



AYLESBURY VALE DISTRICT COUNCIL Democratic Services

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11 February 2019

STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Strategic Development Management Committee** will be held at **1.00 pm** on **Wednesday 20 February 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 - 4)

To approve as a correct record the Minutes of the meeting held on 30 January 2019 (Copy attached).

- 4. DECLARATION OF INTEREST**

Members to declare any interests.

5. OVERVIEW REPORT - JANUARY 2019 (Pages 5 - 14)

6. 16/00151/AOP - LAND OFF WALNUT DRIVE AND FOSCOTE ROAD, MAIDS MORETON (Pages 15 - 64)

Outline application with all matters reserved except access for up to 170 dwellings, public open space and associated infrastructure.

Case Officer; Sue Pilcher

7. HUMAN RIGHTS ACT (Pages 65 - 66)

Strategic Development Management Committee

30 JANUARY 2019

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

IN ATTENDANCE: Councillor N Blake

1. MINUTES

RESOLVED –

That the minutes of the meeting held on 9 January 2019 be approved as a correct record.

2. 17/04457/ADP - LAND TO THE EAST OF FENNY ROAD, STOKE HAMMOND

RESOLVED –

That the application be deferred and delegated to officers to negotiate the relationship between block of flats 31 – 39 and the dwellings to plots 30 and 46.

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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-date⁷, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Foot notes:

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

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

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

And subject to transitional arrangement set out in Annex 1

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

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

Housing supply

- 1.21 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 1.22 Paragraph 60 requires that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 1.23 Where the Council cannot demonstrate a 5 year housing land supply (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, there is a presumption in favour of sustainable development in line with paragraph 11 of the NPPF. The absence of an NPPF compliant supply or delivery of housing would add to the weight attached to the benefit arising from the contribution made to the supply of housing and boosting the delivery of housing generally. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.
- 1.24 In the absence of a figure for the Full Objective Assessment of Need which will emerge through the plan making process which will also need to consider potential unmet needs from adjoining authorities not within the Housing Market Area, the council has set out its approach in the published Five year housing land supply position statement. This is regularly updated and the latest version is dated June 2018 to take account of the new planning permissions and completions up to the new base date of the 31 March 2018. It also updates the estimated delivery of sites based on the latest information.
- 1.25 This continues to use the proposed Full Objectively Assessed Need (FOAN) identified in the Buckinghamshire Housing and Economic Development Needs Assessment (HEDNA) Update December 2016 and addendum (September 2017) (970 dwellings per annum). This represents the most appropriate need requirement figure as it considers the district's own objectively assessed needs as well as that within the housing market area. Based on the findings of the HEDNA, the housing land supply document shows we have a 11.7 year supply this year (compared with 9 years previously). Work is ongoing towards revising this calculation in accordance with the new NPPF and early indications are that the council still maintains over 5 years supply.
- 1.26 It is acknowledged that this 5 year housing land supply calculation does not include any element of unmet need, however at this stage it would not be appropriate to do so. Whilst the unmet need figure has progressed, it has not been tested through examination and it would not be appropriate to use a 'policy on' figure for the purposes of calculating a 5 year housing land supply for Aylesbury until the "policy on" figures and general policy approach has been examined and found sound. There are no up-to-date housing supply policies in AVDLP and therefore we still

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

Neighbourhood Planning

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

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

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

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

Prematurity

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

Conclusion on policy framework

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

Whether the proposals would constitute a sustainable form of development

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

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

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

consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land. Further advice is given on affordable housing provision, including the requirement for 10% of the homes to be available for affordable home ownership 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

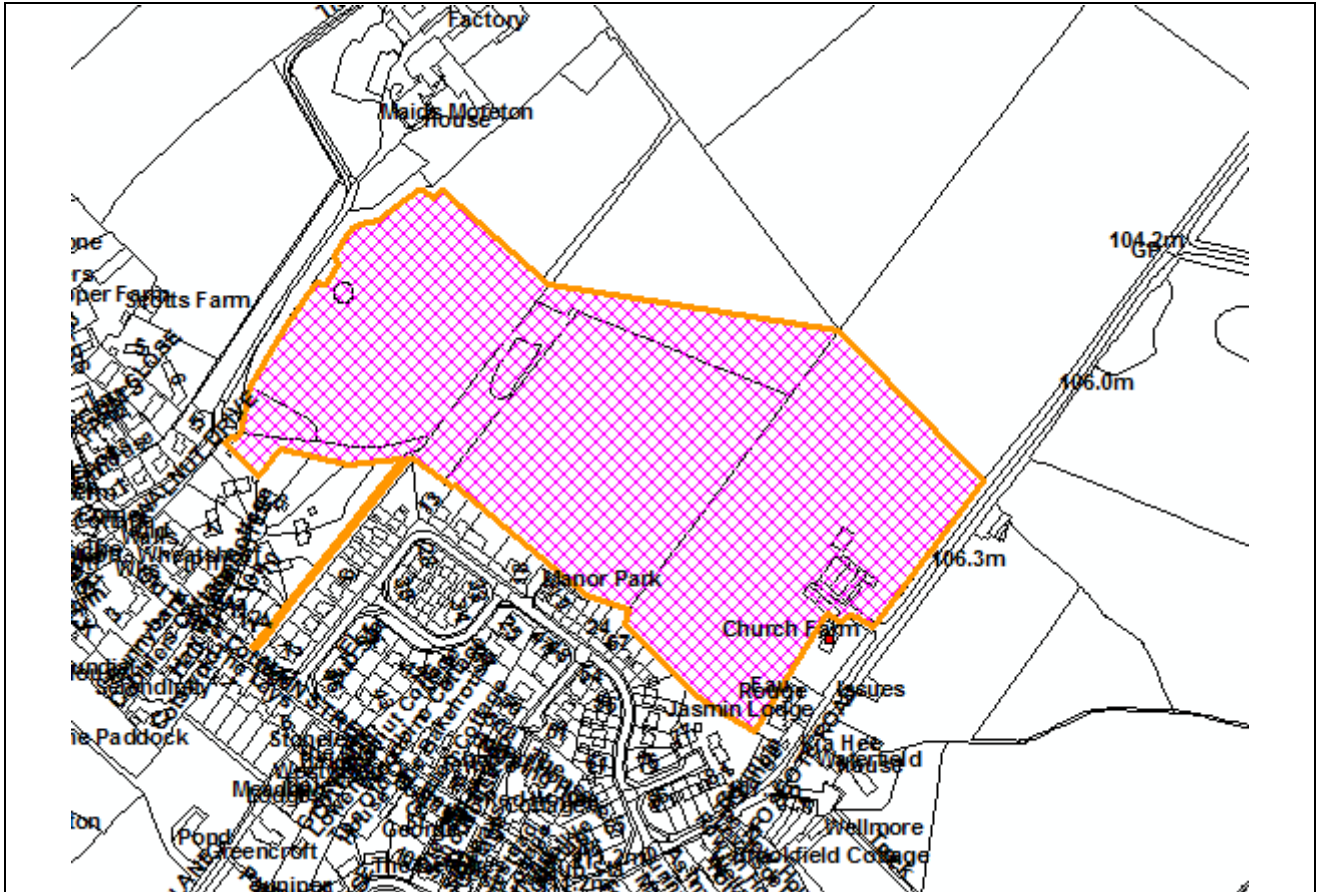
- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

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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16/00151/AOP	
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REFERENCE NO	PARISH/WARD	DATE RECEIVED
16/00151/AOP	MAIDS MORETON The Local Member for this area is: - Councillor Warren Whyte	20/01/16
<p>OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS FOR UP TO 170 DWELLINGS, PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE LAND OFF WALNUT DRIVE AND FOSCOTE ROAD MR ROSS BLUMIRE</p> <p>STREET ATLAS PAGE NO. 41</p>		

1.0 The Key Issues in determining this application are:-

- a) The planning policy position and the approach to be taken in the determination of the application.
- b) Whether the proposal would constitute a sustainable form of development:
 - Sustainable location
 - Delivering a sufficient supply of homes
 - Building a strong competitive economy
 - Promoting healthy and safe communities
 - Promoting sustainable transport
 - Conserving and enhancing the natural environment
 - Achieving well designed places
 - Making effective use of land
 - Meeting the challenge of climate change, flooding and coastal change
 - Conserving and enhancing the historic environment
 - Supporting high quality communications
- c) Impact on existing residential amenity
- d) Developer contributions
- e) Other matters raised in representations

The recommendation is that permission be deferred and delegated for **APPROVAL** subject to the completion of a legal agreement to secure on site affordable housing provision, on site provision of public open space, financial contributions towards off site highway improvements, towards open space and recreation, education and to secure an acceptable SuDS scheme and its maintenance and subject to conditions as considered appropriate by Officers, or if these are not achieved for the application to be refused.

2.0 Conclusion and Recommendation

- 2.1 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the objectives of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.2 It is acknowledged that there would be economic benefits in terms of the construction of the development, its operation and those associated with the resultant increase in local population to which significant positive weight is afforded in the planning balance.
- 2.3 The development would make a contribution to the housing land supply which is a significant benefit and whilst acknowledging that the Council have 11.7 years housing land supply, this benefit would be afforded significant positive weight. 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 development would also make a contribution towards the provision of on site affordable housing which would be attributed significant positive weight.
- 2.4 It is acknowledged that the application site currently forms a greenfield site at the edge of the settlement and therefore there would inevitably be a significant change as a result of the development. Taking into account the landscape/woodland belt proposed and the retention of hedgerows (where they are not crossed by the roadways) it is considered overall the impact on the character of the landscape and on the settlement character should be afforded moderate negative weight in the planning balance. There would be loss of agricultural land, but acknowledging the size of the development site, this matter should be afforded limited negative weight in the planning balance.
- 2.5 Special regard has been given to the statutory test of preserving the conservation area and listed buildings under sections 72 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. The proposed development comprising the mini roundabout and associated highway works would have a negative effect on the setting of heritage assets. However, this is an established highway and modern housing already exists on this edge of the village and as such these highway works will have a minor negative effect on the significance of the heritage assets although this would be less than substantial harm and at the lowest end of the scale in terms of the NPPF. Paragraph 196 of the NPPF states that where development will lead to less than substantial harm to the significance of the asset this should be weighed against the public benefits of the proposal. Such public benefits of the scheme comprise a contribution to housing supply, including affordable housing, and economic benefits and these benefits are considered to outweigh the harm. As such there would not be a conflict with the NPPF and this matter should be afforded limited negative weight in the planning balance.
- 2.6 The application is considered to be acceptable on highway grounds subject to a number of matters to be secured as part of a S106 and subject to conditions. On this basis the Highway Authority are satisfied that the development would not have a severe impact on the safety and convenience of the highway network and as such this matter should be afforded neutral weight in the planning balance.

- 2.7 Compliance with some of the other objectives of the NPPF have been demonstrated or could be achieved in terms of the impact on trees, archaeology, biodiversity, trees, public rights of way, healthy and safe communities, design and contamination and residential amenities. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight is attributed neutrally. A S106 agreement would be required to secure a number of matters as set out later in the report.
- 2.8 Weighing all the relevant factors into the planning balance, noting that some of the most important policies in respect of housing supply (RA13 and RA14) are out of date therefore paragraph 11d) is engaged and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. It is therefore recommended that the application be approved.

WORKING WITH THE APPLICANT/AGENT

- 2.9 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,
- up-dating 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 to address concerns and the Council has considered the application as amended and the application is recommended for approval.

3.0 INTRODUCTION

- 3.1 The application needs to be determined by committee as Maids Moreton Parish Council and Foscote Parish Meeting have raised material planning objections and confirm that they will speak at the Committee meeting.
- 3.2 The Local Member, Cllr Whyte, has also commented that *'there has been a huge number of valid concerns raise about this application from residents and the Maids Moreton, Foscote Parish Councils and Buckingham Town Council and I see little in the application that merits approval, and am particularly concerned at the lack of consultation with immediate neighbours on land and access assumptions (on Main Street and Foscote Road) and the lack of understanding of the general road situation in the vicinity and the knock on effects to Foscote, Buckingham Town Centre and College Farm Road (Mill Lane). I would like the opportunity to address the Committee to oppose this scheme.'*

4.0 SITE LOCATION AND DESCRIPTION

- 4.1 The application site comprises three fields at the northern edge of Maids Moreton and has a site area of 8.79ha. The western field is a gently sloping area of grassland (3m drop in levels from the south-west corner to the north-east corner of this field) adjacent to existing housing on Walnut Drive and with the business park to the north-west

corner of the field and access running to this to the western side of the site. The business park hosts a number of different businesses.

- 4.2 There is a group of protected trees (TPO 11/1999) along the southern edge of this field with the rear of the Pightle cul-de-sac and these comprise black pines, sycamore and larch with an understorey of holly and elder. There are also further individual protected trees forming part of this Order within the northern area of the field. The central field is also grassed and gently slopes down to the east and similarly the eastern field adjacent to the rear of Manor Park and Foscoote Road slopes gently down to the east. The application site includes the farm buildings in the east part of the site adjacent to the dwelling of Church Farm which would be demolished.
- 4.3 A public footpath (MM/2/1) runs up from Main Street between the rear gardens of Manor Park and the Pightle, enters the fields of the application site and then heads to the east to join Foscoote Road.
- 4.4 The application site is not covered by any special landscape designations. There are no listed buildings within the application site but there are several within the village itself, including Scotts Farm House on Towcester Road (Grade II), Corner Cottage on Main Street (Grade II) and the Wheatsheaf PH on Main Street (Grade II). The conservation area is located to the south-east of the site within the village centre and further to the south-west.
- 4.5 The site is located within Flood Zone 1 and the majority of the land has an agricultural land grading of 3 with some nearer to Foscoote Road being 4 (according to the Agricultural Land Classification Maps of Natural England).

