



AYLESBURY VALE DISTRICT COUNCIL

Democratic Services

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12 April 2019

STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Strategic Development Management Committee** will be held at **1.00 pm** on **Wednesday 24 April 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 3 April 2019 (Copy attached).

- 4. DECLARATION OF INTEREST**

Members to declare any interests.



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

6. 15/00314/AOP - LAND SOUTH OF THE A421, WEST OF FAR BLETCHLEY, NORTH OF THE EAST WEST RAIL LINK, AND EAST OF WHADDON ROAD, NEWTON LONGVILLE (Pages 15 - 86)

Outline planning application with all matters reserved except for access for a mixed-use sustainable urban extension on land to the south west of Milton Keynes to provide up to 1,855 mixed tenure dwellings; an employment area (B1); a neighbourhood centre including retail (A1/A2/A3/A4/A5), community (D1/D2) and residential (C3) uses; a primary and a secondary school; a grid road reserve; multi-functional green space; a sustainable drainage system; and associated access, drainage and public transport infrastructure.

This application was first brought before the Strategic Development Management Committee on 7 June 2017. The decision of the Committee was to defer and delegate subject to the completion of a S106 agreement.

The application is being brought back to committee in order to update Members on the latest position on the S106.

Case officer: Claire Bayley

7. HUMAN RIGHTS ACT (Pages 87 - 88)

Agenda Item 3

Strategic Development Management Committee

3 APRIL 2019

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

IN ATTENDANCE: Councillors H Mordue and R Stuchbury

APOLOGIES: Councillor King

1. MINUTES

RESOLVED –

That the minutes of the meeting held on 20 February 2019 be approved as a correct record.

2. 17/00746/APP - FORMER RAILWAY STATION SITE, STATION ROAD, BUCKINGHAM

RESOLVED –

That the application be **Deferred and Delegated** to officers as per officer report recommendation with additional conditions regarding path maintenance, path access and appropriate signage.

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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 revised NPPF published in February 2019 superseding the earlier July 2018 version. 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 the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”
- 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 30 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

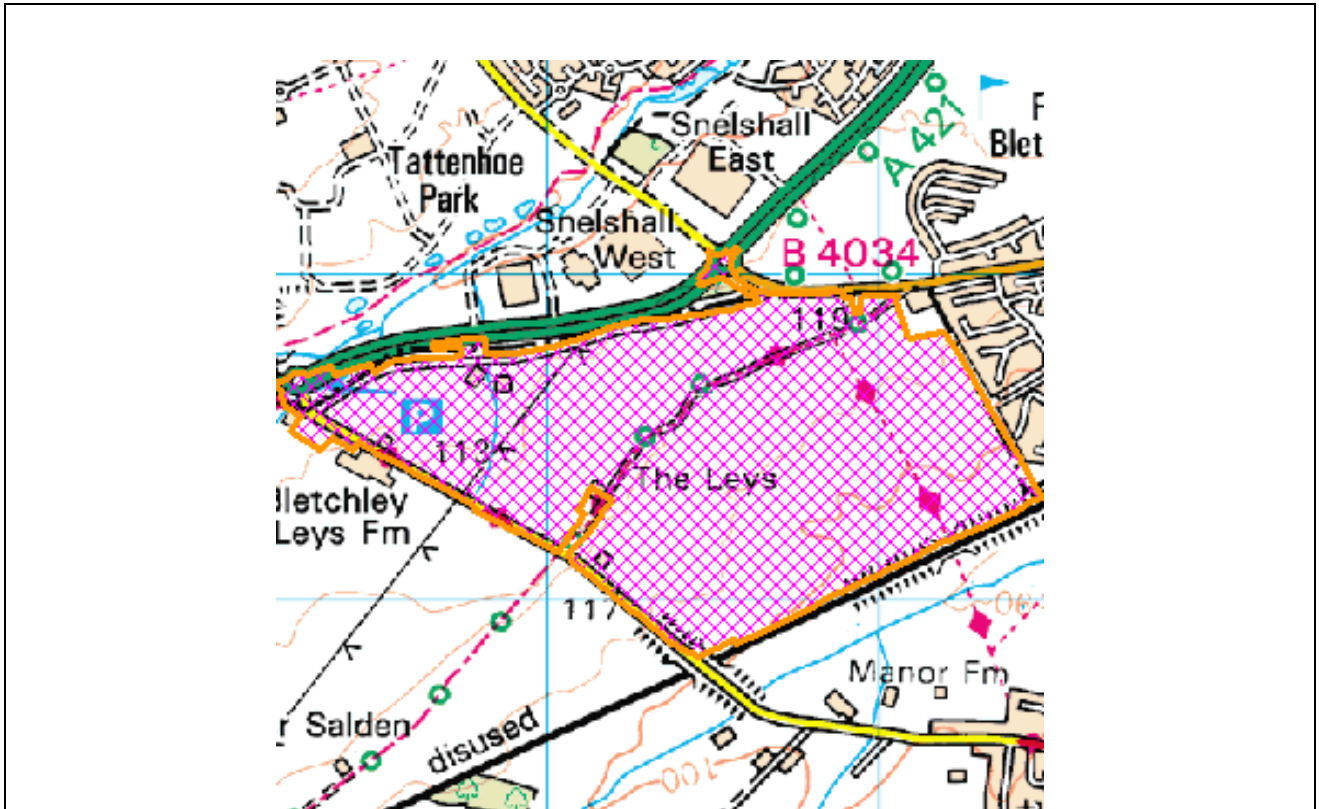
- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

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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15/00314/AOP	
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REFERENCE NO	PARISH/WARD	DATE RECEIVED
15/00314/AOP	NEWTON LONGVILLE The Local Member(s) for this area are: -	30/01/15
<p>OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR A MIXED-USE SUSTAINABLE URBAN EXTENSION ON LAND TO THE SOUTH WEST OF MILTON KEYNES TO PROVIDE UP TO 1,855 MIXED TENURE DWELLINGS; AN EMPLOYMENT AREA (B1); A NEIGHBOURHOOD CENTRE INCLUDING RETAIL (A1/A2/A3/A4/A5), COMMUNITY (D1/D2) AND RESIDENTIAL (C3) USES; A PRIMARY AND A SECONDARY SCHOOL; A GRID ROAD RESERVE; MULTI-FUNCTIONAL GREEN SPACE; A SUSTAINABLE DRAINAGE SYSTEM; AND ASSOCIATED ACCESS, DRAINAGE AND PUBLIC TRANSPORT INFRASTRUCTURE. LAND SOUTH OF THE A421 WEST OF FAR BLETCHLEY NORTH OF THE EAST WEST RAIL LINK AND EAST OF WHADDON ROAD SWMK CONSORTIUM</p> <p>STREET ATLAS PAGE NO.56/57</p>	<p>Councillor N Blake</p> <p>Councillor B Everitt</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 in light of the new NPPF.

b) Other matters

The recommendation is that permission be GRANTED as the S106 agreement has now been completed subject to conditions

1.0 INTRODUCTION

- 1.1 Members will recall that this application was considered at the Strategic Development Management Committee on 7 June 2017 when members resolved that the application be deferred and delegated for approval subject to the completion of a legal agreement and appropriate conditions. This report is before members to update members on the latest position on the S106 relating to the health contributions requested from Milton Keynes Council (MKC) and the minutes of the meeting.
- 1.2 The minutes of the meeting as approved state:

*That application 15/00314/AOP be **Supported and Deferred and Delegated** to officers subject to the completion of a legal agreement (with Bucks County Council, Aylesbury Vale District Council and if appropriate Milton Keynes Council) as outlined in the officer's report and subject to conditions as considered appropriate by officers. If this cannot be achieved then the application will be refused for reasons as considered appropriate by officers.*
- 1.3 The original officers report at paragraphs 10.177 and 10.183-10.184, a copy of which is appended to this report, concluded that the provision of secondary health facilities is the remit of the NHS and is to be provided for the population. Thus, were a contribution sought, it would amount to double funding, which would be contrary to CIL Regulation 122 because it is clearly not necessary.
- 1.4 In February 2019, Milton Keynes Council submitted a supporting document from the NHS Trust regarding the likely impact of the South West Milton Keynes development (SWMK) on the Milton Keynes University Hospital (MKUH) and have provided evidence to demonstrate and quantifies that impact in a manner which is more consistent with the requirements of CIL Regulation 122 and demonstrates that the request does not amount to double funding.
- 1.5 The contribution would be used on the new cancer unit or extension to the radiotherapy centre and new expanded neonatal facility, a new pathway unit incorporating a frailty unit as well as associated diagnostic and intervention facilities and support service infrastructure. The total contribution requested is £1,990,057, split equally into three payments, with a payment of one third of the total to be made on the completion of the 450th, 900th and 1,350th dwelling within the development, with payments to be indexed from the date of the Agreement.
- 1.6 MKC have confirmed that they are no longer seeking contributions on the remaining S106 contributions sought. Discussions have been ongoing with MKC since the application was considered at committee and in correspondence to AVDC in October 2018, MKC have clarified their position on a number of contribution requests. In this correspondence MKC have confirmed that they are content with the arrangements being made for the provision of education and agree that these are the most appropriate given the differing school systems that exist between MKC and Buckinghamshire. They also agree that onsite provision of primary healthcare is appropriate and that the arrangements being secured through the application and S106 should adequately address this matter.
- 1.7 In relation to other contributions proposed by MKC, they still believe that joint working on provision such as the libraries or voluntary sector would have potential planning benefits for the development and its integration with its surroundings. However, note that there is an intention for standalone provision to cover these areas which will mitigate, if not eliminate, any impact on Milton Keynes services. As such no further request is made in relation to this aspect.
- 1.8 As regards the emergency services MKC remain concerned that no mitigation appears planned to cater for the impact on any of the blue light services and that the requests for contributions made by Thames Valley Police directly have been dismissed rather than negotiated. Furthermore, MKC note that the Committee report suggests that 'the majority' of TVP's requests were not considered to meet the relevant tests so perhaps there may be some room here for further discussions directly with TVP. In response to this point, no

additional information or evidence has been provided on these matters since the earlier report was produced and as such the position set out in paragraphs 10.159 and 10.198-189 of the appended committee report.

- 1.9 Finally on waste management MKC have confirmed that there are no firm proposals at this time for additional facilities in the south of the Borough which would be likely to meet the CIL Regulation tests. As such the position remains that this request would be contrary to the CIL Regulations
- 1.10 The S106 has now been progressed and is close to completion, and the applicants have agreed to this additional contribution in relation to the provision of secondary health facilities to be included in the draft agreement.
- 1.11 The Committee is asked to clarify that the original recommendation that the s.106 should include requirements for secondary health contribution in line with MKCs request and resolve to extend the original delegation accordingly.
- 1.12 Since the application was considered by the committee a new NPPF was published in February 2019 and supersedes the guidance set out in the NPPF 2012 previously considered in the officer's report and related overview report. The overview report has been updated and provides an overview of the policy framework to reflect the new NPPF and is attached to this report. Attached to this report is as appendix B to confirm compliance of the original report with the new NPPF for members to note.

2.0 CONCLUSION AND RECOMMENDATION

- 2.1 As stated in the previous report 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'. This report continues to consider those relevant policies and the updates including the NPPF arising from this proposal and consider whether the development plan policies are consistent with the NPPF and refer to paragraph 11 which revises the 2012 paragraph 14. The overview report has been updated and provides an overview of the policy framework to reflect the new NPPF and is attached to this report. This also provides an update on the housing land supply position and the progress on the emerging local plan.
- 2.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.3 In then considering paragraph 11 d) ii this wording is consistent with the tilted balance previously set out in paragraph 14 of the 2012 NPPF in the previous report considered by the Strategic Development Management Committee. Therefore, the changes between the respective versions of the NPPF to the presumption in favour of sustainable development as discussed within this report do not otherwise change the previous assessment and concluding planning balance.
- 2.4 This report demonstrates that the changes in circumstances since the application was considered by Committee could not justifiably alter the conclusion that the proposals constitute a sustainable and acceptable development. In this instance it is considered that the planning balance exercise is not affected by the change in circumstances to arrive at a

different conclusion and recommendation to that which the committee previously considered and resolved to agree.

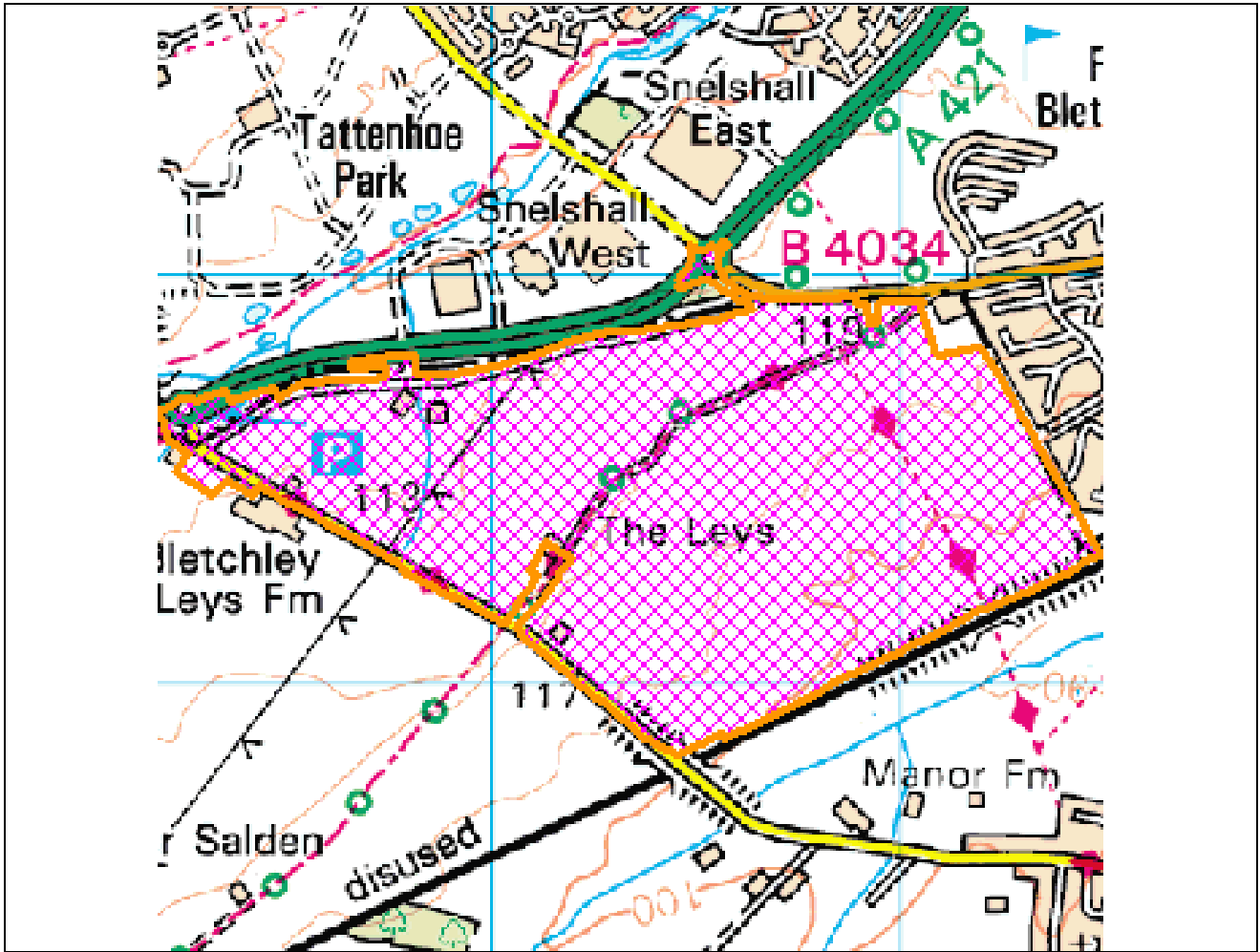
- 2.5 The Committee is asked to consider the updates set out in relation to the new NPPF and to clarify that the original recommendation on the s.106 should now include requirements for a financial contribution towards secondary healthcare is acceptable to Members and resolve to extend the original delegation accordingly. Officers therefore recommend the following is resolved:

That the delegation to officers made on 7 June 2017 in respect of application 15/00314/AOP is extended to include the requirement to secure a financial contribution towards secondary health care facilities at Milton Keynes University Hospital (MKUH) within the S106 legal agreement referred to in that delegation.

