but also that visually the amount of hard surfacing has been reduced. The issue of car parking for the two blocks of flats has also been discussed with the applicants and this has resulted in the removal of rear parking courts and the introduction of frontage parking spaces in close proximity to the flats that they would serve.
- 9.72 Concerns in relation to the expanse of hard surfacing in the vicinity of the pumping station have also been suitably dealt with and overcome by revisions to the detailing of that area.
- 9.73 On this basis the development would accord with the aims of policies GP24, GP35, GP38 and GP39 of the AVDLP and with the guidance in the NPPF such that this matter should be afforded neutral weight in the planning balance.
- Reserved matters: Scale and Appearance*
- 9.74 In terms of character, Stoke Hammond has a mix of different houses representative of the growth of the village. No particular housing type or style could be said to be predominant although the majority can be characterised as detached or semi-detached houses with gardens to front and back. There are a number of older houses, including thatched cottages, along Church Road and Old School Lane, together with post war local authority built houses and bungalows and more recent areas of late twentieth century family housing. There are also short runs of terraced houses.
- 9.75 The proposed houses incorporate a number of different house types to provide variety in their character and appearance. Typically the dwellings would be 2 storeys in height, with some of the dwellings being 2.5 storeys in height with rooms in the roofspace. There would be single storey garages to some of the plots. The proposed flats would be located within two 2 storey blocks to the north east.
- 9.76 The variation in the heights of the two and two and a half storey dwellings provides character and variation to the appearance of the street scene, would reflect the appearance and scale of other recent developments within the village, and the proposed heights of the dwellings were not specifically restricted at the outline stage.

- 9.77 Details of the slab levels of the proposed dwellings have been submitted as part of the reserved matters and are considered acceptable in order to discharge condition 7 of the outline consent.
- 9.78 The scale of the proposed dwellings, and their siting within the development, would have regard to the existing surrounding built form, with the smaller and lower dwellings being located closer to the existing bungalows in Tryells Gardens.
- 9.79 The house types have span depths of no deeper than 10m to maintain an appropriate synergy with the existing dwellings in Stoke Hammond. The layouts of the two blocks of flats have been amended to remove crown roofs and provide front doors to the kerbside elevations to provide architectural interest. Whilst the Parish Council have commented that the windows in the flats would be overly large this issue has been overcome in the most recent set of amendments. The above revisions are considered in keeping with the character and appearance of the surroundings and therefore appropriate in this context.
- 9.80 In addition, it is considered that the proposed development adopts appropriate materials and detailing to create a scheme that will be in keeping with the character and appearance of the surrounding area.
- 9.81 A mix of different materials are evident within the village with red/brown brick being the most common. A soft, yellow/ buff brick is also present, notably at Fountaine House on Church Road, and on the small terrace of cottages to the south of The Green on Leighton Road. Render, mainly painted in pale colours, is also used, The Dolphin public house and Stoke Lodge more here, and there are some examples of traditional thatched cottages that are painted white. More recent development also incorporates elements of horizontal timber cladding, flint cobbles and half timbering applied decoratively. Roofing materials are predominantly red/brown clay or concrete tiles and dark slate.
- 9.82 The proposed development will draw on this range of materials. For the roof materials a mix between Marley Eternit smooth grey and brown roof interlocking concrete tiles is proposed. Front doors are proposed as idigbo hardwood SBD in a dark grey and timber panel with steel framed garage doors are proposed as a mixture of dark grey and timber colour panelling. The principle proposed materials to the facing material of the dwellings would be Leicester multi cream and red brick, off white render and timber cladding. This base palette is used to knit the varying formal and spatial qualities of the proposed development together, and would be complimented by the use of grey uPVC window casements and flat arched window headers and stone cils.
- 9.83 In terms of surface materials, driveways and the road fronting plots 1-6 are proposed as Harvest / buff block paving in a herringbone pattern. The secondary roads are proposed as a traditional block paving with a herringbone pattern to match. Private footpaths and patios are proposed as a saxon flag paving 450m x 450m to stand out from the proposed light asphalt public footpath, and the main spine road is proposed as dark grey asphalt. the children's play area (LEAP) is shown to have a continental pine playground bark surface covering.
- 9.84 Closed board fencing at a height of 1.8m would be provided between gardens with brick walls along garden boundaries where they bound public realm.
- 9.85 The dwellings would have a variation in heights and design to provide variation as discussed above, and the materials pallet, while varied, would not be extensive to ensure that the development appears cohesive and connected throughout. This complementary pallet of materials is considered acceptable and accords with policy GP35 and the NPPF.