5.0 PROPOSAL

- 5.1 Outline permission with all matters reserved except for access is proposed on the application site for up to 170 dwellings, public open space and associated infrastructure. There would be two access points into the site, one via Foscoote Road and one via Walnut Drive. The application is accompanied by an illustrative masterplan which shows how the development could be achieved on the site.
- 5.2 Revised feasibility and illustrative landscape masterplans have been received to remove a significant proportion of development to the south of the Maids Moreton House industrial site and increased landscape buffering has been indicated to the northern boundary in this area.
- 5.3 The development proposes a mix of dwelling sizes, two to five bedroom dwellings, and the provision of 30% affordable housing which would be evenly dispersed across the site. A variety of dwelling sizes including detached, semi-detached and terraced properties are indicated on the illustrative layout masterplan. The Landscape and Visual Assessment indicates that the dwellings would have a maximum height of 2.5 storeys.
- 5.4 A landscape buffer, incorporating swales and an attenuation pond, are shown to the northern boundary of the site. Existing hedgerows at the existing field boundaries are shown to be retained, except where the access road makes its way through the site. Along the southern edge of the site adjacent to Manor Park, proposed gardens are shown backing onto existing gardens.
- 5.5 The application has been accompanied by a Planning Statement, Design and Access Statement, Transport Assessment, Landscape Visual Impact Assessment, Extended Phase 1 Habitat Survey, Arboricultural Impact Assessment, Archaeological Desk based Assessment, Desk Study and Ground Investigation Report, Tree Constraints Plan and Schedule and a Flood Risk Assessment.

6.0 RELEVANT PLANNING HISTORY

- 6.1 15/03562/SO - Screening Opinion for proposed development – Environmental Impact Assessment not required.

7.0 PARISH/TOWN COUNCIL COMMENTS

- 7.1 Maids Moreton Parish Council – Object to the development on transport safety and congestion grounds, poor accessibility to public transport, significant adverse impact on landscape character including light pollution, impact on public footpath, loss of agricultural land, pattern of hedgerows diminished, impact on wildlife patterns, fundamental change to Maids Moreton and conflict with Policy RA2 of AVDLP, impact on doctors and schools, concerns about impact on sewerage system. See attached Appendices for full response.

A traffic survey has been submitted by the Parish Council which has been reviewed by the applicants and the Highway Authority and this is discussed later in the report.

- 7.2 Buckingham Town Council – Members of the Town Council Planning Committee only considered aspects of this proposal that affected Buckingham, and opposed the application on the grounds of the effect on traffic, leisure facilities, schools, health facilities and town centre parking. It was noted that BCC opposed Moreton Road II (14/02601) on traffic grounds and advocated a town-wide traffic strategy; traffic from this estate would use either Mill Lane/Stratford Road or the Moreton Road, neither of which were safe cycle routes and the distances (and gradients) involved to access the town centre, secondary schools and employment areas would encourage car use; 400/day were estimated. AVDLP policies RA2 and RA14 apply to Maids Moreton as an Appendix 4 settlement. The Town Council also questioned the validity of the Transport Assessment and the accuracy of the details contained within it.
- 7.3 Foscoote Parish Meeting – Strongly object on transport safety and unacceptable traffic generation grounds, on the proposed footway on Foscoote Road, high density, being outside of the village envelope and intruding into open countryside and reliance to key facilities being by vehicular means. Further comments received question the accuracy of the Traffic Survey and the impact of existing on street parking on traffic. See attached Appendices for full responses.

8.0 CONSULTATION RESPONSES

- 8.1 BCC Highways – No objections subject to conditions and matters to be addressed in a legal agreement.

Mini roundabout with Walnut Drive: Revised details have been received indicating acceptable location of signage. It is acknowledged that the recommended visibility splays cannot be achieved within the adopted highway but given the low traffic flows from the minor arm (Walnut Drive) the distances can be relaxed and acceptable visibility splays can be achieved on land which forms part of the public highway or is under the control of the applicant. Larger vehicles will be able to carry out their manoeuvres with greater safety than they currently do due to increased geometry available and visibility. Previous concerns about the mini roundabout junction have been addressed and the design is acceptable for the purposes of the planning application with any further points of detail being dealt with through detailed design.

College Farm Road/Stratford Road junction: The applicant has re-surveyed the College Farm Road junction with the A422 Stratford Road in order to obtain up to date vehicle flows and has then used these flows to carry out further junction capacity

assessments. BCC comment that the results suggest that even in the future year (2021) base line scenario, which does not contain any development traffic, the junction will suffer from operational issues. There are however some concern with regards to the accuracy of the results of the junction model and PICADY junction modelling software. The applicant has been looking at assessing two distribution scenarios to determine the level of development traffic using College Farm Road, 40% and 75%. The baseline flows on College Farm Road are relatively low and when the development flows are added the total flows on College Farm Road remain relatively low. It however remains evident that the impact of the development traffic on College Farm Road and its junction with the A422 Stratford Road needs to be mitigated.

Proposed Mitigation Package: - The applicant will carry out lining and signing works on the A422 Stratford Road, which will include the installation of advanced junction warning signs and red carriageway surfacing for a length of 215m on each approach to the junction.

- The applicant will also carry out traffic calming works to the north western end of College Farm Road at its junction with Church Street. These works include narrowing College Farm Road at the junction, a localised narrowing adjacent to the junction with Church Close, along with a gateway feature with additional road markings where the 30mph speed limit begins.
- The applicant will also adopt a monitor and manage strategy for a one-year period after the full occupation of the development. This strategy will review conditions at the junction of College Farm Road with the A422 Stratford Road to determine whether conditions at the junction deteriorate significantly over that period. This strategy will involve the use of ANPR cameras which will be able to determine whether vehicles using College Farm Road are associated with the development or not. This information can then be used to determine whether the development traffic is having a severe impact on conditions at the junction and determine whether any further mitigation is needed as a result of the development.
- BCC have looked at ways of physically improving the junction and it has been determined that a second exit lane can be incorporated at the junction, which is achieved by carrying out widening works within existing highway limits. BCC have then used the improved junction layout to carry out a further capacity assessment at the junction. While BCC acknowledge the model limitations in this case, they do suggest that the improvement works to the junction will be adequate to further mitigate the impact of the development.
- The applicant will be required to cost up the further junction works to the College Farm Road junction with the A422 Stratford Road and the money for these works will then be within a S106 Agreement with the ability for the County Council to draw upon that money to carry out the junction improvements should they be deemed necessary. It should be noted that if the traffic calming scheme is successful in deterring the development traffic from using College Farm Road, this will result in additional development traffic travelling into Buckingham, which will also need to be mitigated. If this is the case, then the County Council will draw upon the secured funding and use it as an additional contribution towards the Buckingham Transport Strategy.

Moreton Road junction with the High Street (Old Gaol): It is noted that a contribution will be secured as part of any planning permission towards the adopted Buckingham Transport Strategy, which has an over-arching aim to reduce traffic as a means of improving town centre congestion. BCC agree that the development will increase traffic through this junction and as such a number of measures to directly mitigate the impact of the development traffic at this junction have been agreed. The applicant has confirmed that the delivery of these improvements as part of the proposed development is acceptable and will be provided in addition to the financial contribution towards the Buckingham Transport Strategy.

Speeds on Towcester Road: While it is recognised that vehicles speeding above the posted speed limit is an enforcement issue, this road will be used by occupiers of the

proposed development and as such, it has been agreed with the applicant that a traffic calming scheme in the form of improvements to the lining, additional signage and gateway features along with different surface treatment in order to change the environment when entering the village will be secured.

Crossing on the A422 Stratford Road: Cycleway improvements are currently underway that will link the Buckingham School to the A422 at the junction with Lower Wharf to the east of the football club. This is a school that children from the proposed development are likely to need to access. In order to provide an attractive and convenient link to the cycleway, to encourage cycling, consistent with the aims of the NPPF, it has been agreed with the applicant that a crossing point on the A422 is required as part of the off-site highway works associated with this development. This crossing point will help to meet the aims of the NPPF by improving safety and promoting sustainable forms of transport. The exact type of crossing will be agreed as part of the Highway Works Delivery Plan.

The Highway Authority provided further comments in response to the Parish Council traffic survey and the response to this of the applicants following the instigation of further assessments. The results of the revised assessments that take into account the revised traffic flow figures provided by the Parish Council show that the junctions within the village will continue to operate with significant spare capacity and that there is not a queueing issue. On this basis the Highway Authority are satisfied that the information contained within the report provided by the Parish Council does not alter their previous recommendations.

Having regard to the details of the application the Highway Authority is satisfied that the development would not have a severe impact on the safety and convenience of the highway network. The application is considered to be acceptable on highway grounds subject to matters to be secured as part of a S106 and subject to conditions.

- 8.2 Parks and Recreation – A development of this size requires outdoor playing space (OPS) and equipped play facilities to be provided on site. The AVDC audit shows there is a lack of a suitably sized central public opens space as well as no neighbourhood equipped area for play (NEAP) in Maids Moreton and there is a requirement to provide such facilities in addition to a locally equipped area for play (LEAP) on site to make this application acceptable in recreation terms.
- 8.3 BCC Education – With regards to primary school provision, the proposed development site falls in the Maids Moreton CE school catchment area. Primary schools in the planning area currently have a surplus of 11%, just above the DfE recommended surplus level of 5-10% required to allow for year on year volatility in pupil demand. However, BCC projects that demand, including estimated pupil growth from over 700 homes with outstanding housing permission, will rise to take up any existing surplus capacity. Therefore, BCC will require the application scheme to make a contribution towards the expansion of primary school facilities at Buckingham Primary School/Maids Moreton School to accommodate future housing. Rolls have been rising steadily at secondary schools in the Buckingham and Winslow area which serve the development – with all schools currently full in the lower year groups. Pupil growth from current outstanding housing permission is projected to put significant increased pressure on secondary schools – with a deficit of places projected. BCC's current plan to meet the projected rising demand is to expand capacity at Buckingham Secondary School and a financial contribution towards this would be required.
- 8.4 Environmental Health – No objections.
- 8.5 Biodiversity – The applicant has submitted further details that set out how this development will generate net ecological gains post development as required under the NPPF. No objections subject to a condition to secure the objectives and management prescriptions in the ecological enhancement plan.
- 8.6 BCC SuDS – No objections, subject to conditions to secure a surface water drainage

scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. Pleased to note that the proposed drainage strategy introduces a variety different SuDS components including soakaways, swales, wetlands and infiltration basins which will provide additional water quality, biodiversity and ecological benefits.

- 8.7 CPDA – Raises queries regarding the location of the LEAP tucked away to the north-west corner, with lack of surveillance. Some concerns about the amount of exposed boundaries which are more vulnerable to crime, need clear boundaries, defined boundaries and routes, active surveillance, defensible space. Would request that the applicant achieves Secured by Design, including for doors, windows and glazing.
- 8.8 BCC Archaeology – An archaeological evaluation has been undertaken at this site and has included a geophysical survey and trial trenching. The results of this showed that archaeological remains encountered across the site correspond closely to the interpretation of the geophysical survey. This suggests that the geophysical survey results are a fairly reliable indicator of the extent of remains at the site although some features, particularly those that were either small or shallow, were not always apparent on the survey. Excavation has also indicated that although remains survive across much of the site, they have in places been heavily truncated, probably by ploughing. Nonetheless, some substantial linear features surviving to almost 1m deep were recorded. The site can be shown to have a high archaeological potential for evidence of Roman settlement and agricultural activity across all three fields, as well as prominent evidence of later medieval agricultural ridge and furrow cultivation. There is also the potential for evidence of prehistoric activity in the eastern field. As such a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with the NPPF to ensure there is no harm.
- 8.9 Tree Officer – The submitted Arboricultural Impact Assessment report is considered to be a true reflection of the trees existing on the site, indicative of their quality and value in accordance with the BS5837 criteria. Key constraints on the site appear to have been identified, therefore in principle the development appears to be fully achievable. However, there is some conflict on the plans where there is overlapping of the root protection areas with drainage channels/attenuations pool, roadways for example which will need to be addressed. No objections subject to conditions to secure tree protection and a landscape scheme.
- 8.10 Housing – Should the scheme achieve the expected 170 dwellings then the provision of 51 units would be appropriate; 30% of the dwellings should be affordable. There should be a good mix of property types and sizes reflective of the overall housing mix whilst taking into account the needs of the District. There should be a tenure mix of 75% rented and 25% shared ownership and clusters of affordable housing should not exceed the 15 unit maximum four houses and 18 for flats. The affordable units should be indistinguishable from market housing and no more than 50% of the private units should be completed until the affordable units have been completed.
- 8.11 BCC Rights of Way – The existing use of the public footpath (MMT/2/1) is likely to be recreational providing a circular walk or longer though fields. The application proposes a 3m wide surface and lit walking and cycling route along 163m of footpath MMT/2/1 towards Main Street. Such an improvement would provide a sustainable transport link from the development to the village centre and local bus stops and should tie in with the footpaths in the development if the bitumen surface is extended at the same width. Noting this is an outline scheme, the remainder of the footpath passes through a wide green corridor that is relatively well overlooked and avoids exposed backs immediately adjacent to neighbouring properties. In addition improvements should be made to facilitate pushchair and disabled access at the detailed stage. No objections and recommend a condition to secure re-surfacing of the footpath and its widening.
- 8.12 HBO – The site is visually separated from the Maids Moreton Conservation Area and

the Listed Buildings within it by a belt of more recent development to the immediate north of the designated assets. Aside from glimpsed views from the junction of Walnut Drive and Main Street it is unlikely that the proposed development will be visible from the Conservation Area and given the presence of modern housing already on this edge of the village there will be no impact on views into the conservation area from the north. However this development proposal necessitates highway works in the form of a mini roundabout which will have an impact on the setting of 3 listed buildings and Maids Moreton Conservation Area. Whilst this will have a negative effect on the setting of these heritage assets this is an established highway and modern housing already exists on this edge of the village. These highway works will have a minor negative effect on the significance of the heritage assets although this is at a lowest level of harm and would be less than substantial harm in terms of the National Planning Policy Framework. As such there are no objections to this development proposal.