3.0 WORKING WITH THE APPLICANT/AGENT

- 3.1 In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant and has focused on seeking solutions to the issues arising from the development proposal. In this case, the discussions took place with the applicant/agent which resulted in amended plans being submitted and which were found to be acceptable and approval is recommended.

15/00314/AOP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
15/00314/AOP	NEWTON LONGVILLE The Local Member(s) for this area are: -	30/01/15
<p>OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR A MIXED-USE SUSTAINABLE URBAN EXTENSION ON LAND TO THE SOUTH WEST OF MILTON KEYNES TO PROVIDE UP TO 1,855 MIXED TENURE DWELLINGS; AN EMPLOYMENT AREA (B1); A NEIGHBOURHOOD CENTRE INCLUDING RETAIL (A1/A2/A3/A4/A5), COMMUNITY (D1/D2) AND RESIDENTIAL (C3) USES; A PRIMARY AND A SECONDARY SCHOOL; A GRID ROAD RESERVE; MULTI-FUNCTIONAL GREEN SPACE; A SUSTAINABLE DRAINAGE SYSTEM; AND ASSOCIATED ACCESS, DRAINAGE AND PUBLIC TRANSPORT INFRASTRUCTURE. LAND SOUTH OF THE A421 WEST OF FAR BLETCHLEY NORTH OF THE EAST WEST RAIL LINK AND EAST OF WHADDON ROAD SWMK CONSORTIUM</p> <p>STREET ATLAS PAGE NO.56/57</p>	<p>Councillor N Blake</p> <p>Councillor B Everitt</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.**
 - **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**

c) Impact on residential amenities.

d) Developer contributions

The recommendation is that permission be **DEFERRED AND DELEGATED**

2.0 CONCLUSION AND RECOMMENDATION

- 2.1 The application has been evaluated against the extant Development Plan and the report has assessed the application against the core planning principles of the NPPF and whether the proposals deliver sustainable development. Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.
- 2.2 It is accepted that the development is deliverable and would make a significant contribution to the housing land supply which is a benefit to be attributed significant weight in the planning balance. There is a benefit in the supply of affordable housing for this policy compliant scheme and this matter should also be afforded significant weight. There would also be economic benefits in terms of the creation of jobs associated with the B1 commercial units proposed as well as the other commercial elements and further jobs created from the construction of the development itself and those associated with the resultant increase in population on the site to which taken together should be attributed significant weight in the planning balance.
- 2.3 It is likely that a net enhancement in biodiversity will also be achieved on the site to which limited beneficial weight should be assigned as well as provision of extensive informal open space on site which taken together are considered to be benefits to be assigned limited weight.
- 2.4 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of promoting healthy communities, the design of the development, flood risk, on archaeological matters and residential amenity. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally. Negotiations have enabled the scheme to be amended such that BCC are satisfied that the development will achieve safe and suitable

access and will not result in a severe individual or cumulative network impact and is acceptable subject to relevant conditions and completion of a S106 Agreement to secure the highway works, construction management and financial contributions. Overall the highway matters must be afforded neutral weight in the planning balance.

- 2.5 It is acknowledged that the site is currently a large greenfield site and that localised harm would result from the residential development of it in landscape terms and from the users of the public footpath network. The site has been the subject of detailed consideration in the Environmental Impact assessment and revisions put in place to ensure that the development is sensitive to the site context. A detailed landscape scheme (together with sensitive layout and design) could ensure that the harm to the wider landscape is satisfactorily mitigated and the parameter plans indicate buffer areas to the development and restrictions to the positioning of buildings to mitigate the impact of development on the ridge. Given its greenfield appearance it is considered that this matter should be afforded moderate negative weight in the planning balance.
- 2.6 Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 14 of the NPPF, it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal.
- 2.7 It is therefore recommended that the application be supported subject to the completion of a legal agreement (with BCC, AVDC and if appropriate MKC) as outlined above and subject to conditions as considered appropriate by Officers. If this cannot be achieved then the application will be refused for reasons as considered appropriate by Officers.

INFORMATIVE

- 2.8 In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case detailed topic based discussions have taken place with the Applicant and Agent who responded by submitting amended plans and updated statements as part of this application which were found to be acceptable and approval is recommended.

3.0 INTRODUCTION

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

4.0 SITE LOCATION AND DESCRIPTION

- 4.1 The application site is located to the south west of Milton Keynes, immediately to the west of Far Bletchley. It is contained by the boundary of Aylesbury Vale District, but physically relates to the urban area of Milton Keynes, completing its western flank.
- 4.2 The site is bordered to the north by the industrial area of Snelshall West and to the east by the established residential area of Far Bletchley. The western boundary and southern boundaries predominantly comprise agricultural farmland, with Newton Longville located to the south of the site.
- 4.3 The application site covers an area of approximately 145 hectares. The site is defined by the A421 (Standing Way) to the north, Whaddon Road which links the Bottledump roundabout in the north west corner of the site to Newton Longville, to the west and the disused railway line to the south which now forms part of the East West Rail proposals. The eastern boundary is defined by the existing residential neighbourhood of Far Bletchley.
- 4.4 The site currently comprises of a mix of agricultural land and two farm buildings, hedgerows and public rights of way. The site is currently utilised as agricultural farmland. A residential property "The Leys" sits at the western edge of the site but lies outside of the site boundary, and a further residential dwelling is located outside of the site in the north eastern corner, north of Weasel Lane.
- 4.5 Two existing recreational routes fall within the physical limits of the site. Weasel Lane runs along an elevated physical ridge running north-east. Milton Keynes Boundary Walk also runs through the eastern part of the south in a north-south direction. Three sections of public footpaths are also within the site. One footpath traverses the South West section of the site, linking Newton Longville to Weasel Lane, itself a public right of way and part of the long distance National Cycle Route (Sustrans no. 51). The other two sections of footpath converge in the north-east corner of the site, connecting to the wider rural area and Thrift and Broadway Woods.
- 4.6 The topography of the site is undulating and characterised by a ridge running across the central length of the site from east to west aligning with Weasel Lane. The predominant topographic features are therefore shallow ridges and valleys sloping away from this focal ridge line, which run broadly on a south west alignment.
- 4.7 The site naturally divides into two areas along Weasel Lane Ridge: the north/ northwest with its undulating land falling northwards towards the A421; and the south/ southeast which gradually falls toward the south eastern corner of the site. Mature trees are mostly confined to boundary hedgerows, mostly in the north of the site including Weasel Lane. The dominant species on site are Ash and English Oak.

5.0 PROPOSAL

5.1 This application seeks outline planning application with all matters reserved except for access for a mixed-use sustainable urban extension on land to the south west of Milton Keynes to provide

- up to 1,885 mixed tenure dwellings (on 54.16 HA);
- an employment area (B1) on 2.07 HA
- a neighbourhood centre including retail (A1/A2/A3/A4/A5), community (D1/D2) and residential (C3) uses;
- a primary school on 3 HA,
- a secondary school on 5.2 HA;
- a grid road reserve of 7.24 HA
- highway improvements on 5.56 HA of land;
- new junctions to the A421, Whaddon Road & Buckingham Road, primary streets, footpaths & cycle routes, foul water pumping stations, undergrounding of 132Kv overhead power lines and statutory undertakers equipment
- multi-functional green space totalling 55.75 HA comprising parkland, sports & rec spaces including pavilion/changing facilities, play areas, wildlife areas, open spaces including a community orchard and new landscaping;
- a sustainable drainage system inc 5.05HA of land for surface water attenuation measures;

5.2 The application was submitted in January 2015 and is accompanied by an Environmental Statement (ES) following a screening and scoping opinion issued to the applicant confirming it to be development requiring an EIA (as was the previous case on the earlier scheme in 2010).

5.3 The ES considers the impact of the proposed development of the site under the following chapter headings:

- Archaeology and Cultural Heritage
- Agricultural Land
- Ecology
- Drainage
- Landscape and Visual

- Traffic and Transport
- Air Quality
- Noise and Vibration
- Socio-economic issues
- Services and utilities
- Waste
- Ground conditions and contamination
- Significant interactive and cumulative effects
- conclusions

5.4 Further application documents submitted in support include a Planning Statement, Design and Access Statement, Sustainability strategy, Transport assessment and travel plan, Flood risk assessment, Section 106 Draft Heads of Term, Statement of Community Involvement, Tree Report, Retail and Employment assessments. The application is also accompanied by a Land Use Parameter Plan, Building Height Parameter Plan, Access Parameter Plan and Highways Access Drawing, Open Space Plan, Residential Density Plan, Phasing Plan, Constraints Plan and Illustrative Landscape Plan . Illustrative details are set out in the Illustrative Masterplan and the Design and Access Statement.

5.5 Following representations received by consultees and detailed topic based discussions between the consortium, AVDC officers and MKC officers and BCC highways engineers an amendment was submitted in August 2016 which made the following revisions;

- Revisions to the proposed site access arrangements:
 - Improvements to the Bottledump Roundabout, including an equestrian crossing and links to Redway routes to the north of the A421 and within the site;
 - Revision of the proposed junction with the A421 from a 'left in and left out' arrangement to a 'left in' only arrangement and consequent amendments to the disposition of land uses immediately adjacent to the junction;
 - Revision of the proposed traffic light controlled junction with Buckingham Road to a roundabout junction;
- The incorporation of 1.69 Ha of green space (ecological corridor and land effected by archaeological constraints) situated between the proposed satellite secondary school and housing at Far Bletchley within the boundary of the school site;

- Changes to the Whaddon Road corridor to provide for a widening of the landscape corridor along the western boundary of the scheme, removal of the proposed bunding, a general increase in the extent of planting and accommodation of the Milton Keynes Boundary Walk to the internal edge of the landscape corridor;
- Changes to the corridor adjacent to the southern boundary with the relocation of the woodland planting to the northern edge of the proposed SUDs features and changes to the overall design concept for the development parcels in the south east quadrant of the site which incorporates new east-west 'ribbons' of green infrastructure;
- An increase in the number of LEAP (now 9No), the sizes of LEAP and NEAP increased to meet RoSPA guidance and their disposition across the site to maximise coverage in reflection of Fields in Trust guidance;
- Identification of a parcel of land (0.2 Ha) to the rear of the proposed neighbourhood centre to be used either for employment purposes (B1) or to accommodate a 6GP practice (D1) developed over two floors with associated car parking.
- reduced the development parameters directly south of the SAM in order to retain a larger area of Ridge and Furrow and which was accompanied by an update from CgMS archaeology.

5.6 The ES was reviewed following the changes made with implications to the ES chapters considered and a formal addendum to the Environmental Statement and non technical summary was also received in August 2016. The submission explained the reasoning for preparing revised chapters or for not doing so, the addendum ES includes updated chapters upon the following topic areas

- Chapter 9 – Landscape and Visual
- Chapter 10- Traffic and Transport
- Chapter 11 – Air Quality
- Chapter 12 – Noise and Vibration

5.7 In response to the amendments the supporting drawings were amended to reflect the changes sought and a formal round of publicity was undertaken on the amendments submitted. A supplementary Addendum Design and Access Statement document 2016 has been provided.

5.8 Since the updated Travel Assessment (TA) was prepared by Mouchel, the Consortium has continued to engage with BCC and MKC as local highway authorities (LHA) and their appointed technical advisers to consider the updated TA and those objections by third

parties, including an independent review of the TA. commissioned jointly by West Bletchley Town Council and Newton Longville Parish Council. In light of this engagement, further technical work has been undertaken and submitted to the respective LHA; in particular to address criticism of the modelling of the Whaddon Road and Buckingham Road junction arrangements. In consequence, to mitigate identified capacity issues at the proposed junctions, revised junction arrangement drawings have been prepared.

- *Whaddon Road Junction*

- 5.9 An amended layout providing 3.65m through lanes and a 3.5m turning lane has been submitted. This amended layout increases the capacity of the junction and in combination with the submitted travel planning measures, will ensure that this junction will operate within capacity in 2026 with the development fully operational.

- *Buckingham Road Junction*

- 5.10 An amendment to the flare length of the Buckingham Road east arm (westbound) from 4m to 12m has been proposed. This amended layout also proposes increases to the capacity of the junction and in combination with the submitted travel planning measures, will ensure that this junction will operate within capacity in 2026 with the development fully operational.

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/00891/AOP - Site for mixed-use development of up to 5,311 dwellings, 7.4 hectares of employment (Classes B1a-c & B2, utilities & renewable energy infrastructure (sui generis), a relocated recycling centre & a new household recycling centre (sui generis); a neighbourhood centre comprising: a reserve site for a railway station (sui generis); a supermarket (Class A1), mix of A1, A2, A3, A4, A5, B1a & B1b uses, up to 274 dwellings, utilities & renewable energy infrastructure (sui generis), a Thames Valley Police one stop facility (sui generis) & Community Facilities (Classes D1 & D2); two local centres & a small mixed use centre comprising: A1 , A2 , A3 , A4, A5, B1a, B1b, D1 & D2 uses, an emergency/ambulance call point (sui generis), utilities & renewable energy infrastructure (sui generis), up to 90 dwellings & a veterinary practice (sui generis); sites for four primary schools & one secondary school; ground remodelling; multi functional green infrastructure including new landscaping with formal & informal sporting areas, allotments, woodland & a wildlife area, foul & surface water drainage networks; associated highway infrastructure & public transport infrastructure (including a reserve site for Park & Ride) & associated car parking.. – Application withdrawn
- 6.2 13/60019/SO - Environment Impact Assessment Scoping Request for a proposed development - EIAA

7.0 PARISH/TOWN COUNCIL COMMENTS

- 7.1 Newton Longville Parish Council oppose the application and full copies of the comments submitted have been attached to this report as Appendix 1
- 7.2 Whaddon Parish Council – The Parish have provided lengthy comments which have been appended in full to this report at Appendix 2 In summary their comments fall into various categories mainly relating to Traffic and Transport; Sustainability; Need and Location; Landscape and Coalescence.
- 7.3 Mursley Parish Council – Oppose the application
- 7.4 Little Horwood Parish Council – Opposes the application due to the impact it would have on traffic and particularly the flow of traffic along the A421 from the West of the development into Milton Keynes. In addition the Parish Council does not believe adequate consideration had been given to the additional infrastructure and supporting services that will required. Many of the surrounding villages have difficulty accessing the A421 from the South when heading towards Milton Keynes. This is particularly difficult for traffic from Little Horwood and the surrounding area where access to the A421 is via a very dangerous exit at the end of Warren Road. This development provides the District and County with an opportunity to improve safety and the amenity to local residents by making changes to this junction.
- 7.5 Drayton Parslow Parish Council - Oppose the application as this development would add a considerable volume of vehicles to an already overburdened traffic system for those wishing to access Milton Keynes or Buckingham via the A421, resulting in their usage of the roads in and around Drayton Parslow as a 'rat run'.

8.0 CONSULTATION RESPONSES

- 8.1 BCC Highways – Following extensive discussions and the submission of amended plans detailed comments have been provided by BCC as the highway authority concluding that the outline application is acceptable to the Highway Authority subject to a Section 106 Agreement to secure works and contributions and to a number of suggested conditions and informatives. A full copy of the detailed comments have been appended to this report at Appendix 3 of this report. In summary the required contributions relate to the following matters;
- A421 Corridor Improvements - A financial contribution towards corridor improvements between Buckingham and Milton Keynes
 - Newton Longville Traffic Calming A contribution towards the design, consultation and implementation of a traffic calming scheme in the village of Newton Longville to mitigate the impact of the development traffic

- Bus Service Provision - An obligation to enter into a Service Agreement with a bus operator to encourage sustainable modes of travel between the site and Milton Keynes and to support the aspirations and targets set out in the Travel Plan.
- Travel Plan – To submit for approval a Travel Plan in general accordance with the approved Travel Plan Framework and County Council's Travel Plan Guidance for Developers.
- Travel Plan Monitoring – A financial contribution towards the auditing of the travel plan.
- Upgrade to Footpath 19 Parish of Newton Longville - A contribution is required for the improvement of the footpath between the site and the path to the footway between Nos. 36 and 38 Whaddon Road, Newton Longville to provide greater connectivity between Newton Longville and the site.
- Whaddon - A contribution towards road safety improvements on Coddimoor Lane and Stock Lane.
- Cycle Parking Provision – A financial contribution to provide additional cycle parking at Bletchley Station to encourage sustainable modes of travel between the site and the railway station and to support the aspirations and targets set out in the Travel Plan.
- Highway Works – An obligation to enter into a Highway Works Delivery Plan to secure the delivery of the following works:
 - 1) Improvements to Bottle Dump Roundabout and a Pegasus crossing on Whaddon Road in general accordance with drawings D018 Rev.A and D015 Rev.B to include CCTV camera provision and variable message signs.
 - 2) Improvement to Whaddon Road/A412 Roundabout in general accordance with drawing D019 Rev. B.
 - 3) Site Access to Whaddon Road.
 - 4) Site Access to Buckingham Road to include toucan crossings on Buckingham Road (East) and the development access road.
- Grid Road Reserve – An obligation to dedicate the land for the grid road reserve to Buckinghamshire County Council as Highway Authority, in order to not prejudice the ability of the Council's to deliver this scheme in the future.
- NLO/19/1 – An obligation to dedicate a public bridleway along the alignment of Footpath NLO/19/1 between Weasel Lane and the railway line, under Section 25 of the Highways Act.
- Weasel Lane – A contribution to resurface Weasel Lane outside the red line, from Whaddon Road south-east to the property Weasels' to provide improved connectivity to the wider rights of way network for leisure purposes.