The details submitted with this reserved matters application are considered acceptable to discharge condition 4 (submission of materials) in so far as it relates to the requirement to submit information.

*Reserved matter: Landscaping*

- 9.86 1.45 acres of landscaped public open space is to be provided which would include a footpath around the open space and a LEAP (as secured in the s106).
- 9.87 A planting buffer, minimum of 10m in width, has been incorporated to the southern boundary to the rear of the houses; mature established hedgerows and landscaping features are to be retained in key areas and the layout proposals have been amended to ensure these features are not included within rear gardens and thus their retention can be better controlled. Also, roads have been re-positioned adjacent hedges and landscaping features to ensure a greater chance of retention and protection from removal, by not being within private ownership, such as along the north west boundary of the site.
- 9.88 In addition, as tree planting cannot be incorporated with the open space area due to the preservation of the Roman remains in situ, tree planting has been incorporated to the perimeter and the road adjusted to suit.
- 9.89 Subject to the submission of further details in relation to tree planting and a method statement for the installation of the LEAP equipment which could be secured by condition, the landscaping of this development is considered to be acceptable. On this basis this matter should be afforded neutral weight in the planning balance.

*Reserved matters conclusions*

- 9.90 It is considered that the proposed details as discussed above would accord with policies GP24, GP35, GP45, GP53, and GP38 of the AVDLP and the guidance set out in the NPPF.
- 9.91 Overall it is considered that, following the receipt of amendments where improvements have been made to the layout of the proposal, in terms of the matters to be considered as part of this detailed application these matters can be afforded neutral weight in the overall planning balance.

**Conserving and enhancing the historic environment**

- 9.92 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.
- 9.93 Policy GP53 of the AVDLP requires new developments in and adjacent to conservation areas to preserve and enhance the character and appearance of the Conservation Areas
- 9.94 The site sits adjacent to two designated heritage assets; the Stoke Hammond Conservation Area and Tyrells Manor, a Grade II listed building.
- 9.95 The open space provided by the site is an important contributor to the setting of the listed building as 'the agricultural setting of the Manor House contributes to the understanding of the building's history as a rural Manor House, and to the aesthetic appreciation of the building'. The Conservation Area Statement reinforces this by stating that 'open areas are found around the Grade II listed Tyrells Manor'.
- 9.96 The approved outline scheme accepted the principle of the development on this site in heritage terms, on the basis that the detailed layout was designed to reduce the impact on the setting of Tyrells Manor and the views to the conservation area.

- 9.97 The 2014 indicative masterplan showed a green wildlife space buffer between the listed building (Tyrells Manor) and the site. It was therefore disappointing that the originally submitted layout as part of this reserved matters application showed this previous wildlife buffer removed and development located even closer to the listed building. However, the subsequent amended plans have reinstated this important buffer which would mitigate against the impact of development in this area.
- 9.98 The proposed buffer combined with the distance between the nearest proposed dwelling and the listed building (Tyrells Manor) would ensure that there would be no harm to the setting of the listed building and that the character of the Conservation Area would be preserved in accordance with the guidance set out in policy GP53 of the AVDLP and the guidance set out in the NPPF.
- 9.99 Special attention has been paid to the statutory test of preserving and enhancing the character and appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted as a higher duty. It has been concluded that the proposed development would preserve the character and appearance of the adjacent Conservation Area, and so is in accordance with section 72 of the Act. In addition, it has been demonstrated that the amended layout proposed would preserve the significance of the heritage asset in terms of impacting on the setting of the listed Tyrells Manor such that the tests set out in section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 would be satisfied.