9.0 REPRESENTATIONS

9.1 351 representations have been received making the following objections:

Transport and traffic related impact.

- Unacceptable further increase in traffic generation in local area, including Buckingham will add to congestion
- Increased traffic would harm foundations of listed buildings and moving road closer to properties may harm thatch
- Unsuitable use of narrow roads for future occupiers and construction traffic, will become rat-runs
- Insufficient footpath provision
- Poor condition of existing roads will be exacerbated
- Poor visibility at junctions especially Walnut Drive and A422
- Unacceptable queuing at junctions
- Conflict between walkers, cyclists with vehicular traffic, including agricultural vehicles
- Unsustainable site, poor public transport, errors in bus timetable, no train station in Buckingham
- Limit local facilities and amenities and increase pressure on the existing
- Widening of roads would destroy ancient hedges and wildlife
- Reduction of road to 3.5m entering the village would hamper agricultural vehicles
- Loss of on street parking along Main Street
- Highway signage would detract from the character of the conservation area
- Impact on deliveries to existing businesses
- Mill Lane regularly floods so would be unsuitable for additional traffic
- Proposed mini roundabout would be disregarded by agricultural and other large vehicles
- Development does not take account of the Oxford to Cambridge road link which will account for more southerly transport
- Incorrect data and traffic modelling used in traffic study
- Traffic study does not make reference to changes in shopping habits with more deliveries
- Traffic survey does not take account of summer growth of trees and hedgerow

Natural environment and design matters:

- Unacceptable development of greenfield site in open countryside
- This number of houses is not needed
- Type of housing does not reflect existing in village and would be out of keeping
- Loss of village identity
- No provision for allotments

- Insufficient drainage
- Does not address needs of retired and first time buyers
- Would be an eyesore
- Adverse impact on archaeology and heritage significance
- Loss of agricultural land
- Site is frequently water logged and would be a flood risk
- Development would be close to SSSI at Foscoate reservoir, impact on bird sanctuary
- Adverse impact on biodiversity
- Uncertainty about who would manage the new developments landscape
- Increased light pollution
- Impact on protected trees

Other matters:

- Noise and air pollution through construction
- Development refused adjacent to Moreton House as intrusion into the countryside
- Smaller development which would fit into the village would be more appropriate
- Development will not increase employment, will become a commuter village
- Nearly 50% increase in population
- Loss of privacy for nearby residents
- No benefits to the existing village/community
- HELAA suggests that the site is not suitable and this number of houses not required
- Conflict with AVDLP policies
- Against the Vision of Buckingham
- Affect Human Rights

9.2 The Buckingham Society have also made representations strongly objecting to the scheme on the following grounds:

- Proposal for 170 dwellings is out of scale with the current size of the village and will severely add pressure to the town's (Buckingham) environment and facilities
- The information relating to sustainability is totally reliant on the proximity of Buckingham and its facilities, failing to take account of any of the information supplied in the Buckingham Neighbourhood Development Plan
- VALP evidence has found that with the exception of one site to the north of the village for 21 dwellings there were no sites in Maids Moreton that had the capacity to accept new development.
- Access to facilities in Buckingham only feasible on a regular basis by vehicular means.
- Traffic generation would add to the severe and harmful cumulative impact on Buckingham that both recent and planned for developments are causing
- No cycle routes and access to National Cycle Route 50 would be via busy A roads
- Alternative, less suitable routes within Maids Moreton are being utilised for access which are narrow and not easy to negotiate. Widening these routes will encourage more cars causing further congestion at junctions as well as destroying historic hedges and verges which are an integral part of the character.

10.0 EVALUATION

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

- 10.1 The overview report attached sets out the background information to the policy framework when making a decision on this application.

Aylesbury Vale District Local Plan (AVDLP)

- 10.2 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. For decision taking this means 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.
- 10.3 A number of saved policies within the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP.2, GP.8, GP.24, GP.35, GP.38 – GP.40, GP.45, GP.59, GP.84, GP.86-88, GP.90-91, GP.94 and RA.2. They all seek to ensure that development meets the three objectives (economic, social and environmental) of sustainable development and are otherwise consistent with the NPPF.
- 10.4 AVDLP Policy GP.53 states in Conservation Areas the Council will seek to preserve or enhance the special characteristics that led to the designation of the area. Proposals for development will not be permitted if they cause harm to the character or appearance of Conservation Areas, their settings or any associated views of or from the Conservation Area. Proposals for development or redevelopment must respect the historic layout, scale and form of buildings, street patterns, open spaces and natural features in the Conservation Area that contribute to its character and appearance. Whilst not entirely consistent with the 'language' of the NPPF, this policy nevertheless seeks to ensure that the significance of the heritage assets (the conservation area) is preserved or enhanced, and to that extent is consistent with it. The policy does not however go on to include the balancing elements of NPPF paras. 195 and 196 in circumstances where either substantial or less than substantial harm is found, and in that respect is out of date. Given this, the weight to be applied to this policy must be reduced but that limited weight can still be afforded to it.
- 10.5 AVDLP identifies Maids Moreton as an Appendix 4 settlements to which policies RA.13 and RA.14 would apply where limited infilling or rounding off would be appropriate, these policies are out of date as set out above.

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

- 10.6 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 summer 2019.

- 10.7 The Authority has received the Inspector's Interim Findings on VALP and a discussion document has also been received in response to the Authority's comments on the Inspector's findings. These do not form the final Inspector's report but set out the modifications the Inspector requires the Council to make before he can find the plan sound. The Authority is currently considering modifications to the plan. However, the Inspector did not find the housing allocations within VALP to be unsound. The application site forms an allocated site within VALP as MMO006 and this supports the development of the 7.7ha site for 170 dwellings subject to a number of criteria.
- 10.8 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.

Neighbourhood Plan

- 10.9 There is currently no made neighbourhood plan in existence for the village of Maids Moreton. Only a neighbourhood plan area has been identified at this stage.

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

- 10.10 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 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.

- **Sustainable location:**

- 10.11 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. Maids Moreton is identified in the Settlement Hierarchy Assessment for the submission Plan (September 2017) as a 'medium village'. In developing a criteria for medium villages, the settlements were defined as typically having a population of between around 600 and 2,000 and have between 6 – 7 of the key criteria (within 4 miles of a service centre, employment of 20 units or more, food store, pub, post office, GP, village hall, recreation facilities, primary school, hourly or more bus service and train station) making them moderately sustainable locations for development. Maids Moreton has a population of 847 and meets 6 of the key criteria. The proposed development of 170 dwellings (noting that the development is for up to 170 dwellings) would increase the

population of the village by approximately 50%.

10.12 This site is identified within the HELAA (Jan 2017) as being suitable for housing development for 170 dwellings subject to achieving a satisfactory landscaping scheme sensitive to the wider countryside, protecting TPO trees and public rights of way and achieving a suitable highway access arrangement. As explained above the HELAA can be seen as a starting point for assessing whether a site would be suitable for development.

10.13 Having regard to the site's accessibility to public transport and the above matters it is considered that the site is locationally sustainable. 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.

- **Delivering a sufficient supply of homes**

10.14 Local planning authorities are charged with delivering a wide choice of sufficient amount of and variety of land and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development. In supporting the Government's objective of significantly boosting the supply of homes, paragraph 61 states that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes. Key to the consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land. The overview report addresses the 5 year housing land position. There is no reason why the site could not be delivered within the next five year period making a contribution to housing land supply which is a public benefit to which significant positive weight should be given in the overall planning balance.

10.15 In respect of affordable housing the scheme does meet 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. The Design and Access Statement confirms that 30% provision would be provided, evenly dispersed across the site and tenure blind. A S106 would need to secure this provision. This matter should be afforded significant positive weight in the planning balance.

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

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

10.17 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. It is therefore considered the economic benefits of the scheme should attract considerable positive weight in the overall planning balance.

- **Promoting healthy and safe communities**

10.18 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.

10.19 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.

10.20 The development proposes the provision of open space on site including a play space and this could be a combined LEAP and NEAP, the details of which would come forward at the reserved matters stage. In addition a financial contribution towards off-site recreation provision would be required, the amount of which would be established once the mix of dwellings is determined. These matters would be secured in a legal agreement. This is an outline scheme so the illustrative masterplan is subject to change, however, at the current time having regard to the application submission, it is considered that attention has been given to securing a safe environment such as limiting exposed rear boundaries and promoting natural surveillance and these matters could be further addressed at the detailed stage.

10.21 BCC Education have confirmed that with regards to primary school provision, the proposed development site falls in the Maids Moreton CE school catchment area. Primary schools in the planning area currently have a surplus of 11%, just above the DfE recommended surplus level of 5-10% required to allow for year on year volatility in pupil demand. However, BCC projects that demand, including estimated pupil growth from over 700 homes with outstanding housing permission, will rise to take up any existing surplus capacity. Therefore, BCC will require the application scheme to make a contribution towards the expansion of primary school facilities at Buckingham Primary School/Maids Moreton School to accommodate future housing. Rolls have been rising steadily at secondary schools in the Buckingham and Winslow area which serve the development – with all schools currently full in the lower year groups. Pupil growth from current outstanding housing permission is projected to put significant increased pressure on secondary schools – with a deficit of places projected. BCC's current plan to meet the projected rising demand is to expand capacity at Buckingham Secondary School and a financial contribution towards this would be required. This would be secured as part of a legal agreement.

10.22 The impact on the public right of way is also discussed below, but the section of the footpath which goes between the Pightle and Manor Park properties would be enhanced to allow increased availability of movement for more users which would also mitigate the increased use from the development. No objections have been raised by the BCC Rights of Way Officer in this regard.

- 10.23 Whilst the proposed development would place a demand on local health facilities, no comments have been received on the application from the CCG and funding of such facilities is through central government.
- 10.24 Having regard to the above matters, overall it is considered that the development would promote healthy and safe communities in accordance with the NPPF and as such this matter should be afforded neutral weight in the planning balance.

- **Promoting sustainable transport**

- 10.25 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.26 In respect of transport sustainability, as discussed above, the site is considered to be sustainably located. However, regard must also be had to the impact on the transport network and on highway safety.
- 10.27 Access into the development site would be via Walnut Drive to the east of the site and also via Foscoote Road to the west of the site. As part of the development proposals a number of off-site highway works to mitigate the development are proposed as follows:
- Alterations to the junction of Walnut Drive with Main Street to form a mini roundabout junction,
 - Alterations to Foscoote Road between the proposed site access on Foscoote Road and the existing footway provision at Manor Park to provide a new 2m footway,
 - A traffic calming scheme in the vicinity of the College Farm Road junction with Church Street,
 - Alterations to the carriageway surfacing and signage on the A422 Stratford Road in the vicinity of the College Farm Road junction,
 - A traffic calming scheme including works to the carriageway surfacing and signage on Towcester Road/Duck Lake in the vicinity of the junction with Main Street on entry to the village,
 - A crossing on the A422 Stratford Road, type and exact location to be agreed with the Highway Authority, to link to the cycleway improvements at the Lower Wharf junction with the A422 to the east of the football club,
 - Junction improvements to the Moreton Road junction with the High Street (Old Gaol roundabout) to include lane markings along Moreton Road at the approach to the existing mini roundabout at the 'Old Gaol' junction to identify two separate approach lanes.
 - A pedestrian refuge on Moreton Road in the vicinity of the 'Old Gaol' roundabout, to provide safe crossing facilities to town centre services.

- Keep Clear markings across the junction of the public car park on Strafford Road in the vicinity of the 'Old Gaol' junction, to assist the bus exiting the High Street and facilitate movements on the network.

10.28 With regard to highway impact and access arrangements, there have been extensive meetings and discussions with the applicant to set out the areas of concern and to ensure that the appropriate information and level of detail has been submitted in order to carry out a robust assessment of the highway impacts. There are a number of areas that have been taken into account in this regard:

Mini roundabout at Walnut Drive

10.29 Revised details have been received indicating acceptable location of signage. It is acknowledged that the recommended visibility splays cannot be achieved within the adopted highway but given the low traffic flows from the minor arm (Walnut Drive) the distances can be relaxed and acceptable visibility splays can be achieved on land which forms part of the public highway or is under the control of the applicant. Larger vehicles will be able to carry out their manoeuvres with greater safety than they currently do due to increased geometry available and visibility. Previous concerns about the mini roundabout junction have been addressed and the design is acceptable for the purposes of the planning application with any further points of detail being dealt with through detailed design. Concerns have been raised in respect of the impact of highway changes on the character and appearance of the conservation area. These are assessed below in the historic section of the report, however, for the purposes of the highway impact, the applicants have been advised that the detailed design of the S278 works in this area should be informed by Aylesbury Vale's document 'Highway Protocol for Conservation Areas' and that furthermore the S278 works will require a Quality Audit by the Highway Authority.

College Farm Road/Stratford Road junction

10.30 Several discussions have taken place regarding the impact on this junction and the application has looked at various solutions to the increased traffic generation that would have to be accommodated and to address queuing such as a signalised junction, widenings and right turn islands into College Farm Road. The applicant has re-surveyed the College Farm Road junction with the A422 Stratford Road in order to obtain up to date vehicle flows. The applicant has then used these flows to carry out further junction capacity assessments. The assessments include two scenarios, one where 40% of development traffic uses the Foscoote Road access and another where 75% of development traffic uses the Foscoote Road access. It is noted that the applicant remains of the opinion that the 40% scenario is the most realistic scenario and they say that this has been derived by reference to Census data, which is a recognised method of determining traffic distribution. The Highway Authority agree that deriving distribution from Census data is appropriate, however no evidence has been put forward by the applicant to demonstrate that only 40% of development traffic would use the Foscoote Road access and that if the Census data is looked at it clearly shows that more than 40% of development traffic would use Foscoote Road and in turn College Farm Road.