Milton Keynes Council has set out the following obligations, which are considered necessary to mitigate the impact of the development within Milton Keynes, to be secured under Section 278 Agreement:

1. Capacity Improvements at the following junctions within Milton Keynes:
 - Bleak Hall Roundabout on A421
 - Elfield Park Roundabout on A421
 - Emerson Roundabout on A421
2. Redway provision and connections (to the A421 Redway, the old A421 itself and the new link to Buckingham Road). These connections will require improvements to surfacing, lighting and signage.
3. Phasing and timing of infrastructure provision

8.2 Highways England – Following the receipt of amended plans and additional information Highways England raise no objections and recommend that conditions should be attached to any planning permission that may be granted.

8.3 Landscape Officer – Following discussions and the submission of amended plans and updated ES documents the Landscape Officer accepts that the improvements to the layout will improve the visual mitigation on the receptors beyond the site boundary (in particular the views from Newton Longville to the south-east), however does not accept that views of the proposed development from the footpaths that traverse the application site would reduce to a level that any reasonable observer would regard as not being a significant change from the existing baseline views over open countryside. For these reasons the Landscape officer disagrees with the overall conclusions in the submitted revised LVIA and would advise that the scheme should be considered in the planning balance on the basis of significant adverse landscape and visual impacts to the application site itself.

In respect of the proposed impact on settlement character and identity it is concluded that generally the proposed development adopts an approach to settlement character that seeks to positively respond to the topographical and landscape issues on the application site rather than proposing a wholly MK based style of development.

8.4 Environmental Health - The Environmental Statement dated January 2015, identifies that noise and vibration impacts in relation to the scheme will occur during both the construction and operation. The noise mitigation measures detailed in chapter 12 must be implemented as part of the Construction Environmental Management plan. Should this application be approved then further information will be required regarding the siting of noise sources, the use of low-noise road surfacing and any other noise mitigation measures to demonstrate that residential properties will comply with the standards specified in BS8233:2014.

- 8.5 Contaminated Land Officer - A Phase 1 Geo-Environmental Desk Study report written by Pell Frischmann has been submitted as part of the ES for the above application. After reviewing the Desk Study report and section 16 of the ES, which relates to the Ground Conditions and Contamination, it is concluded that based on the historic land uses and its current operational use, the overall risk from land contamination at the site is considered to be low for the current developments, and low for the re-developed site. However, this would need to be confirmed by appropriate intrusive investigation, testing and assessment of the results of the investigation. The officer confirms that she agrees with this conclusion and recommends the imposition of conditions on any planning approval.
- 8.6 BCC Education – Primary, secondary and special schools including Children's Centre provision within the planning area of the development are all currently or projected to be at capacity. The development proposal borders Milton Keynes so may well impact on schools across the border. Both local authorities will need to work together to ensure that the effects of the development are most effectively mitigated. Notwithstanding these issues, should the application be approved the County Council would require the developer to make contributions in accordance with the policies set out in its "Guidance on Planning Obligations for Education Provision":
- 8.7 Housing - Should the scheme achieve 1855 dwellings housing officers would expect at least 556 units of affordable housing to be offered in order for it to be policy compliant at 30%. These units should be of a type and size reflective of the overall housing mix whilst also taking into account the district-wide need with a suitable tenure mix to be agreed and secured as part of S106 discussions. It should be noted, however, that the affordable element of a scheme should be broadly in line with the site's overall housing mix.
- 8.8 Biodiversity - These proposals involve the development of a greenfield site and are therefore highly likely to have a negative impact upon biodiversity if unmitigated. A series of ecological assessments has been produced and submitted in support of this application by the consultant FPCR. These reports detail the species and habitats currently found on the proposed development site. It is considered that this element of the ecological assessment acts as an accurate account of the features found at the time of the assessment. The recommendations of this report are not considered to be detailed enough to address the enhancement aspects of a major development of the scale proposed and the applicant will need to demonstrate how the development minimises impacts on biodiversity, provides net gains in biodiversity, and conserves and enhances biodiversity, in accordance with NPPF. The mention of ecology links in the Design and Access Addendum is welcomed but detail is required on how these measures will be achieved
- 8.9 Buckinghamshire County Council (BCC) Flood Management - Based on the information provided BCC Strategic Flood Management Team has no objection to the proposed development subject to the imposition of conditions.

- 8.10 BCC Archaeology – No objection in principle and recommend the imposition of a condition is applied to require the developer to secure appropriate protection, investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 141
- 8.11 PROW Officer – Raises no objection to the application and recommends the imposition of conditions
- 8.12 CPDA - Do not wish to object to the proposals at this time, however, identify a number of concerns which should be addressed either prior to planning approval being considered or via specific conditions attached to any subsequent approval.
- 8.13 Natural England – No objections
- 8.14 Tree Officer - The indicative layout can comply with BRITISH STANDARD 5837 and is generally sympathetic to retention of the better quality tree features.
- 8.15 Anglian Water – No objections and recommend the imposition of conditions
- 8.16 Drainage Engineer – Following the receipt of further details the drainage engineer withdraws their previous comments and therefore has no objections to the application on surface water drainage grounds and recommends the imposition of the standard drainage condition be placed upon the application.
- 8.17 Environment Agency - Following the submission of the FRA addendum we are satisfied that the proposed development can incorporate a sustainable method of surface water drainage without increasing the risk of flooding on or off site.
- 8.18 Milton Keynes Council –MKC Local Planning Authority resolved on the 17 November 2016 to object to the planning application consultation from Aylesbury Vale District Council, as an adjoining Local Authority to the planning application for the following reason:
The application fails to take account of the level of services and facilities required to meet the day-to-day needs of its future residents and fail to make a proportionate contribution towards an increase in the capacity of existing facilities within Milton Keynes to satisfy these increased demands and to mitigate the impact of the proposed development on existing services and infrastructure in Milton Keynes. It is therefore considered that the proposal fails to meet the statutory test for the use of planning obligations in accordance with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. Policy CS6 of the Core Strategy and Paras. 203-204 of the National Planning Policy Framework.

MKC objects to the proposal on the basis that the proposed development will also result in an adverse impact on the highways network of Milton Keynes.

MKC LPA fully support the comments put forward by NHS England and the Milton Keynes Clinical Commissioning Group in respect of the need for onsite primary healthcare provision and a per dwelling contribution in support of secondary health care facilities at Milton Keynes Hospital. Milton Keynes objects to the proposal on the basis that the

development would not provide adequate primary and secondary healthcare facilities to offset the impact of the development. Furthermore should Aylesbury Vale District Council be minded to grant planning permission Milton Keynes Council Local Planning Authority would support the request from NHS England and Milton Keynes CCG that health care requirements are secured within a collaborative section 106 agreement.

Milton Keynes Council object to the proposals on the basis of the adverse impact the development would have on existing education facilities within Milton Keynes. It is considered that the proposed on site education provisions are insufficient to offset the education needs generated by the development and that given the sites proximity to Milton Keynes the burden would fall on existing facilities within Milton Keynes. It is confirmed that Milton Keynes Council does not have capacity to accommodate education need generated by this development and given the sites location within the Aylesbury Vale District Council administrative area any education need arising would need to be accommodated within Aylesbury Vale.

Whilst it is acknowledged that Aylesbury Vale District Council maybe unable to demonstrate a five year housing land supply at the time of the determination of this application and therefore paragraphs 49 and 14 of the NPPF would be engaged Milton Keynes Council request that full consideration is given to the test of if this site would constitute a sustainable development. On the basis that the current development proposals do not incorporate the necessary critical physical and social infrastructure to constitute a sustainable development in the terms set out within paragraph 14 and therefore consider that this proposal should be refused on this basis despite the 5 year housing land supply position.

A list of S106 requirements has been provided and is addressed in more detail in the report under the heading promoting healthy communities.

9.0 REPRESENTATIONS

- 9.1 A letter of objection of been received from the MP, Rt. Hon. John Bercow, raising concerns regarding the policy position and in particular the consideration of the application ahead of Newton Longville's neighbourhood plan. Concerns are raised relating to the highway and traffic implications and the increased strain on infrastructure and congestion, the limitations of access to public transport and the ultimate reliance on the private car. Furthermore, concern is raised on the grounds of the loss of a distinctive aspect of the village and the implications of further linking development onto Far Bletchley. Finally objections are raised to the additional pressures this development would place on doctors surgeries as well as

other vital infrastructure. In conclusion it is not considered that the development would comprise sustainable housing growth

9.2 A total of 482 letters of representation had been received to the original submission, 478 of which raise objections, and 4 letters raise comments that neither support or object. The salient objections raised are as follows:

- Existing road which runs East-West through Newton Longville is already deteriorated from use by all classes of vehicle, and many people exceed the speed limit.
- Potentially an extra 1000+ cars to the roads during peak hour will increase noise disturbance, air pollution and further damage the road surface, as well as increasing the risk of a road accident for those who live in the village.
- There was previous significant opposition to the development in 2010/2011.
- Roads around Newton Longville, Far Bletchley, Stoke Hammond, Mursely, Drayton Parslow, Stewkley and Whaddon, as well as the Bottle Dump roundabout and the A421 will have to work beyond their capacity and congestion is experienced in the vicinity and there are already bottlenecks experienced as a result of infrastructure constraints present..
- Current road infrastructure around Bletchley is unable to cope with the volumes of traffic. Any increase is unacceptable.
- Inadequate public transport means the majority of residents will use their cars to travel everywhere.
- Development will be too high density, and there will not be enough off-street parking spaces.
- There is inadequate parking provision in Bletchley to accommodate the shoppers that would arise from the proposal, there are currently capacity issues.
- Provision of the layout and location of access points to the site is inadequate. All 3 are very dangerous with 2 being on 60mph roads, with bends and hazards, and 1 on a 70mph dual carriageway on a downhill slope that is regularly used by large goods vehicles. During rush hour it would take a long time for the road to be clear for just 1 car to safely exit the site, let alone a potential 2,000 cars. Accident waiting to happen.
- There is no practical pedestrian access from the new development to the nearest shopping destination – Bletchley centre.
- The development would put strain on the already hard-pressed police resources in Milton Keynes.
- There will be an adverse impact on the current village school, either it will not be able to cope with the influx of students, or it will close due to students going to the new school that is proposed.

- The educational infrastructure is inadequate to provide for an influx of this size, they are stretched thin as is.
- Despite being residents of Aylesbury Vale, residents of this development would likely use the facilities in MK, due to their closer proximity. E.g. being expected to use Stoke Mandeville hospital is preposterous when it is a 45 minute drive away, while MK hospital is just a 15 minute drive away. The development would therefore put significant strain on services in MK, namely Milton Keynes General hospital.
- The development threatens the settlement identity of Newton Longville.
- Amenity and recreation from the footpaths that cross the historic field system will be denied for current and future generations of the village.
- The development will generate further noise, light and air pollution.
- Proposed 3 storey buildings will create unacceptable visual exposure, and be out of character with the village of Newton Longville as well as be detrimental to the appearance of the countryside.
- There is a risk of flooding that will impact this development and the surrounding areas.
- Disruption of and loss of precious habitat for wildlife, including an endangered protected species of bird
- Wildlife highly valued by local residents, provides a spectacle for recreation when walking in the countryside.
- The traffic and identity implications experienced by Newton Longville as a result of the development will severely detract from the conservation area.
- The proposed housing would be very close to existing housing, blocking both light and taking considerable privacy.
- Valuable agricultural land will be lost, reuse of existing buildings and brownfield sites should be sought first.
- The application is premature, submitting before the completion of the VALP and emerging Neighbourhood Plan.
- The development of an urban extension, with a population of a small town in a largely rural setting is not in keeping with the rural context of Newton Longville and the wider area.
- AVDC will get the vast majority of council tax and S106 taxes, while MKC will have to put up with the costs and additional strain.
- “As a taxpaying Milton Keynes residents, object strongly to having to fund facilities for residents in Aylesbury Vale”.
- To consent this proposal without a whole-hearted approval from MKC will store up problems for the future. The district council boundary should be moved to include the area within MKC, only then can a rational decision be made.

- There is no need for this volume of housing in AVDC or MKC, hence it is superfluous to requirements.

9.3 Following receipt of amended plans/additional information in August 2016, 102 further letters of representation were received. The letters reiterated those points set out above and whilst a number of letters acknowledge the changes to the scheme they continue to raise objections to the proposals and make the following additional material considerations;

- There is a need for the provision of further infrastructure associated with the scheme including a youth centre, bowling green and public house
- The proposed local centre should be more accessible
- There is a need for greater emphasis to be given to the employment provision on the site
- The requirement for duty to co-operate has failed to be met by AVDC
- No regard has been given to the future potential of the Oxford – Cambridge expressway proposals
- Granting permission on this site sets clear future precedents for similar schemes which would have a significant impact on the adjacent settlement identifies and landscape impact
- The grid road should make provision for a dual road. The current position of the reserve grid road is considered inappropriate
- The proposals would put increased pressures on already stretched infrastructure, further emphasised by the failure of the proposal to improve hospital provision
- Insufficient traffic surveys/assessments have been undertaken and the possible potential of increased use of Newton Longville as a rat run is underestimated
- The provision of an additional roundabout on the A421 would negatively impact upon traffic flow
- The impact of construction traffic will have significant adverse impacts particularly given the extensive period for construction
- Proposal has a contrived and insufficient parking provision and fails to address the issue of the displacement of existing on street parking that would be lost through the development of this site.

9.4 West Bletchley Council formally OBJECTS to this planning application. The objection relates to both the principle and detail of the proposed development; the particular reasons include the following:

1. The principle of a development at the site is not supported by any adopted development plan or supplementary planning document;

2. The proposed development would place an unaccepted burden on the transport infrastructure;
3. The proposed grid road that would follow the route of a known gas main is not shown to be technically viable nor that such a proposal does not represent a health and safety risk to existing or future residents or users of the road;
4. The proposal would result in the loss of a significant amount of best and most versatile agricultural land;
5. Unreasonable draft Heads of Terms that do not reflect the way a real world timetable operates nor does it allow sufficient flexibility to account for an uncertain commercial market;
6. The impact on local services;
7. The location of the proposed allotments;
8. The adverse visual impact and poor mix of house-types.