#### *Archaeology*

- 9.100 Policy GP59 of the AVDLP advises that in dealing with development proposals affecting a site of archaeological importance the Council will protect, enhance and preserve the historic interest and its setting. Where historic remains are present on a development site the Council will expect proposals to preserve the historic interest without substantial change.
- 9.101 The site has been subject to investigations and surveys to determine its archaeological importance. Following this, consultation between the Council and Archaeological Officer have concluded that the south east part of the site will be preserved in situ in line with the findings. This has resulted in a redesign of the residential scheme that is now being proposed with an area of open space to be provided in the south east of the site in order to avoid any development within that area of the preserved asset.
- 9.102 The area of open space is proposed be planted with a wild flower mix around a small children's play area. Discussions have been had with the developer regarding their proposal to plant shrubs within and along the western edge of this open space area, and the plans have been revised accordingly, as the roots of any large shrubs being planted in the area of open space could disturb the buried archaeological remains below.
- 9.103 Whilst no further archaeological excavation condition would be required, it is considered appropriate and reasonable to impose a condition to safeguard the archaeological remains to be preserve in situ. Also it is considered appropriate to condition the submission and approval of a method statement detailing how the proposed children's play equipment will be installed so that the BCC Archaeological Officer can consider if any archaeological monitoring is required.
- 9.104 On this basis this matter is afforded neutral weight in the planning balance.

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

- 9.105 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.

- 9.106 Further information was sought by BCC as LLFA 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.
- 9.107 Evidence has been provided of the land transfer demonstrating that the surface water connection to the ordinary watercourse can be made, and it is now proposed to use permeable paving for the access roads within the proposed development which will provide benefits of water quality and quantity management.
- 9.108 The LLFA is now satisfied with the detail provided and raise no objections to the approval of the reserved matters. It is therefore considered that the development would be appropriately flood resilient and that surface water drainage has been accounted for in accordance with the NPPF and as such this matter is afforded neutral weight in the planning balance.

*Supporting high quality communications*

- 9.109 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
- 9.110 Given the nature and location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of this development. It is therefore considered that the proposal would accord with the guidance set out in the NPPF, and this factor is afforded neutral weight in the planning balance.

**c) Impact on residential amenities.**

- 9.111 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 GP8 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.
- 9.112 Turning firstly to the relationship with properties in Tyrells Road, the rear gardens of plots 52 to 58 would be located adjacent close to the northern boundary of the site and the first floor windows within the rear elevations of these dwellings would face the rear gardens of the existing dwellings 8 to 18 Tyrells Road. Trees are proposed to be planted at points along this northern boundary between the gardens.
- 9.113 The house type within this row of dwellings on plots 52 – 53 and 55 – 58 would have accommodation on 2 floors with a ridge height of 9.7m and 2 first floor bedroom windows within the rear elevation. The other house type on plot 54 would have accommodation within the roof space, it would have a ridge height of 9m, 2 first floor bedroom windows in the rear elevation, and two small high-level rooflights within its roofslope.
- 9.114 Given the separation distance of these proposed dwellings (plots 52 – 58) away from the rear boundary of the site (which would be a minimum of 9.2m increasing to a maximum of 11.3m), and taking into account the back-to-back distances between these dwellings and the main 2 storey height rear elevations of the existing dwellings in Tyrells Close (which would be between 19.9m and 29.0m), it is considered that this arrangement would not result in an adverse loss of privacy, light, outlook or overshadowing, such that the proposed separation distance between the dwellings is considered acceptable in terms of residential amenity.
- 9.115 The planting of a buffer between the dwellings along the northern boundary as suggested by objectors cannot be justified or required. The relationship between these properties are consistent with the normally accepted relationships and found elsewhere within the village.

To the eastern side of the site plots 51 and 52 are located in relatively close proximity to the neighbouring existing development in Tyrells Garden. Plot 52 is located alongside a parking court area and thus would have no impact upon any of the existing dwellings. Plot 51 would however be located near to the rear of 7 and 9 Tyrells Garden, although the dwellings would be orientated side on to their rear boundaries and with a separation distance of around 4m between its side elevation and the rear garden boundary of the existing dwellings. As such it is considered that the proposed dwelling would not result in any adverse loss of light or outlook. In terms of potential overlooking, there would be no window openings within this side elevation of plot 51. In order to protect the future amenities of the neighbouring dwellings from any direct overlooking or loss of privacy as a result of the insertion of any new windows a condition could be imposed to restrict the insertion of any further openings within the eastern elevation of this plot.