10.31 BCC have reviewed the junction assessments and the queue length survey data submitted as part of the transport note with the applicant having now validated the junction model correctly. The results suggest that even in the future year (2021) base line scenario, which does not contain any development traffic, the junction will suffer from operational issues. There is however some concern with regards to the accuracy of the results of the junction model. The junction has been modelled using the PICADY junction modelling software and once the ratio of flow to capacity (RFC) value increases to beyond 1 (100%) then the results of the assessment become unreliable. In this instance, the junction model is showing an RFC value of 9999, which suggests

that the PICADY programme is not able to accurately reflect how the junction would perform in the future year base line scenario. The queue of vehicles shown in the 2021 scenario in the AM peak is 125 vehicles, and in reality, it is unlikely that a queue would ever reach this level given the relatively low levels of traffic that use College Farm Road. The results for the scenarios with 40% and 75% of development traffic using Foscombe Road and College Farm Road show that vehicle queues increase to 151 vehicles and 174 vehicles respectively. This level of queueing is not considered realistic given the low traffic volumes and is a function of the junction model being over capacity.

- 10.32 As detailed above, the applicant has been looking at assessing two distribution scenarios to determine the level of development traffic using College Farm Road. The first scenario, which assessed 40% of development traffic using College Farm Road, resulted in an additional 40 two-way movements in the AM peak hour. When compared to the predicted 2021 baseline flows along the same road, which total 388 two-way movements in the AM peak hour, the increase is in the region of 10%. The second scenario, which assessed 75% of development traffic using College Farm Road, resulted in an additional 75 two-way movements in the AM peak hour. When compared to the predicted 2021 baseline flows along the same road, which totals 388 two-way movements in the AM peak hour, the increase is in the region of 19%. While on face value these increases may seem material, in reality the baseline flows on College Farm Road are relatively low and when the development flows are added the total flows on College Farm Road remain relatively low. It however remains evident that the impact of the development traffic on College Farm Road and its junction with the A422 Stratford Road needs to be mitigated.

Proposed Mitigation Package

- 10.33 The applicant will carry out lining and signing works on the A422 Stratford Road, which will include the installation of advanced junction warning signs and red carriageway surfacing for a length of 215m on each approach to the junction. These works will contribute to alerting drivers on the A422 that they are approaching a junction and to drive more cautiously. These works are consistent with other safety schemes implemented by the County Council elsewhere in the County.
- 10.34 The applicant will also carry out traffic calming works to the north western end of College Farm Road at its junction with Church Street. These works include narrowing College Farm Road at the junction, a localised narrowing adjacent to the junction with Church Close, along with a gateway feature with additional road markings where the 30mph speed limit begins. These works are aimed at making College Farm Road a less attractive route from the beginning and will aim to deter development traffic from using it. The traffic calming scheme is shown in principle on drawing number 1158-F07 Rev D and will be subject to statutory public consultation. The public consultation will need to be led on by the applicant as part of the S278 process, including engagement with local Members, the Parish Council and residents in accordance with legislation. Concerns have been raised through Cllr Whyte with regards to the design of the traffic calming work as it is considered that the current proposals are not in keeping with the nature of the area. Also, the current design of the works does not take into account the access to the Church car park and the excessive area of additional footway surfacing currently shown would have an urbanising effect. The Highway Authority is satisfied that these are matters of detailed design that do not affect the principle of the traffic calming in this location. As mentioned above, the applicant has been advised that Aylesbury Vale has a 'Highway Protocol for Conservation Areas' document which should be used to inform the detailed design of the S278 works in Maids Moreton and a Quality Audit will also be required.

- 10.35 In addition to the works detailed above, the applicant will also adopt a monitor and manage strategy for a one-year period after the full occupation of the development. This strategy will review conditions at the junction of College Farm Road with the A422 Stratford Road to determine whether conditions at the junction deteriorate significantly over that period. This strategy will involve the use of ANPR cameras which will be able to determine whether vehicles using College Farm Road are associated with the development or not. This information can then be used to determine whether the development traffic is having a severe impact on conditions at the junction and determine whether any further mitigation is needed as a result of the development.
- 10.36 In order to come up with a scheme to further mitigate the development traffic impact at the junction, BCC have looked at ways of physically improving the junction. It has been determined that a second exit lane can be incorporated at the junction, which is achieved by carrying out widening works within existing highway limits. BCC have then used the improved junction layout to carry out a further capacity assessment at the junction. While BCC acknowledge the model limitations in this case, they do suggest that the improvement works to the junction will be adequate to further mitigate the impact of the development.
- 10.37 It should be noted that the applicant previously proposed a short right turn facility on Stratford Road, however this was not shown to benefit the junction performance in terms of capacity. The proposed widening of the A422 in the vicinity of the junction in order to accommodate the right turn facility would also reduce the available visibility from the junction onto the A422 to an unacceptable level. It has therefore been decided to remove this element from the proposals.
- 10.38 The applicant will be required to cost up the further junction works to the College Farm Road junction with the A422 Stratford Road and the money for these works will then be within a S106 Agreement with the ability for the County Council to draw upon that money to carry out the junction improvements should they be deemed necessary. It should be noted that if the traffic calming scheme is successful in deterring the development traffic from using College Farm Road, this will result in additional development traffic travelling into Buckingham, which will also need to be mitigated. If this is the case, then the County Council will draw upon the secured funding and use it as an additional contribution towards the Buckingham Transport Strategy.

Moreton Road junction with the High Street (Old Gaol)

- 10.39 Concerns have been raised through Cllr Whyte with the level of traffic that is likely to use Moreton Road directly to the Old Gaol junction. It is noted that a contribution will be secured as part of any planning permission towards the adopted Buckingham Transport Strategy, which has an over-arching aim to reduce traffic as a means of improving town centre congestion. BCC agree that the development will increase traffic through this junction and as such the following measures to directly mitigate the impact of the development traffic at this junction have therefore been agreed:
1. Lane markings along Moreton Road at the approach to the existing mini roundabout at the 'Old Gaol' junction to identify two separate approach lanes. All lines and signs are to be in accordance with the Department for Transport's current 'Traffic Signs Regulations and General Direction'.
 2. A pedestrian refuge on Moreton Road within the vicinity of the roundabout, to provide safe crossing facilities to town centre services.
 3. Keep Clear markings across the junction of the public car park on Stratford Road, to assist the bus exiting the High Street and facilitate movements on the network.
- 10.40 The applicant has confirmed that the delivery of these improvements as part of the proposed development is acceptable and will be provided in addition to the financial contribution towards the Buckingham Transport Strategy.

Speeds on Towcester Road

- 10.41 The Highway Authority is aware of concerns with regards to the locally perceived speeding issue on Towcester Road/Duck Lake in the vicinity of the junction with Main Street. While it is recognised that vehicles speeding above the posted speed limit is an enforcement issue, this road will be used by occupiers of the proposed development and as such, it has been agreed with the applicant that a traffic calming scheme in the form of improvements to the lining, additional signage and gateway features along with different surface treatment in order to change the environment when entering the village will be secured. Again the 'Highway Protocol for Conservation Areas' document will be used to inform the detailed design of the S278 works in Maids Moreton along with the Quality Audit.

Crossing on the A422 Stratford Road

- 10.42 Cycleway improvements are currently underway that will link the Buckingham School to the A422 at the junction with Lower Wharf to the east of the football club. This is a school that children from the proposed development are likely to need to access. In order to provide an attractive and convenient link to the cycleway, to encourage cycling, consistent with the aims of the NPPF, it has been agreed with the applicant that a crossing point on the A422 is required as part of the off-site highway works associated with this development. This crossing point will help to meet the aims of the NPPF by improving safety and promoting sustainable forms of transport. The exact type of crossing will be agreed as part of the Highway Works Delivery Plan.
- 10.43 Given the complexity of the off-site highway works associated with this site, excluding the construction of the access points from Foscoote Road and Walnut Drive, they will need to be secured as part of a S106 Agreement. These are set out in the developer contributions section below.
- 10.44 Having regard to the above matters the Highway Authority is satisfied that the development would not have a severe impact on the safety and convenience of the highway network. The application is considered to be acceptable on highway grounds subject to matters to be secured as part of a S106 and subject to conditions.

Refuse Collection

- 10.45 In respect of the collection of refuse, bins would be provided for in external areas in a convenient location within the garden for the dwellings and communal bin collection areas will also be provided as appropriate. Further detail on this matter would be assessed at the reserved matters stage.

Parking

- 10.46 The Design and Access Statement indicates that car parking provision would be in the form of garaging, driveways or parking bays in close proximity to the front doors. Private parking courts are referred to but Officers will look to ensure that these do not form part of the detailed scheme. No rear, enclosed parking courts are indicated on the illustrative plans.

Response to Parish Council Traffic Survey

- 10.47 In their consideration of the planning application Maids Moreton Parish Council undertook their own traffic survey and analysis of the traffic that could potentially be generated by the development and the impact it would have. The key findings were that traffic flows recorded were very different from and, apart from along Foscoote Road, much heavier than those summarised by Croft (the agent's Highways Consultants). The Parish comment that as a consequence, the traffic management measures proposed to facilitate the development of site MMO006 seem to be based

on unrepresentative data and they question the case for an independent and comprehensive traffic survey of Maids Moreton.

- 10.48 The agent's Highway Consultants took on board the comments of the Parish Council and have submitted a further Technical Note to address the points made. The Note responds in relation to the traffic flows and subsequent capacity assessments contained within the submitted TA. It has provided additional assessments based on the 2018 traffic data, collected by the Parish factored up to a future year of 2021. The Note has also looked at the results for the 2021 'without development' to show the junctions will operate with reserve capacity in the AM and PM peaks and the 2021 'With Development' assessments to show that the junctions will continue to operate satisfactorily in a similar manner to the baseline situation. The consultants are of the opinion that based on the technical assessments carried out that it has been demonstrated that the traffic can be accommodated onto the local highway network and will not have a material impact on the operation of the junctions within the village and on this basis, in their view, the proposals are acceptable in highways terms.
- 10.49 The County Highway Authority has also considered the information provided by the Parish Council and also the response of the Highway Consultants. The Highway Authority note that the surveys contained within the Parish Council's report appear to show traffic flows recorded along the central village routes, along Main Street and Avenue Road, which are greater than those cited by Croft in their Transport Assessment. They also note that the flows on the main routes around the village, along the A413 and Foscoote Road, recorded by the Parish Council were less than those cited by Croft in their TA.
- 10.50 The flows used by Croft in their TA were obtained from the Buckingham Traffic Model, which is a strategic model that Jacobs have developed for the County Council. The model focuses mainly on the strategic routes and not necessarily routes through the centre of villages which do not form part of the strategic route network. Colleagues within the County Council have confirmed that the flows along the strategic routes included in the strategic model validated well against Automatic Traffic Count (ATC) surveys that were carried out.
- 10.51 In relation to the use of the flows from the strategic model, it should be noted that as a County Council our main concerns in capacity terms is the impact of development on roads with the highest flows that provide a local, district or strategic function. In all cases included in the Parish Council's report, the flows from the strategic model on the principal road network exceed, without exception, the flows recorded by the Parish Council. The capacity assessments for the junctions along the principal routes (along the A413) show that the junctions will continue to operate with space capacity.
- 10.52 In looking at the information provided by the Parish Council, the Highway Authority requested that the applicant look again at the four junctions - Main Street/Foscoote Road/Church Street; A413 Moreton Road/Avenue Road/A413 Duck Lake; Main Street/A413 Towcester Road and Walnut Drive/Main Street (new roundabout). The results of the revised assessments that take into account the revised traffic flow figures provided by the Parish Council show that the junctions within the village will continue to operate with significant spare capacity and that there is not a queueing issue. On this basis the Highway Authority are satisfied that the information contained within the report provided by the Parish Council does not alter their previous recommendations.

Overall conclusion on highway matters

10.53 In acknowledging the significant local objection to the development of the site, the Highway Authority have spent considerable time in assessing the details of the access to the site and the level of traffic generation that would result and its impact on highway safety and convenience. In addition consideration has been given to refuse collection and provision of car parking. Having regard to the above matters and the extensive mitigation put forward for the development, which would have to be secured as part of a comprehensive legal agreement, it is considered that the development would accord with Policy GP24 of the AVDLP and with the aims of the NPPF and as such this matter should be afforded neutral weight in the planning balance.

- **Conserving and enhancing the natural environment**

10.54 In terms of consideration of impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Regard must be had as to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. The following sections of the report consider the proposal in terms of impact on landscape, agricultural land, trees and hedgerows and biodiversity.

10.55 Section 15 of the NPPF states planning policies and decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

10.56 Policy GP.35 of the AVDLP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. This policy is considered to be consistent with the NPPF. Policy GP.38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible. Policy GP.84 states that development affecting a public right of way the Council will have regard to the convenience, amenity and public enjoyment of the route and the desirability of its retention or improvement for users, including people with disabilities. Planning conditions will be imposed on planning permissions, or planning obligations sought, to enhance public rights of way retained within development schemes. Policy RA.2 of the AVDLP states that other than for specific proposals and land allocations in the Local Plan, new development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements. In considering applications for buildings in Rural Area the Council will have regard to maintaining the individual identity of villages and avoiding extensions to built-up areas that might lead to coalescence between settlements.