10.0 EVALUATION

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

10.1 Members are referred to the Overview Report before them in respect of providing the background information to the policy framework for AVDC when coming to a decision on this application. The application should be considered in the context of paragraph 14 of the NPPF whereby there is a presumption in favour of granting planning permission for sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- *Policy background*

10.2 The South East Plan (SEP), published in 2009 identified Aylesbury Vale as a major growth area, Aylesbury as a 'regional hub' and required the Vale to expand by 26,890 dwellings from 2006-2026. The majority of those dwellings were indicated to be at Aylesbury, with lower numbers being accommodated in Rest of District and in the north east of Aylesbury Vale

10.3 The Milton Keynes and South Midlands Sub-Regional Strategy identified land to the south west, between the A421 and the railway line as a growth locations. The South East Plan (SEP) was adopted in 2009 which identified a Strategic Development Area at South West Milton Keynes (SWMK), known as the SWMK SDA Area. Policy MKAV1 included a requirement 5,390 dwellings as an urban extension to the south west of Milton Keynes. This proposal covered a larger site area than that currently proposed by this planning application. The levels and distribution of housing provision in Policy MKAV1 of the SEP were proposed to deliver the spatial vision for Milton Keynes and Aylesbury Vale set out in

Policies MKAV2 and MKAV3. These policies clarified the housing provision split between the local authority areas in advance of Policy MKV2 which related to the spatial framework for Milton Keynes growth area. Policy MKV3 proposed the spatial framework for Aylesbury Growth Area

- 10.4 The draft Aylesbury Vale Core Strategy (2009) sought to carry forward all relevant information and policies from the SEP and in the proposed submission core Strategy The strategic objectives proposed a distribution of growth across the district and policy CS1 identified the provision of 5,390 dwellings in the north east of Aylesbury Vale close to Milton Keynes as part of the Core Strategy.
- 10.5 The Government revoked the South East Plan in July 2010 at which time AVDC withdrew the Core Strategy. Whilst these plans are no longer in place the background policy position is considered material to the planning application.
- Milton Keynes policy position
- 10.6 There are a number of relevant policies in the Milton Keynes Core Strategy 2013 including policies CSA NPPF Presumption in favour of sustainable development, CS1 Milton Keynes Development Strategy, CS6 Place-Shaping Principles for Sustainable Urban Extension in Adjacent Local Authorities, CS10 Housing, CS11 A Well Connected Milton Keynes, CS12 Delivering Successful Neighbourhoods, CS13 Ensuring High Quality Well Designed Places, CS18 Healthier and Safer Communities, CS19 The Historic and Natural Environment and CS21 Delivering Infrastructure amongst others.
- 10.7 Policy CS6 of the MK Core Strategy sets out that when and if development comes forward for an area on the edge of Milton Keynes which is wholly or partly within the administrative boundary of a neighbouring authority this Council will put forward the following principles of development during the joint working on planning, design and implementation:
1. The local authorities will work jointly, and with infrastructure and services providers, to achieve a coordinated and well designed development.
 2. A sustainable, safe and high quality urban extension should be created which is well integrated with, and accessible from, the existing city. Its structure and layout should be based on the principles that have shaped the existing city, especially the grid road system, redways and the linear parks and strategic, integrated flood management.
 3. A strategic, integrated and sustainable approach to water resource management (including SUDS and flood risk mitigation) should be taken.
 4. The design of development should respect its context as well as the character of the adjoining areas of the city.
 5. Linear parks should be extended into the development where possible to provide recreational, walking and cycling links within the development area and to the city's extensive green infrastructure and redway network.

6. Technical work to be undertaken to fully assess the traffic impacts of the development on the road network within the city and nearby town and district centres and adjoining rural areas, and to identify necessary improvements to public transport and to the road network, including parking.
 7. A route for the future construction of a strategic link road(s) and/or rail link should be protected where necessary.
 8. New social and commercial facilities and services should be provided, and existing facilities improved where possible, to meet the day to day needs of new and existing residents.
 9. The opportunity for new 'Park and Ride' sites for the city should be fully explored and where possible provided and efficiently and effectively linked to the city road system.
 10. The local authorities and their partner organisations should produce an agreement on appropriate mechanisms to secure developer contributions towards improvement and provision of infrastructure to support the development, including facilities in the city that will be used by residents of the development area.
- 10.8 Further relevant policies for MKC are set out in the adopted Milton Keynes Local Plan (saved policies) including S3 City Expansion Areas, S10 Open Countryside, S12 Linear Parks, D1 Impact of Development Proposals on Locality, D2 Design of Buildings, D2A Urban Design Aspects of New Developments, D4 Sustainable Construction, HE1 Protection of Archaeological Sites, NE1 Nature Conservation Sites, NE2 Protected Species, NE3 Biodiversity and Geological Enhancement, NE4 Conserving and Enhancing Landscape Character, T2 Access For Those With Impaired Mobility, T3,T4 Pedestrians and Cyclists, T5 Public Transport, T10 Traffic, T15 Parking Provision, T17 Traffic Calming, H1 Land Allocated for Housing, H2- H5 Affordable Housing, H8 Housing Density, H9 Housing Mix, L3 Open Space Standards of Provision and PO4 Percent for Art amongst others.
- 10.9 Paragraph 178 of the National Planning Policy Framework (NPPF) states that public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly where strategic issues are involved. It is expected by the Government that joint working on areas of common interest should be undertaken. The application site is wholly located within the administrative boundary of Aylesbury Vale District Council (AVDC), but the principal access points to the A421 fall within the administrative boundary of Milton Keynes Council (MKC). The planning application has been submitted to both AVDC and MKC to enable both authorities determine the elements of the proposed development that fall within their respective administrative areas.

10.10 The applications were originally submitted in July 2015 and since this date there has been ongoing dialogue and work with Milton Keynes Council on the proposal. A number of topic based meetings have taken place at regular intervals looking at key issues such as highways, education, design and layout and S.106 matters engaging with key consultees, stakeholders and the applicants. It is considered that the requirement to work cooperatively with adjoining authorities as specified in the NPPF has been met in this instance.

Whether the proposal would constitute a sustainable form of development

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

10.12 The NPPF promotes sustainable development and encourages consolidation of smaller rural settlements where it will enhance or maintain the vitality of rural communities. In terms of the sites broader location, the site falls within the Parish of Newton Longville. Newton Longville is identified in AVDLP as an Appendix 4 settlement implying that it is considered to be appropriate to allow "limited small-scale development" at the settlement. The Council's Draft Settlement Hierarchy Assessment 2016 identifies the settlement as one of the District's medium villages.

10.13 The site is located on the edge of Milton Keynes, and whilst it is within Newton Longville Parish, the site is actually approximately 0.5km distant from the built up area of the settlement of Newton Longville (to the south-east) and is more directly associated with the built form of Milton Keynes.

10.14 The nearest bus stops to the application site that are served by a regular bus service are on Chepstow Drive in Far Bletchley to the east of the site. These existing bus stops on Chepstow Drive are currently on Route 28 which provides on Monday to Saturday an hourly service operates between Central Milton Keynes and Bletchley Bus Station.

10.15 The nearest bus stops to the application site that provide a more frequent level of service are around 800 metres walking distance from the site boundary on Whaddon Way. These stops are currently on Route 4 which provides a 10 minute service during peak weekday hours and a 20 minute service throughout the rest of the day.

10.16 Bletchley Railway Station is approximately 4km driving distance from the application site to the east and therefore is accessible both by cycle and car. The station has parking spaces and there is also sheltered parking for cycles. The station, is located on the West Coast

Main Line, providing connections to Milton Keynes Central and Birmingham New Street to the north, and Watford and Euston to the south. The station also provides links to local stations, including Leighton Buzzard. Southern Trains operates an hourly service which terminates at South Croydon.

- 10.17 Milton Keynes Central is approximately 7km driving distance from the site and is therefore accessible by both cycle and car. Cyclists can also use the network of Redways to access the station. The train operators serving Milton Keynes Central are London Midland, Southern trains and Virgin Trains.
- 10.18 These services and facilities are within 5km of the site, a distance where cycling can be considered a meaningful alternative to the private car. The application site is well connected on a local, sub-regional and regional scale. The A421/H8 Standing Way runs in a north easterly direction towards the A5 providing connections to the Bletchley, Emerson Valley and Furzton areas. A roundabout at the junction of H8 Standing Way and V6 Grafton Street allows access to Redmoor Roundabout which interchanges with the A5. To the east of the A5, A421 Standing Way provides access through to Junction 13 on the M1 Motorway and also north into Bedford.
- 10.19 To the west, the A421 provides links to Buckingham and the A43. The A421 runs west from Bottle Dump Roundabout in the north-west corner of the application site, and providing links to the surrounding villages. The A421 continues west and meets the A413 to the east of Buckingham, some 12.5km west of the site.
- 10.20 National Cycle Route 51 (Sustrans) runs south-west through the site, along Weasel Lane from Buckingham Road, crossing Whaddon Road before re-joining the road network, east of Lower Salden Farm. Weasel Lane is a restricted byway, and the site can link with a number of public right of ways in the vicinity. The Milton Keynes cycle network, the Redway system, connects to the site, and a route can be followed towards the City Centre and Central Milton Keynes Railway Station.
- 10.21 Furthermore, there is good access to employment and leisure opportunities in Milton Keynes and the proposal also includes employment provision creating further opportunities. It is therefore considered that the site is in a sustainable location for growth and is capable of accommodating a level of development which will be dependant on a number of issues discussed below.

Build a strong competitive economy

- 10.22 The NPPF states that the Government is committed to securing and supporting sustainable economic growth in order to create jobs and prosperity. Paragraph 17 of the NPPF defined the 12 core land use planning principles which should underpin both plan-making and decision-taking.

- 10.23 The third core principle is that planning should “proactively drive and support sustainable economic development” and that “every effort should be made objectively to identify and then meeting the ... business... needs of an area”. Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and places significant weight on this element. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Paragraph 20 states that “local planning authorities should plan proactively to meet the development needs of businesses and support an economy fit for the 21st century”.
- 10.24 The Government is committed to securing and supporting sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
- 10.25 In recognition of the importance of sustainable development the application proposes a sustainable mix of uses on site and job creation, the proposed employment element comprises of 2.07 hectares. This will be developed for B1 purposes, most probably offices. The offices will be developed at the gateway to the scheme, fronting the A421, and next door to the neighbourhood centre and would be closely related to the employment uses located opposite the application site within MKC. This would provide high quality employment space in a phased development as well as a local centre and up to 1855 new homes
- 10.26 The application is accompanied by a Planning statement and retail and employment Reports which considers that the site proposes a balanced and diverse employment offer creating a land use blend which is compliant with the requirements of the NPPF.
- 10.27 The neighbourhood centre will provide a range of community infrastructure and facilities to ensure the delivery of a sustainable mixed use development of sufficient critical mass and diversity to meet the requirements and expectations of the new community and generate new employment opportunities.
- 10.28 The Employment Assessment advises that based on a plot ratio of 0.45 the provision of 2.07ha of employment land would generate 9,315 sq m of floor space (gross external area (GEA)). 80% of this would represent usable floor space of 7,452 sq m.
- 10.29 The submission is clear to explain that this site is deliverable and will provide a range of local employment opportunities for people with differing skills and work experience.
- 10.30 The proposed development would also include small scale retail/ community uses within the neighbourhood centre to provide a further element of Local employment. 0.67Ha of land is allocated for a neighbourhood centre which will comprise a mixed use space for local retail and other services to include retail (A1), financial and professional services (A2),

a family public house (A4) and takeaways (AS) and community and recreation uses (DI and D2). Retail provision on the site would be modest and limited to only providing convenience needs for the residents of the new development, ensuring no impact upon existing services and facilities in the area in line with NPPF advice.

- 10.31 The ES also sets out that in economic terms the development will create in excess of 150 construction jobs on site, for the majority of the duration of the development of the project. It is also estimated that once fully constructed, the new development will create approximately 1,880 new permanent jobs, 621 fte arising from the proposed employment land and 1,261 fte from the neighbourhood centre, schools and supporting on site community facilities / services, depending on the exact types of businesses that occupy the new units. It is also predicted that the completed development will generate a figure of £48,230,000 arising as support for the local economy, this being a reflection of gross median household incomes derived from the Council's monitoring data. The ES provides an estimate of New Homes Bonus arising from the scheme of £8,000,000. The Retail Assessment concludes that the turnover of the proposed food store will be £4,380,000 whilst the housing will generate £10,160,000 of convenience retail expenditure to the local economy.
- 10.32 Therefore, not only will the development provide additional employment land and the direct creation of jobs which weighs in its favour, it is acknowledged that the construction of the development in itself would contribute to the economy of the area and so too would the resultant population growth in supporting local businesses, facilities and services with increases in expenditure estimated in the ES as well as the new services the development includes. It is therefore considered that the proposal would give rise to a number of economic benefits, which should be afforded significant weight in the overall planning balance.

Deliver a wide choice of high quality homes

- 10.33 As of October 2016, based on the best available information, the 5 year housing land supply position now stands at 5.8 years, which means that the Authority now have in excess of 5 years supply. This uses the updated Buckinghamshire HEDNA (October 2016) figure for Aylesbury Vale as the requirement figure (965 dpa), and doesn't include any element of unmet need at this stage. This position is a result of the updated Buckinghamshire HEDNA which has been revised to reflect new population and household projections. Members are referred to the overview report on the detailed clarification and background information on the HEDNA position.
- 10.34 It is acknowledged that this continues to be an interim position as no element of unmet need that we will be asked to accommodate in Aylesbury Vale is included. It would not be appropriate to include that unmet need element in the housing requirement as any potential

unmet need figure is not agreed with other HMA authorities as yet (see paragraph 3.7 of the October 2016 position statement).

10.35 This means that paragraph 49 of the NPPF is no longer engaged, however there are no up-to-date housing supply policies in AVDLP and the NPPF requires that housing applications are considered in the context of the presumption in favour of sustainable development and to boost significantly the supply of housing. Therefore, on this basis and having regard to the significant contribution that the proposal would make to the housing supply of the District, it is considered that this benefit should be afforded significant weight in the overall planning balance.

10.36 The submission confirms that the site is deliverable and estimates that work would commence on site within 12 months of the outline permission being granted (to allow for reserved matters applications to be submitted and approved). The Planning Statement advises that the infrastructure delivery would take two years from outline permission (2019/20) and housing delivery also two years from outline permission (2019/20-2025/26) and completion seven years from reserved matters (2025/26).

10.37 The planning statement advises that the site could deliver approximately 600 dwellings in the five year period.

	Year 1 2019/20	Year 2 2020/21	Year 3 2021/22	Year 4 2022/23	Year 5 2023/24	Year 6 2024/25	Year 7 2025/26
Estimated Completions	80	210	310	360	360	360	175

10.38 The SWMK Consortium comprises both developers and housebuilders, all of whom are experienced at delivering large scale mixed use developments of the type proposed in this planning application. The application site is either owned by members of the Consortium or is controlled under option. The report concludes that the initial phases of the proposed development are deliverable, and could contribute to the five year housing land supply. The proposed development is developable between years 2017/18 and 2023/24 and is considered viable.

10.39 Furthermore, the applicant has confirmed through S106 discussions that 30% (557) of the dwellings are to be affordable units which accords with policy GP2 of the AVDLP which requires 20-30% provision of affordable housing and any phasing will ensure that the aggregate percentage as the scheme progressed does not fall below 30%. Regard is paid to MKC policy H4 requires that developments secure 30% of new housing in the Borough as affordable housing. It is considered that the upper limit threshold for affordable housing is in line with policy requirements of AVDC. It is acknowledged that there remains a high demand / need for affordable housing within the district and the beneficial weight to be afforded to this policy compliant scheme is considered to be significant in the planning

balance. S106 discussions are ongoing between the Consortium and housing officers on securing this provision and detailed discussion will agree the clustering standards, housing mix and tenure split.

- 10.40 The scheme is in outline and does not seek permission for a specific housing mix and officers will ensure at the detailed matters stage that the market housing and affordable housing on the scheme accords with the housing need prevailing in the District at that time and is reflective of the overall mix of dwellings within the development.
- 10.41 There is no reason that the site could not be delivered and it is considered the proposal would make a worthwhile contribution towards the supply of deliverable housing land and contribution of affordable housing on site as well as the mix of properties to be proposed. The proposal would provide sustainable homes that would have economic, social and environmental benefits, and the resulting social benefits attract significant weight in favour of the development in the overall planning balance.