- 9.116 Internally within the development plots 7, 16 and 17 would be sited with their side elevations facing towards the rear garden boundaries of their neighbouring plots; however, due to the proposed separation distance between these plots and the adjacent plots, and bearing in mind that there would be no openings/windows within the side elevations of plots 7, 16 and 17 (which, as above, could be controlled by condition), it is considered that there would be no adverse impact upon the residential amenities of the future occupants of plots 1, 2, 6, 7, 14, 15, 16, 17.
- 9.117 The layout and design of the remaining proposed dwellings would ensure that the residential amenities of the future occupants would be respected and given the distance between the proposed dwellings and the nearest existing neighbouring dwelling it is considered that the development would not result in any adverse overlooking or loss of privacy.
- 9.118 Overall the proposed layout and distances between properties is considered to be acceptable and would provide a satisfactory level of residential amenity for the occupiers of the existing neighbouring dwellings and the future occupiers of the proposed dwellings.
- 9.119 Whilst the future occupants of the proposed flats would not have access to a communal garden area, they would have access to useable area of open space within close proximity to these plots, including the provision of the LEAP and footpath.
- 9.120 On this basis it is considered that adequate regard has been had to residential amenities such that the proposal would accord with policy GP8 of the AVDLP and the guidance set out in the NPPF.
- 9.121 This matter is afforded neutral weight in the overall planning balance.

**d) Other matters**

*Fenny Road - Highways matters*

- 9.122 Objectors have made reference to the proposed location of a new bus stop that is proposed to be installed on the Fenny Road. Details of this bus stop are not part of the proposed reserved matters and as such are not included within this current application. However, in line with condition 11 imposed on the outline consent, prior to the occupation of the new dwellings full details of a new bus shelter to include the provision of kerbing, flags, the removal of the existing layby and any other accommodation works are to be submitted to the Local Planning Authority for approval in writing. An application for the discharge of this condition is currently pending consideration under ref: 14/B3000/DIS and is being considered by the Council in consultation with the Bucks County Council Highways Officers.
- 9.123 Comment has been made that the main road through the village is extremely busy, suffers from excessive speed and failure of users to observe the pedestrian crossing. The County Council Highways Officers have not raised any objections in relation to these matters and it is considered that the proposal would not have an adverse impact upon the current situation. Indeed, at the outline stage, the County Council sought to support walking and



the use of the pedestrian crossing by encouraging the imposition of condition 12 of the outline consent which requires that no new development shall be occupied until the footway along the site frontage from the proposed site access to the existing pedestrian crossing on the Green has been widened, and such details are to be first submitted to, and agreed in writing, by the Local Planning Authority.

- 9.124 In addition one objector has requested that a traffic light crossing be installed at either end of the village and traffic calming measures introduced so that Fenny Road is made safe for children and school buses. The principle of development at this site has been agreed by the outline consent and this was not an issue raised by the BCC Highways Officers at that time. Whilst residents may feel that traffic calming within Fenny Road would be desirable, it would not be considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 places into law the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development of this nature if the obligation is not necessary to make the development acceptable in planning terms, not directly related to the development and not fairly and reasonably related in scale and kind to the development.

*Human Rights Act Equality Duty & Human Rights*

- 9.125 In line with the Public Sector Equality Duty the council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).
- 9.126 In line with the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right, as per the European Convention on Human Rights. The human rights impact have been considered, with particular reference to Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention.
- 9.127 The Human Rights Act 1998 does not impair the right of the state to make decisions and enforce laws as deemed necessary in the public interest. The recommendation is considered appropriate in upholding the council's adopted and emerging policies and is not outweighed by any engaged rights.

*S106 Agreement*

- 9.128 A detailed S106 agreement was agreed and completed as part of the outline permission for this site and applies to this reserved matters application. The agreed obligations relate to financial contributions towards education provision and off-site sports and leisure provision, on-site open space provision, and on-site affordable housing. A further S106 agreement or deed of variation is not considered appropriate at this reserved matters stage.
- 9.129 The details submitted with this reserved matters application sought to discharge paragraphs 1 to 1.4 of the 2<sup>nd</sup> schedule of the s106 and paragraph 1 of part 1 of the 5<sup>th</sup> schedule of the s106. The submitted details are considered acceptable such that the relevant obligations can be discharged in so far as it relates to the requirement to submit information.

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

### DETERMINATION OF PLANNING APPLICATIONS

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

### HUMAN RIGHTS ACT 1998

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

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

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

### SECTION 17 CRIME AND DISORDER ACT 1998

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

### EQUALITY ACT 2010

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

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