Landscape

Landscape and Settlement Character Impacts:

- 10.57 The site is located in a zone of transition straddling two landscape character areas (LCA) as defined by the Aylesbury Vale Landscape Character Assessment (2008) – the Maids Moreton Plateau and the Foxcote Valley. Whilst the site is mainly within the Maids Moreton Plateau LCA it lies at the extreme southern end of it and is somewhat divorced from the main part of the area by the settlement of Maids Moreton and the associated Maids Moreton House business park served by Walnut Drive. The Maids Moreton Plateau LCA is characterised by gently sloping agricultural fields, strong hedgerows and clear views toward the settlement edge with large woodland in the north. The condition of the landscape is considered to be generally good and of moderate sensitivity. The conservation area document refers to this land being characterised as being of a village edge character. The condition of the Foxcote Valley is assessed as being ‘very good’ and of moderate sensitivity.
- 10.58 The landscape guidelines for the Maids Moreton Plateau include the following;
- *‘encourage the restoration of the historic hedgerow pattern where it has been lost to enhance the landscape character and strengthen the ecological diversity’*
 - *‘conserve the small fields of pasture with good hedgerows close to the residential edge’*
 - To generally increase the level of woodland cover within the LCA and in particular to *‘encourage the establishment of small community woodlands within the field structure close to the edge of Maids Moreton’*
 - ensure that any *‘new housing ... should be designed to reflect the traditional character of the area and use locally traditional materials’*.
- 10.59 The landscape guidelines for the Foxcote Valley include the following;
- *‘Conserve the slightly remote hidden character of the valley’*
 - *‘Maintain and enhance the existing network of hedgerows and copses to benefit visual and ecological aspects of the LCA’*
 - *‘Conserve and enhance views from publically accessible land’*
- 10.60 It is acknowledged that there would be a major scale of adverse change to the currently agricultural fields that form the application site and to the open views across the site currently experienced from homes on the edge of the settlement. A more moderate impact would result to existing hedgerows and trees since these are largely to be retained and there would be a long term impact resulting from the additional planting proposed, including the landscape belt and supplementation of existing, retained hedgerows. In terms of the wider impact on the Maids Moreton Plateau character area, the proposed mitigation would result in a reduction in the level of harm to the extent that there would be an acceptable visual impact. Longer distance views of the development would be contained by existing buildings and vegetation and open views from the footpath towards Foxcote Reservoir would remain open and rural. On this basis the effect on the wider landscape will be less than significant due to the proposed mitigation which will be appropriate to the wider landscape character in line with the landscape guidelines set out in the LCA assessments.
- 10.61 Notwithstanding that this site is allocated in the emerging VALP and taking into account the limited weight that can be afforded to VALP at this time, when taking into account the aims of Policy RA2 set out above, Officers sought to reduce the extent of development between the main part of the development site and the Maids Moreton House industrial area. Amended plans comprising a revised illustrative landscape masterplan and a feasibility plan were received to reflect this such that it is not considered that there would be coalescence with the industrial units and that a sufficient gap would be retained to this nearby site. This ensures that the built development is drawn more tightly to Maids Moreton and less into the open

countryside. In addition a significant landscape belt is indicated linking that originally proposed to the northern edge up to the boundary with Maids Moreton House.

- 10.62 In terms of the settlement character, the proposed development would extend the built form further into the countryside. However, the Manor Park development already extends out from the village centre to the north and the proposed development would be reflective of this character and pattern of development such that the scale of change to the settlement character for this part of the settlement as a result of the development would be more moderate. The proposed landscape belt would provide a stop to any further development in this direction.

Visual impact

- 10.63 With regard to the potential visual impacts of the proposed development, the LVIA concludes that 'only the users [sic] of the homes to the south of the site and the footpath which crosses the site would experience long term significant negative visual effects...', whilst 'users of the footpath to the north of the application site would experience some visual effects in the short term, but once the proposed woodland planting has established the effects on views towards the settlement edge would be positive. Open views from the footpath towards Foxcote Reservoir would remain open and rural. All other effects on viewers around the site would be less than significant.'
- 10.64 The existing footpath is proposed to be upgraded, in terms of being surfaced and lit, along the section between The Pightle and Manor Park properties which would encourage the increased ease of movement for all users. The footpath through the application site would run through green spaces and would exit onto Foscoote Road so whilst there would be a change in the experience of users of the footpath from where the footpath currently runs through the agricultural fields, it is not considered that this would be unacceptable given the adjacent landscape/woodland belt proposed.
- 10.65 It is accepted that there will be significant adverse visual impacts from the development but these will be in the immediate vicinity of the site and there is scope for the existing relationship between the settlement and the open countryside to be visually enhanced in line with the Landscape Character Assessment guidance.

Conclusions on landscape impact

- 10.66 Overall it is considered that acknowledging the scale of development proposed and the mitigation indicated, that the impact on the landscape character area, on the settlement character and the visual impact of the development itself should be afforded moderate negative weight in the planning balance

Agricultural Land

- 10.67 Paragraph 170 of the NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land and, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. There is no definition as to what comprises 'significant development' in this context but the threshold above which Natural England are required to be consulted has been set at 20 hectares so the site falls well below this threshold (8.79ha).
- 10.68 Further detail is to be submitted by the applicants in respect of the agricultural grading of the land and this will be reported to Members. At the current time, whilst the actual grading of the land has not been provided by the applicants, the maps on the Natural England website indicate that it is moderate to good quality land (grade 3 with some 4). Having regard to the size of the site, but in the absence of detailed information, this matter must currently be afforded very limited negative weight in the planning balance.

Trees and hedgerows

- 10.69 Policies GP.39 and GP.40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 10.70 There are a number of trees within the site that are protected by TPO 11/1999 and a walnut tree on the corner of Walnut Drive with Main Street (TPO 10/2010). The Council's Tree Officer is satisfied that the submitted Arboricultural Impact Assessment report is considered to be a true reflection of the trees existing on the site, indicative of their quality and value in accordance with the BS5837 criteria. Key constraints on the site appear to have been identified, therefore in principle the development appears to be fully achievable. However, there is some conflict on the plans where there is overlapping of the root protection areas with drainage channels/attenuations pool and roadways for example which will need to be addressed. As explained previously in this report, this is an outline scheme with only means of access into the site to be determined at this stage. It is considered that a suitable layout could come forward at the detailed stage to address these concerns and provide clarity that any areas of conflict are resolved through careful siting of the built form of the development. On this basis it is considered that there are no objections to the development on these grounds and that conditions could secure adequate tree protection and a landscape scheme such that this matter should be afforded neutral weight in the planning balance.

Biodiversity/Ecology

- 10.71 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.
- 10.72 A revised Ecological Enhancement Plan was submitted by the applicants. There is potential for bats and nesting birds within the broadleaved plantation woodland and scattered trees and there is also limited potential for amphibians within the semi-improved grassland and refugia piles on the site. A number of objectives and management prescriptions are outlined in the report which itself has addressed the initial concerns of the Council's Biodiversity Officer such that no objections are raised subject to a condition to secure the various objectives and management of the site. This would ensure a net gain to biodiversity secured through increased habitat diversity, nesting/roosting opportunities, habitat provision for common amphibian and reptile species and protection and safeguarding of local hedgehog populations. A number of new hedgerows and the landscape/woodland belt to the north are proposed which would link with existing hedgerows and tree groups to provide a framework of continuous green corridors and provide routes for wildlife from the open countryside.
- 10.73 In considering that there is a potential for protected species to be found on the site, which may require the applicant to obtain a NEPS Licence, the Local Planning Authority has to have regard to the three tests that must be satisfied before Natural England can issue such a licence if required; these tests are:
- 1) A licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social and economic nature and beneficial consequences of primary importance for the environment.
 - 2) The appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative".

3) The appropriate authority shall not grant a licence unless they are satisfied 'that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.'

10.74 Having regard to the three tests above, it is the opinion of the Local Planning Authority that there are significant benefits to the development scheme which would include the contribution to housing supply, including the provision of affordable housing, and also the economic benefits that the scheme would bring, not only in terms of the construction of the development, but also the contribution that future occupiers of the houses would make to the local economy. The principal of the development of this site has been set out in the HELAA and subsequently it is an allocated site in the emerging VALP, an allocation which the Local Plan Inspector found no issue with. The Council's Biodiversity Officer raises no objections subject to a condition to secure the various objectives and management of the site set out in the enhancement plan accompanying the application. This would ensure a net gain to biodiversity as set out above.

10.75 The comments of Natural England are awaited and will be reported to Members. However, having regard to the above, including the comments of the Council's Biodiversity Officer and the mitigation proposed, it is considered that the three tests have been satisfied. On this basis it is considered that the development would accord with the aims of the NPPF and that this matter should be afforded neutral weight in the planning balance.

Contamination

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

10.77 This is currently a greenfield site used for agricultural purposes and it is not anticipated that there would be any contamination present that would require remediation. On this basis it is considered that currently this matter should be afforded neutral weight in the planning balance.

• ***Achieving well designed places***

10.78 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.

10.79 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).

- 10.80 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.
- 10.81 Policy GP.35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP.45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site.
- 10.82 This is an outline application with only means of access to be determined at this time. Matters of external appearance, landscape, scale and layout are reserved for future determination. The Design and Access Statement accompanying the application refers to key buildings and vistas being positioned to terminate views and facilitate way-finding and navigation. New walking and cycling routes would be incorporated into the scheme and would connect with existing public rights of way. Green space would be generously provided and the countryside edge would be treated in an informal way (also playing a part in the SuDS scheme).
- 10.83 Given that this is an outline scheme no details of house designs have been provided. However the applicants have indicated that materials will be selected to ensure the development respects the local character and would be sourced locally where practical.
- 10.84 A landscape buffer, incorporating swales and an attenuation pond, are shown to the northern boundary of the site. Existing hedgerows at the existing field boundaries (including those going north-south within the site) are shown to be retained, except where the access road makes its way through the site. Along the southern edge of the site adjacent to Manor Park, proposed gardens are shown backing onto existing gardens. The masterplan is illustrative and there are further opportunities to increase the use of perimeter blocks and to decrease the number of exposed rear boundaries within the scheme and these can be pursued at the detailed stage to ensure that due regard is had to good urban design principles.
- 10.85 The applicants have indicated that the development would be designed in accordance with Secured by Design principles such that houses will be back to back or abut each other, front doors will be overlooked, parking will be provided close to the dwelling it serves and predominantly within the curtilage of the dwellings. Highways and pedestrian routes are integrated to provide ease and safety of movement whilst maintaining legibility through the site and that they are naturally surveyed. There will be natural surveillance of dwellings and the green spaces will be overlooked by several properties. Private space will be clearly defined with property frontages landscaped to reinforce this. Again these details would be carefully considered at the reserved matters stage.
- 10.86 Having regard to the above matters and acknowledging that further consideration would have to be given to these matters at the detailed design stage, it is considered that the development of the site could achieve a well designed space such that this matter should be afforded neutral weight at the current time.

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

- 10.87 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.
- 10.88 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.
- 10.89 A mix of dwelling types are proposed ranging from two to five bedroom dwellings and these would be distributed across the site so that particular sized dwellings would not be unduly clustered. The site area extends to 8.79ha and assuming that 170 dwellings come forward as part of a detailed scheme, this would represent a density of 19dph. Looking at just the developable area of the site at 5.62ha, and assuming again a scheme of 170 dwellings, this would represent a density of 30dph which would not be unacceptable for this edge of settlement location. Consideration has been given to the landscape and settlement character impacts and to matters of good design as discussed above, and these are considered to have been satisfactorily addressed. It is considered that the development would make effective use of the land such that this matter should be afforded neutral weight in the planning balance.

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

- 10.90 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.
- 10.91 The application site is located within Flood Zone 1 which is defined by the Environment Agency as being at low risk of flooding. A Flood Risk Assessment (FRA) has accompanied the application and the Local Lead Flood Authority (LLFA - BCC) has considered the information provided. There are no records of fluvial flooding of the site and the Environment Agency maps indicate that there is a low risk of surface water flooding. The drainage of the site will be by soakaways with storm water going to the ditch on the eastern border of the site to be discharged at greenfield rate. Once soakaways within the site are saturated then surface water will go to the wetlands, the infiltration basis and swales. There will also be biodiversity and ecological benefits as a result of these drainage systems and they will also provide treatment of the water quality.
- 10.92 The LLFA are satisfied that the development would proceed using sustainable urban drainage systems and raise no objections to the development subject to securing a detailed surface water drainage scheme for the site and its long term maintenance. As such it is considered that the development would be appropriately flood resilient and that surface water drainage has been accounted for. A satisfactory surface water drainage scheme and its long term maintenance would form part of the legal agreement. On this basis this matter should be afforded neutral weight in the planning balance

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

- 10.93 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. 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. Policy GP.53 of AVDLP requires new developments in and adjacent to conservation areas to preserve and enhance the character and appearance of the Conservation Areas.
- 10.94 The Maids Moreton conservation area lies to the south-west of the site and covers the village centre and a larger area encompassing Scotts Lane, the Buckingham Arms and the earthworks to the north-west of these. There are no important views identified in the conservation area document into or out of the application site in respect of the conservation area. The proposed highway works to upgrade the T-junction at the end of Walnut Drive to a mini-roundabout would be within the conservation area and nearby some listed buildings and general views along Main Street are noted in the conservation area document.
- 10.95 The Council's Historic Buildings Officer acknowledges that the site is visually separated from the Maids Moreton Conservation Area and the Listed Buildings within it by a belt of more recent development to the immediate north of the designated assets. Aside from glimpsed views from the junction of Walnut Drive and Main Street it is therefore unlikely that the proposed development will be visible from the Conservation Area and given the presence of modern housing already on this edge of the village there will be no impact on views into the conservation area from the north. However this development proposal necessitates highway works in the form of a mini roundabout which will have an impact on the setting of three listed buildings Scotts Farm House Towcester Road (Grade II), Corner Cottage Main Street (Grade II) and The Wheatsheaf PH (Grade II) and Maids Moreton Conservation Area. Whilst this will have a negative effect on the setting of these heritage assets this is an established highway and modern housing already exists on this edge of the village. These highway works will have a minor negative effect on the significance of the heritage assets although this is at a lowest level of harm and would be less than substantial harm in terms of the National Planning Policy Framework because of the presence of modern housing and the established highway network. As such the Historic Buildings Officer raises no objections to this development proposal.
- 10.96 The applicants are aware that Aylesbury Vale District Council have a 'Highway Protocol for Conservation Areas' document which will be used to inform the detailed design of the S278 works as part of the Highway Authority approvals and this advises of a sensitive approach to be taken with the use of materials for example which should be sympathetic to the character of the area. In addition as part of the detailed design of the S278 works a quality audit will be required by the Highway Authority.
- 10.93 Special regard as outlined in this assessment has been given to the statutory test of preserving the conservation area and listed buildings under sections 72 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. However, having regard to the siting of the mini roundabout and its associated signage adjacent to existing development it is considered that any harm is at the lower end of the scale of the less than substantial test. It is considered that the

level of harm at the lower end of the scale would not be sufficient to justify a refusal. Therefore in accordance with paragraph 196 of the NPPF the harm must be weighed against the public benefits.