Promoting sustainable transport

- 10.42 The NPPF at para 32 seeks to encourage sustainable transport modes and to ensure safe and suitable access to new development.
- 10.43 It will also be necessary to consider whether the proposal provides opportunities to undertake day-to-day activities and that the development would ensure that safe and suitable access to the site can be achieved for all people, and that improvements can be undertaken that effectively limit the impacts albeit that development should only be refused on transport grounds where the residual cumulative impacts are severe.
- 10.44 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.
- 10.45 Access into the site is a matter for consideration in this application and as submitted, there are three points of access proposed from the development onto the local highway network at the following locations: Whaddon Road, Buckingham Road and A421 Standing Way.
- 10.46 The access onto Whaddon Road falls within the jurisdiction of AVDC as local planning authority and Buckinghamshire County Council as highway authorities, whilst the A421 Standing way access point joins the highway network controlled by Milton Keynes Council. The Buckingham Road access joins the existing public highway controlled by Milton Keynes Council.
- 10.47 Three access points were selected to distribute traffic onto the local highway network and provide route choice options for new residents of the proposed development. The internal road layout, to be considered at the reserved matters stage, would however need to be designed to discourage through trips (rat running through the development). The internal

layout is to be considered as part of the reserved matters application, however the internal layout should accord with current standards.

- *Buckingham Road Access*

- 10.48 The original TA proposed a signalised gyratory arrangement. Both MKC and BCC raised concerns regarding introducing traffic signals in this area as well as the complex arrangement, which could be confusing for drivers.
- 10.49 In response to these concerns a new four arm roundabout junction has been proposed, encompassing two new site roads. The existing Redway on the northern side of Buckingham Road is to remain and a shared footway cycleway is proposed on the southern arms of the junction into the site. Toucan crossings are proposed on the western arm between the new roundabout and Tattenhoe Roundabout and where the new road crosses Weasel Lane, providing safe crossing facilities to the wider pedestrian and cycle network.
- 10.50 The assessment of this proposed junction shows that the junction operates within capacity in both the AM and PM peaks in the 2026 Base with Development scenario. Furthermore, the design of the junction does not impede the ability of either Council to deliver the Grid Road if required in the future. Whilst the modelling demonstrates that there is junction capacity available in its current form to accommodate changes to the network, additional land will be secured by S106 Agreement, as part of the Grid Road reserve, to ensure that amendments to this junction can be carried out in the future.
- 10.51 An independent Stage 1 Road Safety Audit has been undertaken and BCC are satisfied that the problems identified can be resolved during detailed design consideration at the reserved matters stage. These works are considered to be achievable within the limits of the highway and land within the applicant's control and can be secured by way of a condition.

- *Whaddon Road Access:*

- 10.52 The proposed access at Whaddon Road is a ghosted right turn priority junction, and BCC have confirmed that the design of the junction ensures that appropriate visibility can be achieved based on requirements set out in Manual for Streets 2 and DMRB.
- 10.53 An independent Stage 1 Road Safety Audit was carried out on the Whaddon Road access and the design has been amended to address the problems raised, including the extension and provision of a longer flare length (within the site) to accommodate peak hour demand for vehicles leaving the site.
- 10.54 The Stage 1 Road Safety Audit did raise concerns regarding the conspicuity of the junction to approaching road users. Whilst the Applicant has demonstrated that the required visibility splays can be achieved, the Highway Authority is of the view that further design

features are necessary and a speed limit reduction on Whaddon Road should be investigated. These are matters that can be secured by way of condition(s).

- 10.55 The results of the modelling work and sensitivity testing undertaken by the Applicants have adequately demonstrated that with an element of traffic reassignment the two site access junctions in combination have sufficient capacity to accommodate the vehicle trips generated by the proposed development. As such, the Highway Authority is of the view that subject to detailed design, 'safe and suitable access' can be achieved in accordance with the requirements of the NPPF.

- A421 Standing Way:

- 10.56 The design of the access from A421 Standing Way is in the form of a left in only junction. This junction falls within Milton Keynes Council's jurisdiction and is being considered separately by their planning committee. It should however be noted that in the MKC Committee report on the access application, MKC highways officers have raised no objections to the highway matters. BCC does not have any objections in principle to the proposed access arrangement, subject to detailed design and entering into relevant Highways Agreements. This can be secured via means of a S106 obligation.

Off Site Impact Assessment:

Milton Keynes:

- 10.57 It is acknowledged that the majority of traffic generated by the development is on roads within Milton Keynes. For assessing the impact within Milton Keynes, the Milton Keynes Traffic Model (MKTC) has been used. The MKTM has been accepted as suitable for the purpose of assessing the impact of the proposed development on the Highways England and Milton Keynes Road network. The demand model takes into account change in travel demand expected in Milton Keynes as a result of major land use and infrastructure changes. The model has not however been calibrated or validated within Aylesbury Vale and there is no evidence to suggest that the model is accurate in this regard.
- 10.58 BCC raised concerns to the use of the MKTM model for assessing the impact of the proposal within Buckinghamshire. It should be noted that BCC has not questioned the ability of the model as a tool to assess traffic conditions in Milton Keynes, only the ability of the model to reflect accurately traffic volumes and conditions in Aylesbury Vale.
- 10.59 Milton Keynes Council commissioned Stirling Maynard, an independent transport consultant, to assess the highway and transport impacts of the proposed development on the Milton Keynes network. Their comments recommend that there are no objections to the proposed access arrangements subject to conditions and a S106 Agreement.

- 10.60 As a result it was agreed that junction assessment using static models would be completed at locations within Buckinghamshire (8 agreed junction locations), using Automatic Traffic Counts (ATC) and Manual Classified Counts (MCC) survey data with a forecast year of 2026. This work was carried out during October and November 2015. The scope and location of the surveys were agreed with BCC prior to being commissioned and the Highway Authority is satisfied that surveys have been carried out in accordance with best practice and the 2015 base data is robust.
- 10.61 The junction assessments and proposed mitigation schemes have been reviewed by BCC and a full detailed position for each junction is set out in the full highway comments attached as Appendix 3.
- Mitigation Package A421 Corridor:
- 10.62 The A421 provides a key strategic east-west link within the Aylesbury Vale District, connecting the M40 with the M1 via Buckingham and Milton Keynes. The majority of the A421 is single carriageway; however the route becomes a dual carriageway after crossing the boundary with Milton Keynes. There are concerns regarding congestion on the A421 at peak times, and its function as a strategic east-west link. The further impact of potential developments on the A421 in Buckinghamshire is therefore of particular concern. As part of the application the A421 has been subject to extensive modelling and testing to ensure the highway network can accommodate the proposed development.
- 10.63 A number of the junctions along the A421 corridor are shown to be operating over capacity in 2026 without development traffic. This is a direct result of background traffic growth. The Applicant has however demonstrated that the impact of the development on the surrounding highway network can be mitigated and therefore the cumulative residual impact of the development cannot be considered 'severe' in the context of paragraph 32 of the NPPF. Furthermore, a number of the improvements proposed are likely to provide a 'nil-detriment' situation, whereby the highway network is 'no worse off' with the proposed development in a future forecast year of 2026.
- 10.64 At present the A421 is free flowing along most of its length in Buckinghamshire, with junctions managed through priority junctions or roundabouts. The Applicant has proposed signalisation of the priority junctions of the A421/ Warren Road and A421/Shucklow Hill/Little Horwood Road. Whilst the signal schemes proposed adequately resolves queuing on the minor road, it would also stop the free flow and introduce delays to the primary route.
- 10.65 This route is currently under consideration by the National Infrastructure Commission, as one of the East-West Expressway. It is therefore considered more prudent to commute the costs of construction of the signal schemes into a S106 agreement. This would avoid

abortive works being carried out by the Applicant and would result in a more considered mitigation scheme, taking into account external factors. As such a financial contribution towards corridor improvements has been agreed with the Applicant.

- *Traffic through the Villages:*

- 10.66 The Transport Assessment considers in detail the impact of the proposed development on the villages of Whaddon, Newton Longville, Little Horwood, Mursley and Great Horwood, in terms of capacity and road traffic safety. In order to establish base traffic conditions Automatic Traffic Counts and Manual Classified Counts were completed in October and November 2015.
- 10.67 The predicted increase in traffic flow is greatest through Newton Longville, due to the location of the development. The impact of development traffic reduces further to the north and west as traffic disperses across the wider highway network. The TA carried out by the Applicant indicates that even with the predicted increase in traffic flow, as a result of the proposed development, the link flows through all of the villages remain within theoretical capacity. through the villages.
- 10.68 The increase in traffic flow through Newton Longville is considered to be significant, with a 25% increase in the AM peak and 24% in the PM peak. The Applicant has proposed a traffic calming scheme to mitigate the impact of the development, which is addressed further below and is to be secured in a S106 Agreement.
- 10.69 The increases in traffic flow predicted through Nash, Great Horwood, Little Horwood and Mursley is not considered to be significant and would not result in a severe impact on the local highway network.
- 10.70 There is a moderate increase in traffic predicted through Whaddon, however a number of these movements are a logical choice between origin and destination with the majority being linear north-south movement's ending in the northern suburbs of Milton Keynes. Whaddon is already traffic calmed however the review of Personal Injury Collision (PIC) data has shown that there have been 7 collisions along Stock Lane and Codimoor Lane leading to and from Whaddon Village, one of these collisions was fatal. The Transport Assessment shows that there is a marginal increase in risk for further PIC in Whaddon and Newton Longville. It is envisaged that the traffic calming proposals in Newton Longville will suitably mitigate the potential for further PICs, however in order mitigate the potential impact in Whaddon a financial contribution is required towards road safety improvements on Coddimoor Lane and Stock Lane to be secured in a S106 Agreement.

- *Newton Longville Traffic Calming Proposals:*

10.71 An indicative traffic calming scheme for Newton Longville has been submitted as part of the revised TA, which includes enhanced gateway features on all roads leading into the village, pinch points along Whaddon Road, raised junction tables and signing/lining. BCC is satisfied that the scheme would provide the desired effect of deterring traffic that could otherwise use the strategic road network, by slowing journey times through the village. Despite this, the County Council is aware that Newton Longville Parish Council has their own aspirations for traffic calming within the village and is of the view that it would be more appropriate for a financial contribution towards the design, consultation and implementation of traffic calming be paid by the Applicant. This will allow the County Council to work with the Parish Council to provide a comprehensive traffic calming scheme that meets the aspirations of the local community. As such a financial contribution is required to be secured in a S106 Agreement.

- *Public Transport Provision*

10.72 In respect of bus services, currently the nearest bus stops to the site are 800m walking distance from the site boundary on Whaddon Way, currently served by Route 4 operated by Arriva which provides a 10 minute service from 6am to midnight. To ensure that all new dwellings are within 400m walking distance to a bus stop, it is essential for a bus service to be provided that enters into the application site.

10.73 The Applicant has proposed to either enhance an existing bus service or provide a new start up service to operate between the proposed development and Central Milton Keynes (CMK) via the existing rail station. The objective is to provide a high quality, fast, frequent and reliable bus service that serves the social and accessibility needs of those without access to a car. It is also expected that with the effective marketing initiatives included within the Framework Travel Plan, people who would otherwise use a private car will be encouraged to use the proposed bus service for many of their work and leisure based journeys.

10.74 Initial discussions with MKC and the operator Arriva indicate that either service 8 or 2 could be extended. An alternative would be to start a completely new high frequency service. It is intended the service would operate seven days a week, with a journey time of approximately 30 minutes between the site and CMK. This is considered to be adequate to provide a realistic option to new residents, in order to influence modal choice.

10.75 It is envisaged that the bus route will be introduced in phases over the life of the development, to ensure that residents in the first phases will have access to a bus service at the earliest opportunity. BCC requires the submission of a bus service phasing plan, which can be secured by condition. Indicative locations of the bus stops are shown on the illustrative masterplan and the majority of residential properties are within 400m walking distance of a bus stop, which is considered appropriate.

- *Rail, cycle and Pedestrian Provision*

- 10.76 The nearest railway station to the development sites is Bletchley Railway Station, approximately 4km distance to the east via the A421 / B4034. The station has provision for 628 parking spaces. It provides an hourly service to Milton Keynes, London Euston, Bedford, Croydon and Clapham Junction.
- 10.77 Bus access to Bletchley Railway Station would be via Bus Route 4 that operates with a frequency of every 20 minutes. The nearest bus stop for Route 4 is on Whaddon Way in Bletchley, a 950m walk from the Buckingham Road site access. Bus users would alight at Sherwood Road, from where it is a 300m walk to the Railway Station. The total journey time for this route would be 20 minutes (11 minute walk, 5 minutes bus, 4 minute walk).
- 10.78 Cycle access to Bletchley Railway Station would be via Buckingham Road. There is an existing Redway along Buckingham Road to Caernarvon Crescent, from where the route would be on-road to the station. The route is 3.2km long, equivalent to a 13 minute cycle (based on an average cycling speed of 15kph). An alternative route would be via the Redway on Buckingham Road initially, then using the quieter on-road routes of Whaddon Way, Shenley Road, Church Green Road, Wilton Avenue and a short cycle path to the station. The route on quieter roads is 4km; equivalent to a 16 minute cycle.
- 10.79 Milton Keynes Central Railway Station is approximately 7km from the site (via Snelshall Street, Childs Way and Elder Gate). It provides an hourly service to Milton Keynes, Watford Junction, London Euston, Croydon and Clapham Junction. Access to Milton Keynes Central Railway Station by public transport would be via the extended Route 8, with an approximate travel time of 18 minutes from the Site.
- 10.80 There is good access from the site to local footway/footpaths and the local cycle network, providing connections to services and facilities within the area. National Cycle Route 51 (Sustrans) is the nearest cycle route to the A421 corridor; it runs between Bletchley and Winslow, passing to the south of Salden Chase, before continuing on to Bicester. Furthermore, the majority of the A421 corridor consists of unclassified rural roads, where on-road cycling is a viable option.
- 10.81 The Milton Keynes Cycle Network, known as the Redway System, commences west of the Bottle Dump roundabout and continues eastbound, north of the A421 Standing Way. The existing infrastructure provides highway quality routes from the site to both Milton Keynes City Centre and Central Milton Keynes Railway Station. Pedestrian access to the proposed development will be achieved as follows with all but the recreational footpaths being available for use by cyclists:
- The old Buckingham Road south of the current A421 dual carriageway:

- Whaddon Road - across the A421 close to Bottle Dump Roundabout via the existing subway;
- The existing Subway across A421 to Snelshall West
- Buckingham Road – south east of the Tattenhoe Roundabout;

10.82 An updated illustrated masterplan has been submitted in support of the planning application. The masterplan aims to encourage walking and cycling as realistic alternatives to that of the private car, through high quality infrastructure. The masterplan identifies ‘alternative’ Redway routes through the site which is considered a positive benefit and will need to be developed further as part of any future reserved matter applications.

10.83 Off-road pedestrian/cycle footway should be provided along the primary route corridors. The County Council supports the principle of Linear Walks and as part of the reserved matters consideration will need to be paid to surfacing and lighting to ensure that these are high quality, attractive routes. A number of new routes are proposed within the site, including:

- north side – conversion of the old A421 Buckingham Road into a cycling route;
- south side – footpath/cycleway within a new linear park parallel to the railway;
- east side – bridleway along the alignment of Footpath NLO/19/1
- west side – walking/cycling route parallel to Whaddon Road;
- central east to west – Weasel Lane is retained forming National Cycle Network Route 51 (Sustrans); and
- central north to south – a route passes through the centre of the development.

10.84 The details of the cycle and pedestrian infrastructure within the site will need to form and be considered as part of any future reserved matters application.

- *Public rights of way*

10.85 A number of improvements to the surfacing of the local footpaths are proposed those within the site will be completed as part of the development and a financial contribution is to be secured as part of the Section 106 Agreement for those routes outside of the site. The improvements within the site include:

- Footway/cycleway/bridleway along Grid Road reserve to be provided and constructed to ‘Redway’ standard; Existing PROW
- Upgrade of footpath 19 Newton Longville Parish, resurfaced to a sealed carriageway standard to a width of 3m between Weasel Lane and the railway underpass; route to be dedicated as a public bridleway;

- Restricted byways 20 and 25 Newton Longville Parish and Restricted Byway 15 Mursley Parish, locally known as Weasel Lane, to be resurfaced to a width of 3m, between Dagnell House Buckingham Road to the adopted highway adjacent to Lower Salden farm entrance; and
- Dedicate as a PROW with public bridleway status alongside Whaddon Road from Weasel Lane to Bottle Dump roundabout and provide a sealed surface 3m wide. This would form part of the Milton Keynes boundary walk and would be contained within the Site behind a landscaped buffer.