Archaeology

- 10.94 Policy GP59 of AVDLP seeks to protect, enhance and preserve the historic interest and setting of sites of archaeological importance when dealing with development proposals.
- 10.95 An archaeological evaluation has been undertaken at this site and has included a geophysical survey and trial trenching. The results of this showed that archaeological remains encountered across the site correspond closely to the interpretation of the geophysical survey. This suggests that the geophysical survey results are a fairly reliable indicator of the extent of remains at the site although some features, particularly those that were either small or shallow, were not always apparent on the survey. Excavation has also indicated that although remains survive across much of the site, they have in places been heavily truncated, probably by ploughing. Nonetheless, some substantial linear features surviving to almost 1m deep were recorded. The site can be shown to have a high archaeological potential for evidence of Roman settlement and agricultural activity across all three fields, as well as prominent evidence of later medieval agricultural ridge and furrow cultivation. There is also the potential for evidence of prehistoric activity in the eastern field.
- 10.96 Having regard to the above matters, BCC Archaeology consider that as the development has the potential to harm a heritage asset's significance without proper investigation, a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results. Subject to this information/detail being secured the development would accord with the NPPF and as such this matter is afforded neutral weight in the planning balance.

- **Supporting high quality communications**

- 10.97 Paragraph 114 of the NPPF requires Local Planning Authorities' to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services. 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 the 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.

c) Impact on residential amenities.

- 10.98 The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.
- 10.99 This is an outline scheme with only the means of access into the site to be determined. The Design and Access Statement submitted indicates that development would be a

maximum of 2.5 stories high and that all gardens will be at least 10m in depth with back to back distances in excess of 21m and the illustrative scheme does indicate that suitable amenity space could be provided for future occupiers with sufficient space between to address overlooking and loss of privacy. The development site does about the rear gardens of dwellings on Foscoote Road, The Pightle and Manor Park, but separation distances indicated appear to be satisfactory and in the region of 20m or more. The detailed layout and house designs would have to be carefully considered at the reserved matters stage but Officers are satisfied that an acceptable scheme could come forward to accord with policy and the NPPF such that this matter should be afforded neutral weight at the current time.

d) Developer contributions

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

- 30% affordable housing on site
- A financial contribution towards off-site sport and leisure provision and amenity space maintenance
- On site provision of a LEAP and NEAP, including its future maintenance
- Contribution towards primary and secondary education provision
- SUDs provision and maintenance
- Full Travel Plan and review fee
- A financial contribution towards the Buckingham Transport Strategy
- Monitor and Manage Strategy of the impact of the development traffic on the junction of College Farm Road and the A422 Stratford Road for the period of 1 year after final occupation of the development. To supply the County Council with details of vehicles from the development using the College Farm Road junction with the A422 Stratford Road. At the end of this period it will be decided if further mitigation works to the junction are required
- Financial contribution towards junction improvements to the College Farm Road junction with the A422 Stratford Road should, after the monitoring period, improvements as a result of the proposed development be required. If the improvements are not required, then the Contribution shall go towards the Buckingham Transport Strategy.
- Public Transport Contribution towards the funding of an improved hourly bus service
- Financial contribution towards a Traffic Regulation Order for the additional waiting restrictions in the vicinity of the proposed mini roundabout junction at Walnut Drive/Main Street, additional waiting restrictions in the vicinity of the priority working on Foscoote Road and relocation of the speed limit transition point to 30mph north of the proposed site access on Foscoote Road.
- Highway Works Delivery Plan to secure the following off-site highway works:
 - Alterations to the junction of Walnut Drive with Main Street to form a mini roundabout junction, as shown in principle on drawing number 1158-01 Rev L, to also take into account the 'Highway Protocol for Conservation Areas' document and include a Quality Audit;
 - Alterations to Foscoote Road between the proposed site access on Foscoote Road and the existing footway provision at Manor Park to provide a new 2m footway, as shown in principle on drawing number 1158-02 Rev E;

- A traffic calming scheme in the vicinity of the College Farm Road junction with Church Street as shown in principle on drawing number 1158-F07 Rev D, to also take into account the 'Highway Protocol for Conservation Areas' document, include a Quality Audit and also be subject to public consultation;
- Alterations to the carriageway surfacing and signage on the A422 Stratford Road in the vicinity of the College Farm Road junction as shown in principle on drawing number 1158-F08 Rev A;
- A traffic calming scheme including works to the carriageway surfacing and signage on Towcester Road/Duck Lake in the vicinity of the junction with Main Street on entry to the village, to also take into account the 'Highway Protocol for Conservation Areas' document, include a Quality Audit and also be subject to public consultation;
- A crossing on the A422 Stratford Road, type and exact location to be agreed with the Highway Authority, to link to the cycleway improvements at the Lower Wharf junction with the A422 to the east of the football club
- Junction improvements to the Moreton Road junction with the High Street (Old Gaol roundabout) to include:
 - Lane Markings along Moreton Road at the approach to the existing mini roundabout at the 'Old Gaol' junction to identify two separate approach lanes. All lines and signs to be in accordance with the Department of Transport's current 'Traffic Signs Regulations and General Directions'.
- A pedestrian refuge on Moreton Road in the vicinity of the 'Old Gaol' roundabout, to provide safe crossing facilities to town centre services.
- Keep Clear markings across the junction of the public car park on Stratford Road in the vicinity of the 'Old Gaol' junction, to assist the bus exiting the High Street and facilitate movements on the network.

10.101 It is 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 does not meet all of the following tests; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

10.102 In the context of this application the development is in a category to which the regulations apply. The requirement for all of the above named measures, if the proposals were to be supported, would need to be secured through a Planning Obligation Agreement. These are necessary and proportionate obligations that are considered to comply with the tests set by Regulation 122 for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related to the scale and kind of development. Specific projects are to be identified within the Section 106 in accordance with the pooling limitations set forth in CIL Regulation 123 to ensure that the five obligations limit for pooled contributions is not exceeded.

e) Other matters raised in representations

Equality duty and Human Rights

10.103 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). The application provides care for the elderly to meet the needs of this group and no discrimination or inequality would arise from the proposal.

10.104 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.

10.105 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.

Case Officer: Mrs Sue Pilcher

Telephone No:01296 585413

NB: This is not a personal objection as listed in the Documents section of the Application Website. This is an objection on behalf of the Foscoote Parish Meeting.

Foscoote Parish Meeting strongly OBJECTS to the proposed development of 170 houses on Foscoote Road (Ref 16/00151/AOP)

Objections:

A. TRANSPORT ASSESSMENT (TA)

Foscoote Road

Foscoote Road is a single track road. It is stated that the "Majority of traffic from proposed development will use this road". A right turn out of the proposed development would take traffic through the village of Maids Moreton. A left turn would take traffic onto Foscoote Road towards Foscoote Lane and Leckhampstead

1. *Traffic via Foscoote Lane*

There has been no assessment of the impact of traffic turning **LEFT** out of the development. Those residents who wish access the A422 in order to drive to Milton Keynes, for work, shopping at CMK or to commute from MK train station, would obviously turn left as it a shorter route, and would not be held up at the proposed 'give way/priority' and footway at the bend by Grumble Grange. (See 3 below). Vehicles would progress either along the Leckhampstead Road or along turn right on to Foscoote Lane. Leckhampstead Road is a 'failed road' with dangerous dips which impede visibility.

Foscoote Lane is a one track road in very poor repair, with an extremely dangerous blind bend. It goes through the small hamlet of Foscoote. The road access is over three privately owned and maintained cattle grids. At times stock graze on the open area in front of Foscoote Manor. Foscoote hamlet has experienced a significant increase in traffic at high speeds since the housing developments on Moreton Road have been completed. This is bound to increase should this development be allowed.

Objection 1: The proposed development would exacerbate this already dangerous situation at Foscoote hamlet. The developers have not considered this possibility and have not included an impact assessment of this obvious route.

2. *Widening at entry/access for traffic accessing/exiting the proposed development at Foscoote road, of 4.8m to 5.5m i.e. 0.7m and then tapering into existing road.*

Objection 2: This is not an adequate solution as, except for this restricted widening, the road will continue to be a single track road with the risk of traffic collisions from vehicles exiting the site with vehicles traveling on Foscoote Road.

3. *Proposed new pedestrian footway and priority system*

" A new Footway of 1.8 metres in width will commence from exiting footway at function of Foscoote Road/Manor Park. A short one-way vehicular priority system is proposed adjacent to the rear of property 81 Manor Park, which will allow an 8.5m footway to continue past Grumble Grange and further along Foscoote Road." (TA 4.3.2). *Is this footway to be*

Objection 7: This proposed development is of a higher density, outside the existing village envelope and intruding onto open countryside, in contravention of AVDC's planning policies.

C. RESIDENTIAL AMENITY

The proposed development is not sustainable in terms of its proximity to key facilities. Maids Moreton has no shops. A distance of 2000m is considered the maximum for pedestrians. Shops, secondary schools, and employment areas are outside the 2000m limit. The route to the BP filling station and small M&S convenience store has a steep hill and is therefore unsuitable for pedestrian convenience shopping.

Objection 8: Access to all key facilities in Buckingham such as doctors, pharmacists, library, post office, banks, shops and secondary schools are only feasible on a regular basis by vehicular means.

Foscote Parish Meeting

c/o Correspondent
Lady Rima Scott
The Old Rectory
Foscote
Buckingham
MK18 6AE

Comments for Planning Application 16/00151/AOP

Application Summary

Application Number: 16/00151/AOP

Address: Land Off Walnut Drive And Foscode Road Maids Moreton Buckinghamshire MK18 1QQ

Proposal: Outline application with all matters reserved except access for up to 170 dwellings, public open space and associated infrastructure

Case Officer: Mrs Sue Pilcher

Customer Details

Name: Lady Rima Scott

Address: The Old Rectory, Foscode Buckingham

Comment Details

Commenter Type: Parish Council

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: Further to the comments of Foscode Parish Meeting on 14 March 2016, we are astounded to read the new Traffic Survey from Crofts. It is full of inaccuracies as noted by previous objectors and Buckingham Town Council. In particular, we support Mr Kevine Robinson's detailed analysis.

We note that the Survey assumes that 40% of the traffic will be use the Foscode Road access. This will produce an extremely dangerous flow of traffic as either vehicles going to Milton Keynes will use the failed Leckhampstead Road which has blind dips, or Foscode Lane. Foscode Lane is a one track road with a dangerous blind bend, cattle grids and meets the A422 at a blind bend. The Survey does not address the traffic safety issues of thee two alternatives.

The proposed roundabout at Walnut Drive does not seem to have taken account the restricted parking for residents of Main Street. At the moment, due to residents parking in Main Street, the road is frequently restricted to single traffic and cars have to find gaps to allow oncoming traffic to pass. The increase of vehicles from 170 houses, plus the expanded Vitalograph traffic, will cause long queues both at the junction with the A413 and at the Avenue Road junction with Moreton Road.

We urge the Planning Department of AVDC to reject this application - and any other amended proposals from the developer. Maids Moreton is a small village and should not have 170 new houses. The infrastructure of the village and surrounding area cannot asorb this increase.

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Case Officer: Mrs Sue Pilcher

Customer Details

Name: Lady Rima Scott

Address: The Old Rectory Foscode Buckingham

Comment Details

Commenter Type: Parish Council

Stance: Customer objects to the Planning Application

Comment Reasons:

- Residential Amenity
- Traffic or Highways

Comment: Further to my letters of 11 & 14 March the Foscode Parish Meeting would like to reiterate their strong objections to this application for the following reasons:

1. The Developer and BCC Highways have not addressed the issue of the likelihood of traffic turning LEFT onto the Foscode Road and proceeding to the A422 either via Foscode Lane which is a single track road with a blind bend or via Foscode Road to Leckhamstead, a "failed" road.
2. The proposed roundabout at the junction of Walnut Road and Maids Moreton Main Street is not a feasible option. First because of the need of local residents, businesses and Village Hall users for parking their vehicles. Secondly, the developers clearly have no idea of the existing bottlenecks as Main Street narrows towards the junction with Foscode Lane. Due to residents parking, Main Street is effectively a one lane road in this section and queuing to allow cars to proceed is a frequent occurrence. Traffic from the development going down Main Street towards College Lane and the A422 would create complete traffic chaos.
3. This development is effectively in green land and would double the size of Maids Moreton.

For these reasons, and for the other many reasons given by other objectors, Foscode Parish Meeting trusts that AVDC will reject this application.