10.86 Weasel Lane, passing south-west to north-east through the centre of the site, Weasel Lane is likely to be a busy walking and cycling route used by new residents. Weasel Lane is restricted by a byway, for use by pedestrians, cyclists and horseback. Notwithstanding its status, Weasel Lane is accessible to motor vehicles from both Whaddon Lane and Buckingham Road and provides access to the existing residential property.

10.87 It is proposed as part of this application to improve the surface of Weasel Lane, which will encourage walking and cycling within the site but also longer trips to Milton Keynes and Winslow that National Cycle Route (NCN 51) aims to achieve. A 3m wide walking cycling route should be secured by way of condition and supported by a S106 to resurface Weasel Lane outside the red line, from Whaddon Road south-east to the property 'Weasels'.

10.88 The application proposes a new connection for walkers and cyclists between Weasel Lane and the Bottle Dump roundabout, along a green corridor. This represents a significant improvement for existing users of the MK Boundary Route as they currently have to walk in the vehicular highway along Whaddon Road or the adjoining grass verge. It will also provide an important strategic connection between NCN 51; the proposed new cycling route along the old Buckingham Road (A421); and the Redways alongside the new A421. It will also be a positive draw for new residents wishing to walk and cycle between communities on this side of the development. The route would be further complimented by a new Pegasus crossing on the Bottledump Roundabout and the proposed conversion of the old A421 Buckingham Road into a cycling route. The details of this route will need to form part of any future reserved matters application.

10.89 Footpath 19 Newton Longville Parish connects the parish of Newton Longville with the new development site. As part of the package to mitigate the impact of the development and improve connectivity with Newton Longville, an improvement is required along Footpath NLO/19/2 and NLO/19/3. The footway within the site is to be resurfaced to a sealed carriageway standard to a width of 3m between Weasel Lane and the railway underpass, to be dedicated as a public bridleway. South of the railway bridge, a contribution would be

required for the improvement of the footpath between the site and Nos. 36 and 38 Whaddon Road, Newton Longville.

- Internal Road Layout:

10.90 As part of the illustrative masterplan submitted in support of the planning application, a new network of Primary Streets will form the principal circulation route for all vehicular traffic. The route will connect with the existing highway network at the three access points. The indicative plans show that the primary street is to be 7.3m wide, with a footway/cycleway of 3m wide, which is considered to be appropriate for the nature of the road.

10.91 The primary streets are to form part of the proposed bus route. The primary streets therefore need to be designed to avoid on-street car parking, which could result in obstructions to the bus route. This could be achieved by ensuring appropriate off-street parking is provided, the use of on-street car parking laybys, and frontage car parking with dropped kerbs. This will need to be considered as part of any future reserved matter applications.

10.92 The illustrative masterplan shows the tertiary roads to be between 4.8m and 5.5m, which are considered appropriate for the nature of the road. All roads will need to be designed to accommodate an 11.2m refuse vehicle in line with AVDC fleet requirements and tracking should be provided as part of any future reserved matters application.

10.93 There are two schools (a primary and secondary) proposed as part of the development. The internal road layout will need to be carefully designed as part any future reserve matters application to accommodate these facilities. The design will need to consider drop off provision, widened footways, crossing points, road signage and lining to provide for a serviced school site. In addition the bus stops serving the school will need to be designed to accommodate the predicted number of buses/coaches, to ensure that they do not obstruct the free flow of traffic. This will require early engagement with BCC Education and Highways Development Management team.

- Grid Road:

10.94 Whilst the proposed development only requires a single carriageway road for access, the masterplan has been developed to ensure that at a dual carriageway could be provided in the future. The land for the grid road will need to be adequately secured in the S106 Agreement, so that the Councils can develop and implement a scheme in the future. Furthermore the detailed design should look to limit the future cost of dualling and this will need to be demonstrated as part of a future reserved matters application.

10.95 Buckinghamshire County Council consider that new residents of the proposed development would have ability to access rail services by means other than that of the

private car, and the benefits of an improved bus service are acknowledged, such that the site is considered to be sustainably located. The inclusion of facilities on site will enable residents to make local shopping trips, which reduce the need for car travel and offers some employment opportunities at a local level. This in turn enables appropriate social infrastructure to support the residents of the site and enable residents to engage positively with the community and contribute socially with the community, in line with NPPF guidance.

- 10.96 Furthermore, it is considered that the proposal would comply with the principles of the MK Core Strategy including Policy CS6 and to those principles of policies of the adopted Milton Keynes Local Plan including S3 City Expansion Areas, T3,T4 Pedestrians and Cyclists, T5 Public Transport, T10 Traffic, T15 Parking Provision and T17 Traffic Calming amongst others.
- 10.97 Overall BCC Highways consider that the development proposal would not have an unreasonable impact on the highway network and advise there are no objections to the scheme. As such it has been demonstrated that the proposal would not have an unreasonably adverse impact on highway safety or convenience and would not be contrary to NPPF advice, and therefore this factor should be afforded neutral weight in the planning balance.

Conserving and enhancing the natural environment

- 10.98 In terms of the impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Permission will not be granted for development that impairs the character or identity of the settlement or the adjoining rural area. Regard must be had 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 consider the proposal in terms of agricultural land, landscape, Trees and hedgerows and biodiversity.

- Landscape

- 10.99 One of the core land-use planning principles in the NPPF that should underpin decision taking is that planning should take account of different roles and character of different areas including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. The document goes on to say that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.
- 10.100 The NPPF states that planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

- 10.101 AVDLP policy GP35 requires that new development respects and complements the physical characteristics of the site and its surroundings, the building tradition of the locality, and the scale and context of the setting, the natural qualities and features of the area and the effect of the development on important public views and skylines. NPPF advises at paragraph 109 that the planning system should contribute to, and enhance, the natural and local environment by, among other things, protecting and enhancing valued landscapes.
- 10.102 Policy NE4 of the MK Local Plan states that where development in the open countryside is acceptable in principle under other policies in this plan, it should respect the particular character of the surrounding landscape.
- 10.103 The Environmental Statement includes a chapter containing a Landscape and Visual Impact Assessment and this has been updated through the submission of a addendum ES statement for the Landscape and Visual Impact Assessment chapter, which takes on board comments from the Councils Landscape Officer on the scope of the LVIA and which assesses the potential landscape and visual effects of the proposed development before and after mitigation measures.
- 10.104 The site is greenfield land and is located in the open countryside adjacent to the settlement of Milton Keynes, and has physical boundaries to the north in the form of the A421, the south by the disused railway line and well treed embankment and also to the west with Whaddon Road and Bletchley to the east. Whilst the proposals represent an extension of built development into the open countryside, these site specifics offer some visual and physical containment of the development.
- 10.105 The ES and the updated addendum assesses the visibility and views and through a Zone of Theoretical Visibility exercise to establish the representative visual envelope and has identified a number of viewpoints where the development has been assessed from and evaluates the potential effects through the phases of development. The ES considers that the development would result in a permanent land use change from agricultural land to built development
- 10.106 The ES has judged that at the outset (on completion of the development) the proposal would result in major-moderate adverse landscape effect on the site, which is concluded as being a locally significant effect. 15 years after completion the GI would form a mature framework of connected woodland, parks, greenspace and recreational routes that would provide considerable environmental benefits (in line with the enhance and reinforce guidelines) and it is assessed in the ES that these benefits would reduce the degree of adverse effects to moderate adverse and that these effects would not be significant.
- 10.107 Turning to the conclusions of the ES on the visual effects, this advises that views of the proposed development within the wider landscape would be restricted as a result of the containment created by the built up area of Milton Keynes and Bletchley, and as such marked adverse effects would be limited to receptors that are either within the site or within

the immediate landscape. It is assessed that the proposed development would not be an uncharacteristic feature within the landscape given the sites proximity to the edge of Milton Keynes and Bletchley. In the longer terms as the development's GI becomes fully established and mature the framework of woodland, trees and hedgerows around the perimeter of the of the site and within the layout would help to soften and filter views of the built form and as a result it has been concluded that none of the visual effects are judged to be significant in the longer term.

10.108 The ES also assesses the night time effects of the development noting the existing baseline situation of Milton Keynes and Bletchley which presently illuminate and impart a level of sky glow on the landscape. Therefore, whilst it is acknowledged that there would clearly be a degree of adverse effect, it has to be recognised that the change to the site will be experienced in the context of the already well-illuminated surrounding built up area especially in long views and therefore, would not be seen to especially intrusive or harmful to the night sky.

10.109 The site lies within Character Area "Bedfordshire and Cambridgeshire Claylands". It is not situated within a landscape that is afforded any statutory landscape quality protection or designation at an international, national, regional or local scale. The nearest landscape designation being the Whaddon-Nash Valley LLA which lies 1.8km to the north-west of the site. The Aylesbury Vale Landscape Character Assessment (Jacobs 2008), identifies that the site is located within the Newton Longville-Stoke Hammond Claylands Landscape Character Area (LCA), the condition of which is assessed as being moderate with a low sensitivity and an overall guideline to enhance and reinforce the character area. The key characteristics and landscape elements include and which are relevant to the application site; a gently undulating to rolling landform, heavy clay with mixed agricultural use, nucleated settlement pattern and parliamentary enclosures.

10.110 The application was originally submitted with a LVIA (dated January 2015) in support of their proposal which concluded that the proposed development of up to 1855 dwellings etc., on this currently green field site, will not result in significant landscape character impacts in the long term on the site itself or in either the short or long term on the wider character area (Newton Longville - Stoke Hammond Claylands LCA 4.9) within which it lies. This was a conclusion that the Council's landscape Officer considered to be unreasonable.

10.111 The Landscape officer considers that the proposed development will be perceived, both from within the site and from the wider landscape as a significant change in landscape character terms in both the short and long term when assessed against the existing landscape character 'baseline' of undeveloped agricultural land in open countryside and it is upon this basis that the proposed development should properly be considered.

- 10.112 The landscape officer acknowledged that the original submission addressed a number of concerns which had been raised on the previous planning submission (withdrawn prior to determination) and considered that with regard to the identified need for 'better physical connections across Weasel Lane' this has been addressed in principle by the provision of both a 'primary' and 'secondary' connection north south across the proposed area of GI that occupies the high ground in the centre of the site.
- 10.113 Following lengthy and detailed discussions relating to the landscape and design merits of the application, the applicant has proposed a number of changes to the submitted scheme with a view to addressing (amongst other matters) a number of the landscape and visual issues raised in the landscape officers original comments. To reflect these changes, the applicant has submitted an 'Addendum Environmental Statement' (dated July 2016) contained within which is a revised Landscape and Visual Impact Assessment (LVIA).
- 10.114 Having considered the revised design, the applicant has concluded in the revised LVIA that the proposed development, with respect to its landscape character impacts, would 'at the outset ... result in a major-moderate adverse landscape effect on the site, which is concluded as being a locally significant effect' but that after 15 years 'the Green Infrastructure would form a mature framework ... that would be providing considerable environmental benefits [and] ...that these benefits would reduce the degree of adverse effects to moderate adverse, and that these effects would not be significant'.
- 10.115 Whilst the Landscape officer accepts the conclusion set out in the LVIA with regard to the impacts at the outset, he disagrees with the conclusions for year 15 and beyond. In line with the officers previous comments he was of the opinion that the proposed development would be perceived, both from within the site and from the wider landscape as a significant change in landscape character terms in both the short and long term when assessed against the existing landscape character 'baseline' of undeveloped agricultural land in open countryside. Whilst it is accepted that the improvements to the layout will, by year 15, have mitigated the impact of the proposed development on the wider landscape to the extent that the effects may reduce to a level that is less than significant, he does not accept that these improvements would reduce the impact on the landscape within the site to a level that is less than significant and it is on this basis that the revised scheme should be considered in the planning balance with regard to landscape character impacts.
- 10.116 With respect to the visual impacts of the proposed development, the revised LVIA concludes that 'in the longer term, as the development's GI becomes fully established and mature, the framework of woodland, trees and hedgerows around the perimeter of the site, and within the layout, would help to 'soften' and filter views of the built form. As a result, it is concluded in the LVIA that the level of effects on all visual receptors would lessen, and that none of the visual effects are judged to be significant in the longer term'.

- 10.117 The indicative Landscape Masterplan sets out the landscape framework for the proposal and allows for a significant provision of Green Infrastructure (GI), with 53.67ha to be allocated as open space and landscape in a range of forms including an 'eco-corridor', formal and informal open space to create a high quality and distinctive landscape. The proposal sets out mitigation of the potential significant adverse landscape and visual effects and which includes an enlarged perimeter screen and structural planting, the redesign of the proposed layout to facilitate the introduction of tree planting tiered through the site utilising the gradient of the site and an ecological buffer, the inclusion of open spaces, the retention and enhancement of the public rights of way/ bridleway and key features such as hedgerows and trees, sensitively designed lighting scheme and sensitive positioning of development away from the central ridge line.
- 10.118 Turning to the relationship of the proposed development to the adjacent settlement of Milton Keynes, it is considered that the proposed development would provide a generally logical and cohesive extension to the existing settlement pattern and character of the settlement. Whilst the proposed development is designed to be responsive to the specific context and character of the site upon which it is proposed (rather than definitively following the MK 'development style') it is clear that the proposed development does seek to address its relationship with the adjacent settlement in a constructive and positive manner, taking influences from the adjacent settlement character.
- 10.119 The proposed Green Infrastructure delivery seeks to integrate the proposed areas of open space with the extensive city wide network – in particular the MK Boundary Walk and the neighbouring Chepstow Park, through particularly the extension of the linear park network. With regard to the MK grid road system, whilst the proposed development adopts a more relaxed approach to the delivery of a grid system than that adopted in the wider city, the application seeks to provide and safeguard for the future extension of Snelshall Street (V1) as part of the proposals should this be required in the future.
- 10.120 Generally the proposed development adopts an approach to settlement character that seeks to respond to the topographical and landscape issues on the application site rather than proposing a wholly MK based style of development. In that regard it is considered that the principles of those policies set out in MK Local Plan and the MK Core Strategy and in particular policy CS6 relating to development on the edge of Milton Keynes..
- 10.121 However, it is clear there will still be significant landscape and visual impacts on the area of the development site itself and its immediate surrounding landscape through the proposed development of a greenfield site and the topography of the land. However, the adverse impact would be limited to the site itself, users of the footpaths and the sites immediate setting due to its position at the urban edge of Milton Keynes. It is noted that without a mitigation package being in place the landscape impacts would have a significant adverse

impact. However, noting the layout and mitigation measures that are proposed as part of the scheme it is considered that this factor is an adverse impact to be attributed moderate negative weight in the planning balance.

- *Agricultural land*

10.122 Paragraph 112 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 (Grades 1, 2 and 3a) 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.

10.123 The ES includes an Agricultural Land Classification Study and which assesses 144 hectares of predominately agricultural land which at the current time is primarily in arable use with a small area of grassland to the northern and western boundaries. The site is occupied by a number of separate farm business, on a variety of different tenures.

10.124 The application site is shown on the Provisional Agricultural Land Classification Map as being Grade 3 and 4, and the agricultural land classification survey shows mainly sub-grade 3b land, of moderate quality (88%) with small areas of better quality land, Grade 3a (11%) and other land (1%). The moderate quality land is limited by soil wetness and significant wetness/workability problems. The better quality land is described with lighter textures or having soils with calcareous topsoils. In summary the site comprises of 16 hectares (of the 144 ha total site area) of best and most versatile agricultural (BMV) land. This falls below the threshold of 20ha set by Natural England. The magnitude of the impact on the agricultural land as a result if the irreversible development of this quantity of BMV land is considered to have an adverse effect. In terms of the 4 occupying farm businesses, three of these businesses will remain operating off-site as viable businesses and the fourth is only a part time business. As such this matter should be afforded limited negative weight in the overall planning balance.

- *Trees and hedgerows*

10.125 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.

10.126 The application is accompanied by an Arboricultural Assessment to identify the quality and value of existing trees on site which was supported by the Tree Officer. The site has no trees subject to tree preservation Orders. A total of sixty four individual trees and twenty five groups of trees were surveyed as part of the arboricultural assessment. Six of these and three groups of trees were graded as category A, 28 trees and 8 groups of trees were graded as B and 19 trees and 11 groups of trees were graded as C and there are 13 individual and 3 groups of trees graded as category U trees on the site which could be removed as good arboricultural practice.