PLEASE NOTE THAT FOSCOTE PARISH MEETING HAS NOT BEEN LISTED AS A CONSULTEE DESPITE BEING AN ADJECENT PARISH

Comments for Planning Application 16/00151/AOP

Application Summary

Application Number: 16/00151/AOP

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Proposal: Outline application with all matters reserved except access for up to 170 dwellings, public open space and associated infrastructure

Case Officer: Mrs Sue Pilcher

Customer Details

Name: Lady Rima Scott

Address: The Old Rectory Foscote Buckingham

Comment Details

Commenter Type: Parish Council

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: Planning Application 16/00151/AOP

Land off Walnut Drive and Foscote Road, Maids Moreton, Buckinghamshire MK18 1QQ

The Foscote Parish Meeting OPPOSES the application for the following reasons:

1. The Developer proposes that 40% of the traffic from the development of 170 houses should use the Foscote Road exit. Assuming 2 cars per household 40% of the traffic equals 136 vehicles using this exit. Both Croft Transport Solutions, acting on behalf of the Developer, (letter dated 20 December 2017) and BCC's Development Management Consultant (letter dated 25 October 2017) have not addressed the real possibility that a considerable proportion of the 40% traffic flow will turn LEFT onto Foscote Road to access the A422, thus avoiding the inevitable traffic jams at the junction of A422 and College Road/Mill Lane with the traffic lights proposed by Croft at this junction. Traffic would then either progress along Foscote Road towards Leckhampstead. This road has been deemed a 'failed road' by BCC and has many dangerous blind dips. The other alternative would be to access the A422 via Foscote Lane which is a gated one track road with a dangerous blind bend and 3 cattle grids which are privately owned. (Photos attached).

2. It seems incredible that BCC's Development Management Consultant (letter dated 25 October 2017) is satisfied that the proposed roundabout at the junction of Walnut Drive and Main Street is a viable exit for 60% of the vehicles from 170 houses, i.e. 204 vehicles, again assuming 2 vehicles

per household. Mr S Mallett has made a detailed assessments, including photographs, (letters dated 2 and 20 October 2016, and 9 January 2018) which we believe destroys the case for this detrimental proposal. Furthermore Mr Mallet also examines in detail the Croft proposals for the A422 and College Road/Mill Lane junction. We agree with his conclusions and would also point out that the hazards described at that junction would also apply to the junction of Foscombe Lane and the A422 which we believe would be used as an alternative to the College Road/Mill Lane junction.

3. The population of Maids Moreton at 2011 census was 857. The proposed development would increase the population by 425, i.e. by nearly 50%. As Cllr Warren Whyte points out, (letter dated 16 October 2017) the five year land supply is currently adequate and there is no need for further housing outside the envelope of Maids Moreton village with its Conservation Area and many listed dwellings.

4. The proposed development is effectively in a rural, green field site and would compromise the character of the countryside, damaging wildlife and the existing Nature Reserve at Foscombe Reservoir.

5. The proposed development is not in keeping with the Draft VALP policies. Please see Foscombe Parish Meeting submission to the VALP Consultation dated December 2017 (copy enclosed).

Foscombe Parish Meeting has also submitted responses to this application dated 11 March 2016, 14 March 2016; 24 February 2017, and 5 October 2017 (copies enclosed).

Comments for Planning Application 16/00151/AOP

Application Summary

Application Number: 16/00151/AOP

Address: Land Off Walnut Drive And Foscode Road Maids Moreton Buckinghamshire MK18 1QQ

Proposal: Outline application with all matters reserved except access for up to 170 dwellings, public open space and associated infrastructure

Case Officer: Mrs Sue Pilcher

Customer Details

Name: Lady Rina Scott

Address: The Old Rectory, Foscode Buckingham

Comment Details

Commenter Type: Consultee

Stance: Customer objects to the Planning Application

Comment Reasons:

- Traffic or Highways

Comment: Planning Application 16/00151/AOP

Foscote Parish Meeting OPPOSES this Application

The submission by Croft dated 15 June 2018 does not address (yet again) the following points:

1. Failure to address the problems of traffic flows from the development onto Foscode Road.
2. The statement at 4.9 of the Conclusions of the Croft document:

"As mentioned in the meeting, if the predicted queuing levels were to transpire, then it is likely that some traffic would choose a different route and the actual impact would be reduced".

This "different route" would be either along Foscode Road towards Leckhamsptead - a failed road according to the Highways Authority - OR along Foscode Lane which leads directly onto the A422.

As has been stated in Foscote Parish Meeting's many objections to this development since 2016, Foscode Lane is a single track road with a dangerous blind bend. Its surface is in very poor condition and the visibility spays at the junction with the A422 are restricted. It is inevitable that traffic would significantly increase along Foscode Lane leading to many traffic accidents.

3. The unsuitability of the proposed round about at the junction of Walnut Drive and Main Street, Maids Moreton, which will cause traffic congestion on Main Street as well as tail backs on the

A413 junction with Main Street.

4. The absence of parking for the properties near the proposed roundabout.
5. The narrowing of Main Street and on-street parking by owners who have nowhere else to park, at the Main Street junction with Foscoote Road.
6. The width restriction on Mill Lane/College Road with high hedges, making it impossible for the road to be widened, leading to potential accidents as the road has impaired visibility at various points.
7. The impracticality of the proposed solution for the junction of Mill Lane/College Road and the A422, as well as the suspect data submitted re traffic flows.

We would welcome a visit from the Highways Officer to Foscoote Parish so that he can see the conditions that actually exist.

In conclusion, we believe that AVDC should take the decision to REJECT this planning application that was first submitted in 2016, as soon as possible.

Maids Moreton Parish Council

Clerk to the Parish Council - Ruth Millard

For the attention of Mrs Sue Pilcher
AVDC Development Management
The Gateway, Gatehouse Road
Aylesbury
Bucks. HP19 8FF

15th March 2016

Dear Mrs Pilcher,

Maids Moreton Parish Council's OBJECTION to Planning Application:

16/00151/AOP Land Off Walnut Drive And Foscode Road Maids Moreton Buckinghamshire MK18 1QQ

Outline planning permission with all matters reserved except access for up to 170 dwellings, public open space and associated infrastructure

At a properly convened parish council meeting on Wednesday 2nd March 2016, Maids Moreton Parish Council agreed unanimously to OBJECT to this application.

The decision was made after due regard to the deliberations, discussions and public objections made at the meeting.

The site falls within the boundaries of Maids Moreton Parish. The site area is situated on the eastern side of Manor Park and north of Foscode Road.

In relation to the relevant considerations for the determination of this proposal, it is noted that the currently adopted Local Plan contains an end date of 2011. AVDC cannot demonstrate the necessary five year supply of housing land for the Vale, and therefore the policies relating to the supply of land for housing are now considered out of date. As the new Local Plan has yet to be adopted, developments of this nature are now being assessed under national policies contained in the National Planning Policy Framework (NPPF).

However, whilst the policies contained in the NPPF take a far more positive approach regarding development proposals, nevertheless it advises that if developments are not considered sustainable and material harm would be caused, then planning consent should not be granted.

The NPPF states that there are 3 dimensions to sustainable development, comprising: economic, social and environmental. These dimensions should not be considered in isolation, because they are mutually dependant and therefore to achieve sustainable development, economic, social and environmental gains should be sought simultaneously through the planning system.

The Government's view of what is considered to be sustainable development means is found in the NPPF under the following categories -

- Build a strong competitive economy
- Deliver a wide choice of high quality homes
- Promoting sustainable transport
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment
- Promoting healthy communities
- Good Design
- Meeting the challenge of climate change and flooding

In the **Aylesbury Vale District Local Plan**, Maids Moreton is listed as an Appendix 4 settlement and as such, is considered to be capable of accommodating 'limited small-scale development'. In the more recent (2013) **Council's Settlement Hierarchy Assessment**, it was found that Maids Moreton only had 6 out of the 11 key services. However, due to the close proximity to Buckingham, the village has been identified in this document as a larger village. A larger village is listed as - more sustainable villages that have a reasonable access to facilities and services and public transport.

Maids Moreton Parish Council

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Whilst Maids Moreton has been assessed as a 'larger village', the development proposal needs to be considered against whether there are material considerations to outweigh the provision of housing on this site. Taking each point in turn:

Building a strong competitive economy

Whilst there would be short-term economic benefits during the construction period of the proposed development, the development does not comprise any long-term employment opportunities such as business or retail centres. In fact, the plans, if accepted, would be to the detriment of two of the oldest businesses in the village (see below).

Deliver a wide choice of high quality homes

The application has been submitted in outline and these matters would be considered at the detailed stage.

Promoting sustainable transport

It is not considered that the site is located where the need to travel would be minimised, Paragraph 38 of the NPPF states:

For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

The sustainability appraisal submitted with the application suggests suitable walking and cycling distances. The report states these distances have been taken from guidance produced by the 'Institute of Highways and Transportation'. However, this guidance seems to be aimed at developers and only available to members, so it is difficult to comment on whether this would be appropriate in this instance.

The Department of Transport's Local Transport Note 1/04 - *Policy, Planning and Design for Walking and Cycling*, advises that there are limits to the distances generally considered acceptable for utility walking and cycling. The mean average length for walking journeys is approximately 1 km (0.6 miles) and for cycling, it is 4 km (2.4 miles) to reach a functional destination. This is dependent on many factors including topography, weather and the walking environment including directness of the route.

It is noted the distances discussed in the transport assessment has used a plan with a circular perimeter to demonstrate locations of facilities/services in relation to the site. However, it should be noted that these distances that would be walked in real terms would be far further than what is acceptable.

The proposed development would not provide any retail offer and the village of Maids Moreton does not have a local shop. The nearest convenience store to serve this development proposal would be Tesco Express in Buckingham High Street which is in excess of 2000m from the southern most edge of the application site (following footways). In addition to this, further walking distances would be incurred when considering the proposed residential units in the northern areas of the site. Other essential services such as doctor's surgeries, dentists and pharmacies are situated within Buckingham town centre are even further from the proposed site.

Therefore, the development would not comply with paragraph 38 of the NPPF as key facilities such as local shops would not be located within walking distance of *any* of the proposed properties.

Access to the proposed site

There are great concerns over road safety and congestion should this proposal go ahead.

The two access points proposed are,

- 1 Off the Foscott Road, this being intended main access to the site
- 2 Off Walnut Drive, this being the intended secondary access.

Foscott Road is little more than farm lane, serving a number of farms and is in extremely poor condition. The proposal for this to be repaired and a contra-flow system constructed. This would create further problems with congestion from the site, farm vehicles and resident who live and park there. Further along cars would also be exiting from the Manor Park and Main Street adding to this congestion.

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Walnut Drive currently serves 5 houses and a small business park, which is served by a private drive off Walnut Drive. The proposal is to move the give way lines forward into Main Street in an attempt improve visibility when exiting Walnut Drive, this would reduce the width of the Main St. A further proposal is to install "Keep Clear" lines in front the properties that face the junction and the line of vision. This section of Main St all the properties front directly onto the road with cars parked outside. As now Main St has become a "rat run" trying to avoid congestion in Buckingham and Moreton Rd. This proposal will only exacerbate congestion along Main St and in particular vehicles entering from the A413 due to Walnut Drive being in close proximity to the A413.

The proposed 'keep clear' lines will also adversely affect the two long standing businesses of the:

- **Wheatsheaf public house** - The owners of The Wheatsheaf, which is also close to the Walnut Drive exit, have raised strong concerns that any restrictions to on-street parking in the area would have a detrimental impact on their business. They have a small car park and patrons use the top of Main Street and Walnut Drive to park when visiting the pub.
- **The Forge** - Which has been there for over 100 years, would go out of business if delivery vehicles were prevented from stopping directly outside the premises to deliver very heavy loads. This business also uses the street front as a drop-off /pick-up place for vehicles (such as farm machinery) following repairs
- There are similar parking difficulties when people park to use the village hall, which is also close to Walnut Drive. Users of the hall have already complained about the lack of parking and any moves to restrict this further will impact on the financial viability of the village hall.

In the submitted traffic assessment a statement has been made that generally parking occurs on the southern side of Main St. This certainly not the case as cars are parked on both sides the entire length of the street, constantly causing problems to the bus service, large vehicles, vans and emergency vehicles. In practice, this proposal would generate a large increase in traffic flows along very unsuitable roads within the village for the purposes of transporting children to school, traveling to work, shopping, visiting services such as the doctor, dentist or pharmacy, leisure activities and so on. We believe that the bulk of the traffic from the estate would use the Walnut Drive exit, as this is a shorter and more direct route into Buckingham. We do not believe that residents would use the Foscoote Road exit as the developer is suggesting, unless they were travelling to Milton Keynes.

Mill Lane, which runs from Maids Moreton Village to the A422 is a width restricted road with several blind bends and is already being used as a "rat run" for people coming from Milton Keynes to the new estates on the Moreton Road. It is becoming increasingly busy and dangerous with accidents and near misses taking place on a regular basis. Plans that would increase traffic on this road would be to the detriment of the village, its rural approach and the Grade 1 listed St. Edmund's Church, which is situated close to Mill Lane.

With regard to public transport, it is disappointing to read the inaccuracies contained within the Transport Assessment and Travel Plan and the Design and Access statement. It states that the proposed development lies "a mile north of Buckingham Station with good links to Banbury and London." It should be noted that Buckingham Station was closed in the 1960s. This report also claims that the site is in an accessible location, within close proximity to bus stops with frequent services to local facilities and amenities.

Summary of Bus Services

Arriva service No. 60 (from Avenue Road, Maids Moreton), this service only runs every 2 hours through the day time and stops at 5.50pm with no evening service, or on Sundays and Public Holidays. It should be noted that in order to get to Milton Keynes it is necessary to change at the bus stand in Buckingham. The No. 80 service only runs on school days, not weekends or school holidays.

It is acknowledged that there is a good bus service provided from Buckingham Bus Stand, providing access to Milton Keynes, Aylesbury, Oxford, etc. However, the Bus Stand is located with the central core of Buckingham and would be approximately 2km for the application site boundary (following street layouts). In addition to this walking distance, that would not be considered 'reasonable' if using the Department of Transport's Local Transport guidance Note 1/04. It should also be noted that there is a steep hill on the Moreton road which

Maids Moreton Parish Council

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would make walking difficult for young children, elderly and the disabled.

The submitted Travel Plan seeks to reduce single occupancy car driver trips by promoting walking, cycling and public transport. However, due to the lack of essential services within reasonable walking distances together with the limited public transport opportunities available, it is not considered this would be achieved and consequently, the development would fail to comply with Paragraphs 34, 35, 37, and 38 of the NPPF.

The above concerns are given weight by the recent (26th January 2015) Secretary of State's appeal decision for a large residential development, employment space, school, care home and railway station at Fleet Marston (10/01504/AOP). This pointed out that due to the constrained pedestrian and cycle routes into Aylesbury, together with the extent that suggested bus provision would be capable of being realised would make the sustainability of the development questionable. It is considered that there are strong similarities between that proposal and this one, in that the bus service is limited and the distances to essential services would be excessive.

Conserving and enhancing the natural environment

Landscape - In terms of landscape impact, the site is a prominent area of countryside in an elevated position. One of the core planning principles of the NPPF states that, planning should:

Take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside.

Paragraph 64 states:

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.

Paragraph 109 states:

The planning system should contribute to and enhance the natural and local environment by

- *protecting and enhancing valued landscapes*

It is considered that the residential development of this prominent site would fail to comply with the advice of the NPPF and result in a significant adverse impact on landscape character and would therefore be unduly harmful to the same.

This would have a significant adverse impact on the wider landscape character and it is not considered that any amount of landscape planting would mitigate this.

In the recent Secretary of State's (SoS) planning appeal decision at Fleet Marston (26th January 2015 on 10/01504/AOP) the decision considered the landscape character, commenting that whilst the proposal offered landscape benefits, such as retention and enhancement of trees and hedgerows, together with the provision of green infrastructure, the proposal would still have an adverse impact on the character and appearance of the landscape, thereby contrary to the development plan. These impacts would not be adequately mitigated by the design philosophy for the scheme and that on balance, the landscape and visual effects would cause significant harm.

The SoS's view is considered relevant in relation to this proposal, as a similar impact would arise. In addition, if this landscape were to be developed, due to the sites elevated nature, together with the resulting long distance views, the development would appear intrusive in this rural setting, resulting in an adverse impact and thereby material harm.

Whilst it is accepted that during the construction phase the associated sources of new lighting would be temporary and short term, the effect of the development will be that a previously dark edge of settlement landscape will be lost to artificial lighting. It is considered that even if the use of 'dark sky compliant lanterns' and the avoidance of over lighting in the development were to be used, due to the elevated nature of the site, the light from individual properties and vehicular traffic (which could not be controlled) would result in adverse light pollution and a significant impact that would be clearly visible from a wider area. It is therefore considered contrary to paragraph 125 of the NPPF.

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Footpaths - The proposed development site has a well-used footpath running through its centre. Currently users of this footpath enjoy a rural walk with uninterrupted views across the countryside and to open land. The density of the development would result in the loss of this openness together with the views of a heritage asset, thereby resulting in the loss of this rural experience and valued community amenity.

Agricultural Land - Paragraph 112 of the NPPF states where significant development of agricultural land is demonstrated to be necessary, LPA's should seek to use areas of poorer quality land in preference to that of higher quality.

Trees and Hedgerows - It is noted the illustrative master plan indicates that the original field patterns/hedgerows would be retained along with additional planting. However, it is considered that the rural character would be largely lost if these existing fields were filled with built development. The pattern of agricultural fields, bounded by hedgerows, would be completely changed and the built development itself along with the proposed new planting would be likely to diminish views of the pattern of hedgerows in the wider landscape.

Consideration needs to be given about the practicality and the effectiveness in screening views into the appeal site from public and private vantage points by the proposed planting areas. Benefits of mature planting would not be seen until some years down the line and as these trees mature there may be excessive pressure to remove them due to the losses of solar gain, sunlight, daylight and possible structural problems.

Should this development proceed it is considered that it would result in the loss of valuable agricultural land along with distinctive features of the existing landscape contrary to paragraphs 17 and 112 of the NPPF.

Biodiversity - Paragraph 109 of the NPPF comments that LPA's should aim to conserve and enhance biodiversity. The development and associated illumination of this previously dark landscape will undoubtedly have an effect on wildlife patterns and it is hoped that should the site be developed these impacts will have detailed management/mitigation plans secured by appropriate conditions.

Saved Policy RA.2 of the AVDLP states -

Other than for specific proposals and land allocations in the Local Plan, new development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements.

In considering applications for building in Rural Areas the Council will have regard to maintaining the individual identity of villages and avoiding extensions to built-up areas that might lead to coalescence between settlements.

The pre-ambles to policy RA.2 discusses the need for more specific protection in locations that are or will be experiencing the strongest pressures for development. Due to the absence of AVDC housing policies the district is experiencing pressure from developers for large scale housing developments in unsuitable locations. The proposal site is considered to be such a location.

The Secretary of State's recent planning decision relating to Hampden Fields, Land south East of Aylesbury (12/00605/AOP, 26th January 2015 for 3000 dwellings, care home, park and ride, waste facility, employment, 2 schools and green infrastructure), commented that whilst the development would be an extension of Aylesbury, its impact would be greater on Stoke Mandeville. That the development would result in a fundamental change to the eastern part of the settlement through coalescence, with the wider loss of open countryside as part of its setting, thereby in conflict with RA2 of AVDLP.

It is considered this proposal would be directly comparable to this view, resulting in a fundamental change to Maids Moreton, given that it would increase the number of houses in the village by 50%. Therefore, the proposal would fail to comply with saved policy RA2 and as such would warrant the refusal of planning permission on these grounds alone.

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Promoting healthy communities

AVDLP contains policies that require appropriate facilities to be provided, relating to schools, public places, leisure facilities, etc.

Maids Moreton has been assessed as being a 'larger village' capable of accommodating some limited growth. However, this is due to the village's proximity to Buckingham and the services this larger settlement can offer. It should be noted that the nearby settlement of Tingewick, which also has limited services has also recently been considered suitable for growth for the same reasons.

Buckingham, Tingewick and Maids Moreton have all been subject to recent planning approvals for large housing developments, many of which have not yet been completed, and consequently it is not possible to assess the overall impact that these developments will have on the existing services and infrastructure.

It is therefore imperative that this proposal is assessed in the light of the planning approvals for Buckingham, Tingewick and Maids Moreton listed below.

Recent approvals for larger housing developments within the locality

- Buckingham** - (06/01809/APP) - Land off Moreton Road - 200 dwellings
(07/01003/APP) - Land off Bridge Street - 99 Apartments
(09/01035/AOP) - South of The A421 And East Of A413 London Road - 700 dwellings
(11/02116/AOP) - Tingewick Road Industrial Estate - 86 Dwellings (detailed application currently pending consideration)
(12/02104/APP) - Rear of Market Hill West Street - 49 dwellings
(13/01325/APP) - North of Park Manor Farm Moreton Road - 80 dwellings
(13/03041/AOP) - Buckingham University (former Inov8 Site) Tingewick Road - 200 Student flats
- Maids Moreton** - (16/00151/AOP) - Land off Stratford Rd- 400 Dwellings
* Pending consideration
(14/02601/AOP) - West of Castlemilk Moreton Road - 130 Dwellings
* Pending consideration
- Tingewick** - (14/01958/AOP) - Land off Main Street - 85 dwellings

The above amounts to 1499 new residential units (and 1629 if the 14/02601/AOP gains consent), which will all impact on the infrastructure and essential services of Buckingham. The submitted proposal would add a further 170 dwellings.

Residents comment that the Doctors Surgeries are full, the local schools are at capacity and the Parish Council do not feel these gains would overcome the major lack of essential health and school provision that are required to support a healthy vibrant community. In addition, much of the traffic generated from this proposed development would travel along the A413 into Buckingham yet Bucks Transport stated some time ago that the Old Gaol roundabout at the bottom of the Moreton Road is already at capacity.

There are also concerns about the ability of the sewage system to cope with such a large increase in housing in the village. We are not aware of any changes being made to increase the capacity of the system in over 30 years. There have been numerous problems with sewage smells and overflowing drains in Main Street over many years and we believe that the system will be unable to cope with a 50% increase.

CONCLUSIONS

Due to the cumulative impact of this development together with the existing outstanding approvals within the locality it is considered that the existing infrastructure/services would be subjected to excessive pressure, contrary to Saved Policies GP86-88 and GP94, together with advice contained within the NPPF.

The proposal would result in an extension of sprawling urban development, with built development obtruding into the surrounding countryside.

Maids Moreton Parish Council

Clerk to the Parish Council - Ruth Millard

The proposal would detrimentally alter the character of the area. It would not be possible to mitigate for these negative impacts and as such if the proposal gained consent significant harm would result.

The Housing and Economic Land Availability Assessment (HELAA) in October 2015 considered this site as unsuitable for residential development for the following reasons:

Development would not relate to the existing pattern of development and there is no suitable access to the land. Would extend the village significantly north east into the open countryside

Whilst, it is unfortunate that AVDC cannot currently demonstrate a 5 year supply of housing land, nevertheless development proposals still need to be assessed as sustainable. Due to the above considerations, the submitted application would fail to result in a 'sustainable development' and therefore material harm would result.

Maids Moreton Parish Council therefore respectfully urge AVDC Development Control Management officers and committee members to REFUSE this application.

Maids Moreton Parish Council confirms that a representative of the Parish Council will speak at the Development Committee.

Yours faithfully

Ruth Millard

Ruth Millard
Clerk to Maids Moreton Parish Council

Maids Moreton Parish Council

Clerk to the Parish Council - Ruth Millard

For the attention of Mrs Sue Pilcher
AVDC Development Management
The Gateway, Gatehouse Road
Aylesbury
Bucks. HP19 8FF

7th March 2017

Dear Mrs Pilcher,

Maids Moreton Parish Council's comment on Croft transport solutions Transport Assessment for 16/00151/AOP Land Off Walnut Drive And Foscoote Road Maids Moreton Buckinghamshire MK18 1QQ

At a properly convened parish council meeting on Wednesday 1st March 2017, Maids Moreton Parish Council agreed to Oppose Croft transport solutions Transport Assessment.

The aspect the Parish Council is concerned about from a village perspective are the proposed access & egress for the development.

The proposed mini round about at the junction of Walnut Drive and Main Street.

The notes on the drawing say that this layout is for indicative purposes only and is subject to further design analysis. Until such time as the junction has been fully designed and detailed the extent of traffic management signage and road markings the Parish Council and residents can only assume how badly this will affect them.

It is envisaged in the transport assessment that 60% of the vehicle movements from the proposed development of 170 dwellings will be using this area which is over used by Vitelograph Business Park, buses, agricultural vehicles, supermarket deliveries, refuse lorries as well as the Manor Park development and the houses in Main Street.

This is already a pinch point in the Village and the Parish Council can only believe that a mini roundabout on this site will be detrimental to the lives of all who use the area.

It is a Conservation Area with a Grade 2 listed building (Corner Cottage) and The Cottage both with their access & egress directly of/on to the proposed mini roundabout. There is no footpath this side of the road, of Main Street, from the junction with the A... to the Village hall. Also no footpath, from the junction with Walnut Drive past the Wheatsheaf Public House to opposite the Village Hall, on the opposite side of Main Street. There are 2 businesses in this area The Wheatsheaf Public House and on the opposite side of the road Harris Bros Engineering, the Village Forge. Both take deliveries from large vehicles at any time of the day. Houses are fronting the Main Road and therefore the assessment hasn't taken into account the residents parking in this area.

The increase signage will be detrimental to the Conservation area village street scene.

Foscoote Road.

40% of the vehicle movements are envisaged as leaving the 170 housing development onto Foscoote Road, a narrow lane with no footpaths & dwellings abutting the road. Turning left would lead them onto Leckhampstead Road, a failed road or Foscoote Lane both narrow and gated through the Hamlet of Foscoote onto the very busy A422. Turning right would take them either down Main Street to the proposed mini roundabout or along Mill Lane an equally narrow but bendy road with high hedges onto the A422.

Maids Moreton Parish Council

Clerk to the Parish Council - Ruth Millard

The Parish Council notes that there are many errors in the Transport Assessment.

Bus Services

The current Bus service into Buckingham from Maids Moreton is 2 hourly and is a distance of 2.4 Km. Maids Moreton Parish Council agrees with Buckingham Town Council in its opposition to the Transport Assessment that, 'there is no x60 in the peak morning period and the service is 2-hourly to Aylesbury only via Buckingham town centre; the x80 to Brackley is a school-days only service; and the 151 is omitted altogether. Journey times were also incorrect - for example, the timetable shows 45 minutes for the direct service to Aylesbury (51mins via the villages) not 38 minutes as stated. Milton Keynes is given as 23 minutes, though the X60 is timetabled as 28 minutes and the X5 as 22 minutes from the High Street bus stand to the railway station, and that does not allow travel time down from Maids Moreton and the variable wait for the connection. A two-hourly bus service can be described as "regular" as Croft conclude (11.1.2); it can also be described as "impractical" for working people and school pupils if there is no bus to deliver them at their destination at the required time.'

Sustainability

The village amenities in Maids Moreton are the church, the pub and an infants' school; the two sports clubs draw from the whole Buckingham area, so cannot be said to be solely a village facility. Although the assessment states "North Buckingham Parish" as an amenity, it is not a physical entity, it is a group of 4 local parishes under one vicar, this does show that whoever produced this part of the assessment only looked at the google map for the area and has no idea of a rural village life. Every other amenity – banks, library, post office and shops - are at least 2.4Km further away, and it is more likely that journeys will be by car, as they are at the present time, especially if shopping is involved. There is also quite a height difference between the centre of Buckingham and the site which will be discouraging for the less able and encumbered.

In conclusion.

The Transport Assessment has been badly researched with many more inconsistencies and inaccuracies that were noted. Maids Moreton Parish Council would advise a site visit to the area for AVDC Councillors to see for themselves the problems and for AVDC Councillors to oppose this application.

Yours faithfully

Ruth Millard

Clerk to the Parish

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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