10.127 Trees of A and B category are to be retained and incorporated into the development as the proposal seeks for the retention and protection of existing good quality trees and hedgerows. All trees to be removed, with the exception of two trees (T47 and T60), were considered to be of low arboricultural quality or low amenity value. The trees assigned category C are those which whilst still relatively young should not present a significant constraint to the potential to develop the site. Loss of category C material can suitably be mitigated for through new tree planting forming part of the overall landscaping proposals which would support the development. Any current amenity value can be regained within a relatively short time frame and therefore such losses should not raise objection from an arboricultural perspective.

10.128 New structural and screen tree planting, hedge and shrub planting is also indicated as being proposed as part of the future detailed scheme. On the basis of the detail submitted it is considered that a scheme could be designed to pay adequate regard to the landscaping of the site and subject to completion of a Tree Protection Plan and Arboricultural Method Statement such that the development would accord with AVDLP policies and with relevant NPPF advice and as such this factor should therefore be afforded neutral weight in the planning balance.

- *Biodiversity*

10.129 Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible. Policy NE2 of the MK Local Plan states that planning permission will be refused for development if it would be likely to adversely affect animal or plant species, or their habitat, specifically protected by law. Policy NE3 of the MK Local Plan seeks that all new development exceeding 5 dwellings (in the case of residential development) or incorporating gross floorspace in excess of 1000 sq m (in the case of other development) will be required to incorporate proposals to enhance biodiversity and geological features which are appropriate to, and where possible compensate for, impacts on the immediate area and the site characteristics.

10.130 The application is supported by an ecological assessment which has been updated during the course of the submission, and the Council's Biodiversity Officer confirms that the surveys submitted are sufficient to accurately gauge what species and habitats are present on the site.

10.131 The assessment details the species and habitats currently found on the proposed development site as a number of surveys were carried out (badger, bats, reptiles, great crested newts and birds).

10.132 However, the officer considers that the current proposals do not quantify ecological impacts in a meaningful way to enable pre and post development comparison, sufficient to objectively assess net losses or gains. The NPPF seeks enhancements where possible and the minimum requirement is for no net loss. A condition could be attached to any

approval of this outline application requiring the submission of a scheme that provided for no net loss of biodiversity on the site and secure the submission of full details for mitigation in accordance with NPPF guidance. Furthermore the application is considered to accord with policies NE2 and NE3 of the Milton Keynes Local Plan.

10.133 In the planning balance it is considered that this matter should be given neutral weight.

- *Air Quality*

10.134 The NPPF includes air quality as an issue to be evaluated when considering the need to conserve and enhance the natural environment and that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

10.135 The ES includes a chapter which assesses the air quality effects associated with the proposed development and looks at both the construction and operational impacts of the proposals. The assessment methodology was agreed with AVDC prior to the assessments being undertaken. Information provided in the Transport Assessment and on traffic modelling has been used to predict local air quality. The designated Air Quality Management Areas (AQMA) are approximately 18km to the south of the application site and would not be affected by development traffic.

10.136 The Council's Air Quality Officer has accepted the content and conclusions of the assessment. The amendments to the scheme does not alter the quantum of development and overall trip generation and therefore, the air quality impacts remain as originally assessed. The construction works have the potential to create dust and during construction it will therefore be necessary to apply a package of mitigation measures to minimise dust emission, and with these measures in place it is expected that any residual effects will not be significant. Mitigation measures can be used and secured by condition. The air quality impacts associated with the construction and operation of the proposed development have been assessed and it has been concluded that the operational impacts of increased traffic emissions arising from additional traffic on local roads will be negligible at all receptors and the impacts on overall operation air quality would be insignificant. This is considered to be a neutral factor in the planning balance.

- *Noise*

10.137 Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of the new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development including through the use of conditions.

- 10.138 AVDLP policy GP8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.
- 10.139 MKC policies D1(Impact of development proposals on locality), T10 (Traffic), E4 (Employment Development in the Town, District and Local Centres and E9 (Controlling the risk of pollution) are relevant to the consideration of noise impact.
- 10.140 The ES includes a chapter on noise and vibration which considers the effects of the proposed development during construction and once operational and the noise associated with the employment uses of the development.
- 10.141 The Environmental Statement identifies that noise and vibration impacts in relation to the scheme will occur during both the construction and operation. The report identifies monitoring locations both within AVDC and MKC for noise monitoring. During construction, the nearby properties will experience adverse effects from noise and vibration but this will be temporary and intermittent in nature and generic mitigation measures to reduce the effects will be employed. There are potential impacts from the increased levels of road traffic and also from new any fixed installations and plant associated with the proposed development.
- 10.142 No objections have been raised by the Environmental Health Officer subject to the noise mitigation measures detailed in chapter 12 being implemented as part of the Construction Environmental Management plan. The measures highlighted can be secured via a condition and with detailed consideration of the layout at reserved matters stage, to allow maximum enjoyment of gardens and amenity areas for residents as well as satisfactory internal noise levels within dwellings. Officers are satisfied with the content and findings of the noise assessment in the ES and consequently, following the adoption of the recommended mitigation measures as outlined in the ES and conditions, there is not considered to be a detrimental noise impact from the proposed development and therefore, this matter is assigned neutral weight in the planning balance.

- *Contamination*

- 10.143 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 121 that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions.
- 10.144 The ES includes a chapter on ground conditions and contamination assessing the potential environmental effects on ground conditions and contamination. A Phase 1 Desk Study has been completed on the site and it was agreed with the contaminated land officer that no site investigation was necessary to inform the EIA. The land has always been used as

farm with two minor tracks and a footpath with a railway line to the south of the site. The only potential sources of contamination related to imported made ground associated with minor areas of hardstanding, the railway lines and associated sidings, contamination associated with factories to the north and contaminants associated with farming. The investigation concluded that there is unlikely to be a requirement for large scale remedial works but it is proposed to conduct ground investigations at the application site prior to the detailed design of the proposed development in order to delineate areas of contamination and any other risks prior to construction. A condition can be attached in case any contamination is found. This is considered a neutral factor in the planning balance.

Conserving and enhancing the historic environment

10.145 The NPPF at section 12 “Conserving and enhancing the historic environment” at paragraph 126 endorses a positive strategy for the conservation and enjoyment of the historic environment. Paragraph 132 advises that, when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation: 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 134 advises that where a development will cause less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The NPPF at paragraph 134 notes that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The NPPF at paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

10.146 An assessment needs to be made of how the proposal would 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. The effects of specific developments will need to be assessed having regard to the site characteristics, specific impacts and ability to successfully mitigate. The significance of any heritage assets affected including any contribution made by their setting will need to be considered. When considering the impact on the significance, great weight should be given to the asset’s conservation.

- 10.147 The ES contains a chapter on Archaeology and Cultural Heritage which assesses the impact on the historic environment which can be divided into two categories; Archaeology and Built Heritage. There are no scheduled ancient monuments nor listed buildings within the application site. There are a number of listed buildings within Newton Longville conservation area (located 850m to the south of the site at the nearest point) and scheduled remains of Tattenhoe deserted medieval village lying to the north of the site.
- 10.148 Policy GP59 of AVDLP requires regard to be had to the protection and enhancement of sites of archaeological importance.
- 10.149 The County Archaeologists welcome the submission of the archaeological evaluation report which included the results of the geophysical survey and trial trenching which have been undertaken within the proposed development area.
- 10.150 The evaluation recorded numerous well-preserved, substantial archaeological features at the site. Relatively large quantities of pottery were recovered. There were four main foci of activity:
- Area 1 contained three enclosures. These spanned the Iron Age/Roman transitional period;
 - Area 2 contained at least one late prehistoric enclosure;
 - Area 3 contained at least one late prehistoric enclosure and related ditches;
 - Area 4 contained a series of enclosures, ditches and other features spanning the Late Iron Age/Roman transitional period into the 4th century AD.
- 10.151 The evaluation also exposed a number of features which had not been detected by geophysical survey, including some quite substantial ditches in Trench 7. There was some evidence to suggest that some of the features interpreted as furrows in the survey might actually be archaeological features. The proposed development has been designed so as to enable all four settlement areas to be preserved within open space and school playing fields.
- 10.152 In light of these comments, the archaeologist advises that if planning permission is granted for this development it is likely to harm the significance of a number of heritage assets, so a condition should be applied to require the developer to secure appropriate protection, investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 141. With reference to the NPPF and the saved archaeological policy GP.59 of the AVDLP and that this element should therefore be afforded neutral weight in the planning balance.
- 10.153 In terms of the impact on the listed buildings, the nearest listed building is Lower Salden Farmhouse (Grade II) located 1.5km south-west of the site, the relative location of development to the Lower Salden Farmhouse means there will also be no material impact upon the setting and significance of this Listed Building. Furthermore, there will be

negligible impacts on the wider setting of those listed buildings located within the designated Newton Longville conservation area

10.154 In terms of the impact on the designated conservation area at Newton Longville, this is located 850m south west of the site and is surrounded by 20th century housing development and therefore at the most considered to sufficiently distant from the development. It is acknowledged that the proposed development would be visible in long distance views from the Whaddon Road within the conservation area, but it is considered with appropriate mitigation and sensitive design and layout that the scheme would not result in any significant harm to the designated conservation area.

10.155 Special regard has been given to the statutory test of preserving the setting of the listed building under section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development could be designed so as to preserve the setting of the listed buildings, and so the proposal accords with section 66 and 72 of the Act. It is concluded that the setting of the listed building and conservation area would be preserved, and so the proposal accords with section 66 of the Act. In addition, no harm would be caused to the significance of the listed buildings, in NPPF terms, and as such this element of the proposal accords with guidance contained within the NPPF and is assigned neutral weight in the planning balance.

Promoting healthy communities.

10.156 In facilitating social interaction and creating healthy, inclusive communities the proposals should aim to achieve places which enable communities to integrate and come together, including through mixed use developments and strong neighbourhood centres and active streets; safe and accessible environments and developments.

10.157 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. This should in particular address the need to provide sufficient green infrastructure which provides value in many ways. It will therefore be necessary to consider how each scheme addresses these issues.

10.158 The NPPF seeks to promote healthy communities by facilitating social interaction and creating healthy, inclusive communities. This includes the provision of active street frontages, strong neighbourhood centres, safe and accessible developments with access to social, recreational and cultural facilities and services and high quality open spaces with opportunities for sport and recreation. AVDLP policy GP45 requires that the design and layout of all proposals should incorporate measures to assist crime prevention and help reduce risk to personal safety. SPG3 provides guidance on appropriate security and safety measures.

- *Thames Valley Police (TVP)*

10.159 Contributions have been requested from TVP towards staff, new vehicles, mobile IT equipment, radio capacity, number plate recognition camera's, a programme of works at Bletchley which appears to be planned for release. The majority of these requests are not considered to meet the relevant tests particularly given the police benefit from funding elsewhere.

–Community facilities

10.160 Policies GP86-88 and GP94 seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.). The illustrative master plan indicates provision of a comprehensive network of multi-functional open spaces and green corridors with both formal and areas of informal public open space. Amendments have revised the GI Plan to show how Weasel Lane and the Milton Keynes boundary walk are safeguarded and utilised as principal recreational routes and incorporated within broad corridors of greenspace. The proposal provides for 53.67ha of green open space and 1.18ha of allotment land highlighting the importance of open space as a means of establishing a high quality setting for development is recognised and the role it plays in realising a distinctive character of the new community as well as its contribution to the wider Green Infrastructure around Milton Keynes and providing an opportunity to link with the linear park to the southern edge of the site and acts as an extension to the existing Chepstow Park and a new linear park to improve the north western section of the MK Boundary Walk. The amount of open space to be provided is a benefit to which moderate weight should be attributed.

10.161 The parameters plan as amended makes provision for 9 Locally Equipped Area of Play (LEAP's) and also 2 Neighbourhood Equipped Area's of Play, which each include a multi use games area. The sizes of the LEAPs have increased to provide an activity area of 500sqm to accord with RoSPA guidance and their disposition across the site provides increased coverage and ensures suitable accessibility to meet the standards set out in the Fields in Trust guidance. In addition to the provision of LEAPs and NEAPs on site, youth shelter, a MUGA, sports hall, changing pavilion, skateboard park, sports pitches, cricket wicket, tennis courts and community centre are proposed. Subject to these measures which could be ensured by S106 Agreement, the proposal can be considered acceptable in terms of leisure provision and policies GP86-88 and NPPF advice and this matter should be afforded neutral weight in the planning balance.

- Public rights of way

10.162 Policy GP84 of AVDLP requires regard to be had to the amenity, convenience and public enjoyment of public rights of way and the desirability of their retention or improvement. The application site is traversed by public rights of way and as indicated the development will alter/improve those routes. It is clear that the character of these public right of ways would be altered by the proposed development from that of footpaths which presently crosses

open countryside to one passing through a residential development and impact on the character of these public rights of ways and the enjoyment of some of its users. However, this would be mitigated to some degree by the introduction of open spaces flanking the route of the footpath and compensated for by the provision of a improved footways and links. It is considered that, on balance, the convenience resulting from the improvements set against the potential loss in enjoyment to users from the more urban environment through which the path would pass is such that it is considered that the matter should therefore be afforded neutral weight in the planning balance.

10.163 It is considered that only limited weight should be given to the additional open and play space provision to support healthy communities in view of the considerable opportunities for outdoor recreation on and around the application site.

- *Education*

10.164 Policy GP94 seeks to ensure that appropriate community facilities are provided arising from a proposal e.g. school places. The proposal includes educational facilities on site and given the position of the site on the edge of the district, careful consideration has been given to the education requirements and as with the other matters these have been discussed in conjunction with the neighbouring authority MKC..

10.165 BCC have raised no objections to the application in its current form on sustainability grounds. In terms of educational facilities, the application makes provision for a 3 form entry primary school, with Early Years Pre-school facilities on 3.0 Ha of land and a secondary school on 5.2 Ha of land. Provision is also made for accessible recreation and community uses to serve the new residents, designed and located with the intention to be complementary to the delivery of the new schools. An Education Statement is provided in the planning statement to support the proposal. proposition. The proposed development will fund the provision of an appropriate number of additional grammar school places and secondary school places in accordance with the County Council Planning Obligations Policy. Whether secondary school place provision, if decided to be within the development will be an annex extension to an existing grammar school, an extension to an existing secondary school or a standalone secondary school is a decision that must be left to the Decision Maker, which depending upon circumstances would be the County Council

10.166 In summary BCC have advised that primary, secondary and special schools including Children's Centre provision within the planning area of the development are all currently or projected to be at capacity. The lack of long term housing plans causes significant difficulties for the Local Authority with regard to its ability to effectively plan for additional secondary and special school provision. The development proposal borders Milton Keynes so may well impact on schools across the border. Both local authorities will need to work together to ensure that the effects of the development are most effectively mitigated. Notwithstanding these issues, should the application be approved the County Council

would require the developer to make contributions based on the indicative mix of homes provided in accordance with the policies set out in its "Guidance on Planning Obligations for Education Provision":

10.167 Having regard to this advice and subject to the required contributions being secured in the S106, it is considered that this matter would not conflict with the requirements of policy GP94 of AVDLP or NPPF advice and should be afforded neutral weight in the planning balance.

- *Health care*

10.168 Concerns have been raised by objectors regarding the capacity at the local doctors surgery. The provision of health facilities at all levels is the remit of the NHS and CCG, who have been consulted on the proposal. The CCG have advised that the development in question will result in approx. 4,524 additional residents (based on 2.4 occupancy) and would affect several existing GP surgeries in Milton Keynes - Drayton Road, Hilltops, Parkside, Westcroft and Whaddon surgeries. None of these GP practices currently include the South West Milton Keynes development within their practice boundaries and do not have capacity to absorb this population increase.

10.169 In this regard, the development seeks to make the direct provision of land and a financial contribution to accommodate the construction of a building to provide for a 4 GP surgery to meet NHS England specifications; or a financial contribution to meet the costs of equivalent provision off-site. There is additional flexibility provided within the scheme in that the site identified adjacent to the neighbourhood centre is of sufficient size to provide for a 6 GP surgery. The scheme proposes a parcel of land (0.2ha) to the rear of the proposed neighbourhood centre to be used either for employment purposes or to accommodate a 6GP practice (D1) developed over two floors with associated car parking should it be required.

- MKC S106 contribution requests

10.170 MKC have set out a number of section 106 contributions sought and have expressed their expectations in the event specific infrastructure/services are not to be provided within the application site to mitigate the impacts on the service and infrastructure these residents will be likely use to within Milton Keynes;

- *Early Years*

10.171 MKC consider that it is not clear whether Early Years provision is being accommodated on site and as such MKC would be seeking a contribution in line with their Education Facilities SPG.

10.172 It is confirmed that BCC intends provision for pre-school and primary school to be made within the development site and this is a matter which is proposed to be secured by S106.

This is set out within the planning application and is formally acknowledged by BCC in its consultation response. As such in light of the provision being made on site it is not considered that the contribution would be justified.

- *Library Facilities*

10.173 In line with Milton Keynes Council's Social Infrastructure SPD, contributions towards the provision of library facilities are sought, to mitigate the potential impact of the development on library provision for this area and in particular on the south of Bletchley.

10.174 The responsible Authority for libraries in this instance is BCC. Unless someone works or is educated in MK, AVDC residents are not entitled access to MK libraries. Those working or in full time education in MK have right of access, but the costs are met by Employers and Education Institutions in MK via their business rates.

10.175 The applicants argue that the requested contribution is a 'tariff' type payment based on an out of date supplementary planning document that reflects a strategy for the provision of library space that itself has now been superseded. A contribution on this basis does not fairly or reasonably relate to the development proposed. Nor, in the present context, i.e. that of a strategy for the reconfiguration of Bletchley library to provide for shared use arrangements of the building on the basis that the building is too large for the services it provides, can it be held that a contribution is necessary to make the development acceptable, given that the apparent works to reconfigure the building have the necessary funding in place.

10.176 The Consortium have advised that they consider the requested contribution is contrary to CIL Regulation 122

- *Health Facilities*

10.177 MKC consider that there will also be an impact on acute/hospital facilities as a result of this development and consider that existing NHS provision will not have the capacity to absorb the likely impact and additional health provision that will be required. Given the proximity of the development to Milton Keynes and the services located here, it is anticipated by MKC that the impact of this development will directly affect MK Hospital. NHS England have commented that the scale of this proposed development, distance, and most importantly, other significant developments planned in the area NHS England needs to take a more holistic view. Milton Keynes CCG feels that in order to mitigate the impact of the above development a contribution towards additional health facilities would include a land allocation and a charge per dwelling in line with the tariff adopted by Milton Keynes Council

10.178 In order to mitigate the impact of the above development, NHS England seek the provision of additional health facilities on site to include the provision of a site to accommodate a 6-

GP surgery, the construction of the GP surgery to NHS England specifications. They also support the CCG in their request for a contribution per dwelling in line with the Social Infrastructure SPD adopted by MKC towards secondary healthcare facilities for Milton Keynes Hospital.

- 10.179 The development lies in AVDC ward Newton Longville and abuts MKC wards Bletchley Park and Tattenhoe. Recent GP ward data (October 2015) indicates that there are 2,620 Newton Longville residents registered at 22 different GP surgeries: 30% at The Red House (Milton Keynes), 20% at Norden House (Winslow), 16% at Whaddon House (Milton Keynes), and diminishing numbers at the others. Whilst the development will transfer a large population into the Newton Longville ward and a GP Practice within the development justified, it would over time disrupt the present patterns of enrolment.
- 10.180 By reference to the Department of Health: Health Building Note 11-01 (Facilities for Primary and Community Care) 2013, a 4 GP surgery would be necessitated by the proposed development. GPs are private contractors to the NHS. Providing land for a GP Practice is common on large housing developments, as is providing premises for rent, as a planning obligation. The formal revisions to the submitted scheme provide alternative means of provision for primary healthcare, either within the proposed neighbourhood centre building (225sqm), or as a specific alternative use of employment land adjoining the neighbourhood centre (0.2 Ha).
- 10.181 It is acknowledged that the current strategy for the delivery of new primary care provision arising from development on the southern flanks of the City (Eaton Leys, Newton Leys and SWMK) has not yet been concluded by the CCG; but that there are options available on each development for direct provision. In this regard, the Consortium has agreed to make the direct provision of land and a financial contribution to accommodate the construction of a building to provide for a 4 GP surgery to meet NHS England specifications; or a financial contribution to meet the costs of equivalent provision off-site. There is additional flexibility provided within the scheme in that the site identified adjacent to the neighbourhood centre is of sufficient size to provide for a 6 GP surgery.
- 10.182 However, the Consortium consider that an additional financial contribution to reflect the MKC Social Infrastructure SPD cannot be justified as the SPD arrives at a 'tariff' style cost based on a strategy of meeting projected costs of healthcare provision for the City to 2016. This data is now over eleven years out of date. Furthermore, the SPD states at paragraph 2.7.7 that 'For the expansion areas or large greenfield sites where there is a deficiency or complete lack of health facilities, provision of new GP practices will be required. Developers will be expected to make a contribution either in the shape of a site in an accessible location or direct funding.' The request for a per head contribution in addition to land and buildings would not comply with the CIL Regulations.

10.183 Turning to Secondary (Hospital) Healthcare, this sector is a market with hospitals that are NHS Trust, NHS Foundation Trust and private (charitable, not for profit and for profit) all of which are licenced by the NHS to deliver 'free at point of delivery' services. In any geographical area providers are paid at the same rate for each named procedure. Thus favouring one over another upsets the level playing field.

10.184 Services are commissioned by the Clinical Commissioning Group for the area but referrals by GPs are not directed to any particular provider but agreed with the patient. The choice of hospital is thus based on a variety of considerations and NHS Choices (the web service) offers open information on each hospital and which services it offers. The provision of health facilities at all levels is the remit of the NHS and is to be provided for the population. Thus, were a contribution sought, it would amount to double funding, which would be contrary to CIL Regulation 122 because it is clearly not necessary.

- Waste Management

10.185 Again, MKC consider that it is extremely likely that the residents of SWMK would utilise the Household Waste and Recycling Centres in Milton Keynes for all bulky waste and household waste disposal other than the kerbside collections which was expected AVDC will be responsible for. As such, a contribution in line with the Social Infrastructure SPD is requested for Waste Management to facilitate the provision of recycling centre facilities.

10.186 AVDC are the waste collection and disposal authority for the site and will manage this in accordance with their statutory responsibilities. It is acknowledged that there may be pressure on the nearest HWRC in MK from future occupiers of the development in the absence of alternative provision on site but as currently sought, the requested contribution, does not comply with the CIL Regulations.

10.187 The proposed contribution is based on a 'tariff' type cost per dwelling approach that is contained in the adopted SPD (2005), this sum is a reflection of all the anticipated costs associated with household waste arising from prospective housing in the period to 2016, including the provision of two new civic amenity sites. It is out of date and moreover relates to much more than the level of costs that might be attributed to the increased utilisation of existing HWRC that might warrant enhancement and for which, no evidence has been provided by MKC that it is relevant, necessary and reasonable to make the development acceptable in planning terms.

- *Emergency Services*

10.188 The Emergency Services that will serve this site will be Milton Keynes based and as such a contribution is sought in line with MK Council's Social Infrastructure SPD towards the provision of Emergency Services, split between the Ambulance Service and Fire Service.

10.189 'Blue Light' emergency services are organised on a wider geographic basis than individual local authority administrative boundaries. The applicants argue that the requested figure is based on a 2005 SPD and is considered 'out of date' for the purpose of establishing any contributions that may be considered necessary to make the development acceptable in planning terms. Consequently, the requested contribution, as currently sought, cannot be held to be relevant, necessary, reasonably relate in either scale or kind to the proposed development to make the development acceptable in planning terms.

- *Voluntary Sector*

10.190 In line with the MK Council Social Infrastructure SPD, contributions are sought for Voluntary Sector projects to facilitate the integration of new communities with the existing. MKC consider that this is going to be of particular importance for SWMK residents, who will be separated from Milton Keynes by the administrative boundary however will for all intents and purposes live in Milton Keynes and rely on MK for the vast majority of their day to day requirements.

10.191 The proposed Heads of Terms for the S106 Agreement include for the Community Building within the development to be made available for public use by the occupation of the 750th dwelling in addition to the provision, if required of a Temporary Community Building from the occupation of the 150th dwelling. This will provide the opportunity and facilities for community based groups and activities as part of the development. Furthermore the Consortium is willing to consider appropriate mechanisms for the resourcing of community engagement initiatives. Consequently, the requested contribution from MKC, as currently sought, cannot be held to be relevant, necessary, reasonably relate in either scale or kind to the proposed development to make the development acceptable in planning terms.

10.192 On the basis of the information available and having regard for the proposed facilities, it is considered this factor should be afforded neutral weight in the planning balance

Good design

10.193 The NPPF sets out that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. AVDLP policy GP35 is consistent with the objectives of the NPPF and states that the design of new development proposals should 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. AVDLP policy GP38 is also in conformity with the NPPF and states that new 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.

- 10.194 The rationale for the design and layout of the Proposed Development is set out in detail in the Design & Access Statement and the addendum Design and access statement submitted in August 2016. In summary, the form and layout of the proposed development is strongly influenced by principles that have governed the planned expansion of Milton Keynes and in line with Policy CS6 of the MK Core Strategy place-shaping principles for sustainable urban extensions in adjacent Local Authorities. The Proposed Development includes a primary road grid structure, local routes with pedestrian/cycle route connections, a neighbourhood centre at a prominent east west junction of the main connecting route, which would create lively, well used streets and walkable neighbourhoods which encourage linked trips and foster community cohesion.
- 10.195 All matters are reserved at this stage except for access, and as such the assessment has been considered against those plans submitted and in particular the Development Framework Plan and Illustrative Masterplan.
- 10.196 The design of the Proposed Development seeks to respond to the specific spatial context of both Milton Keynes and Aylesbury, and in particular the characteristics (density, built form, and open space) which define the built form of the residential areas located around or in close proximity to the Application Site. The three areas which have informed the design and layout are: the traditional grid square of Tattenhoe; the neighbourhoods in the southern part of Newton Longville; and, the western neighbourhoods of Far Bletchley. The proposed design approach has been the subject of detailed discussions with both AVDC and MKC officers and amends were sought to the scheme to respond to more closely to the site constrains and context.
- 10.197 In summary, the Proposed land uses would comprise residential development; employment area; neighbourhood centre; land for a three form entry primary school with early years provision and four form entry secondary school; green infrastructure and associated drainage, highway and transport infrastructure and the proposed distribution of uses across the site are set out on the land use parameters plan..
- 10.198 The Proposed Development includes a variety of residential densities, with the average density being shown as 35 dwellings per hectare (dph), which is typical of other Milton Keynes expansion areas. Lower densities are proposed at the more sensitive boundaries, and higher densities close to the primary routes and at the neighbourhood centre. The building heights are determined by their location within the site and the proposed use. The residential buildings are higher at key entrances or intersections to provide landmark or gateway buildings. The application is supported by a density plan which indicates the development in the southern most part and lower western part of the site as restricted to 20-25 dph, with development increasing as you move northwards through the site to an area of 25-35dph and a small contained area to the north east of the site comprising a mix of 40-45dph and 50dph. This approach is supported by the indicative building heights

which prominently proposes development limited to 2-2.5 storeys (up to 10m) with a small areas of 3 storeys (up to 11m) restricted to the along primary routes and at key entrances or intersections in order to provide landmark or gateway buildings. Within the employment area building heights are shown with a maximum of 12m, which is similar to other employment sites opposite and adjacent to A421. The proposed neighbourhood centre indicated a maximum of 13m, with retail and community uses at ground floor and residential above. The proposed primary school would comprise heights up to 10m and 2 storeys for efficient use of site and the secondary school up to 12m.

- 10.199 The mixed use scheme is set within approximately 54 hectares of parkland and a comprehensive green infrastructure strategy providing areas of public open space, structural landscaping including a linear parkland area of open space.
- 10.200 The proposal includes large areas of open space and recreation facilities within the site, including a local park and district park, formal sports pitches, tennis courts and a Multi-Use Games Area (MUGA), a skateboard park, children's play areas, and allotments. These facilities are located where they are easily accessible to residents within the site and also from neighbouring areas.
- 10.201 The existing rights of way and cycle routes through the Application Site will be retained and incorporated into the Proposed Development. The Proposed Development includes walking, cycling and public transport infrastructure and facilities, which would connect to the existing networks in the surrounding area.
- 10.202 The mixed use scheme is set within approximately 54ha hectares of parkland and a comprehensive green infrastructure strategy providing areas of public open space, structural landscaping including a linear parkland area of open space of some 40-50 metres typical width. The supporting DAS indicates that this approach has sought to create a landscape lead approach and a form of development which responds to the site context. The DAS suggests a building style of 'arts and crafts' influenced style housing with well-articulated building forms and varied roof lines to reflect a traditional 'edge of settlement' character.
- 10.203 Thames Valley Police have commented on the proposal and confirmed that they do not wish to object to the proposals at this time, however, they do identify a number of concerns which should be addressed and incorporated at the Reserved Matters stage.
- 10.204 The detailed design of the proposal is a reserved matter for later consideration and it is therefore not possible to assess this aspect fully at this stage. However, subject to appropriate conditions on any approval, it is considered this issue could be adequately addressed through design codes and the consideration of any subsequent reserved matters applications. MKC have confirmed that their Urban Design Officer considers that this application would fit well as an urban extension to Milton Keynes and complements

many of the grid squares in MK for example with the inclusion of the grid road reserve and underpasses, redway (along primary street) as well as the high provision of open space(policy L3 of MK Local Plan) . The central primary street proposed also mirrors many other primary streets that “loop” through established MK estates such as Shenley Brook End, Shenley Lodge and Old Farm Park/Browns Wood.

10.205 Subject to the imposition of appropriate conditions on any outline approval to agree the specific details of materials, boundary treatments, landscaping, slab levels and lighting, it is considered the proposal could comprise an appropriate form of design in the context of the site, in accordance with GP35 of AVDLP and NPPF advice. The proposal would accord with the principles of policy CS6 of the MK Core Strategy. Nevertheless, there is nothing in the proposals at this stage to suggest they would be of any particular or exemplar quality such that it is considered this factor should be afforded neutral weight in the planning balance.

Meeting the challenge of climate change and flooding

10.206 Paragraph 103 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere. Developments need to demonstrate resilience to climate change and support the delivery of renewable and low carbon energy which is seen as central to the economic, social and environmental dimensions of sustainable development. 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.

10.207 Whilst the majority of the site is located within Flood Zone 1, the north western corner of the application site lies within Flood Zone 3 as indicated on the EA Flood Map. The ES includes a chapter on drainage which incorporates the findings of the Flood Risk Assessment, which sets the drainage strategy for the site. The proposed mixed use development is on a greenfield site covering an area of approximately 144 ha. The Tattenhoe Brook flows along the northern western corner of the site prior to being culverted under Standing Way (A421) and Bottle Dump roundabout. There is a tributary of the River Ouzel, located 100 m to the south of the site, with several field drains (culverted under the railway) discharging into it. Soakage rate tests carried out on the site have established that infiltration unlikely to be viable, and it is proposed that surface water will be discharged via a series of attenuation ponds to the Tattenhoe Brook on the northern boundary (requiring consent from the Bedford Group of Drainage Boards), with run-off to the south being conveyed via attenuation basins into the network of existing field drains.

10.208 The SuDS systems required for drainage purposes will take the form of ‘green’ SUDS features such as swales and attenuation ponds and will be formed in the areas of open space and will be designed and managed to provide ecological opportunities.

- 10.209 The proposed dwellings would be required to be constructed to modern standards of design and sustainability to accord with current building regulations.
- 10.210 It is not considered that the proposed development would materially increase or exacerbate flood risk on the site nor in the wider locality. Therefore, the proposed development would be resilient to climate change and flooding in accordance with the NPPF. This matter should therefore be afforded neutral weight in the planning balance.

Impact on residential amenities

- 10.211 The NPPF at paragraph 17, under the heading “Core planning principles” sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.
- 10.212 At this stage, the matters of the detailed appearance, layout and scale of the proposed development are reserved for approval at a later date (and the submitted layout plans provided are illustrative only). It is therefore not possible to make detailed assessments relating to the direct impacts the new houses would have on existing neighbours or one another (or indeed the impact that other matters such as the landscaping proposals or lighting of the site may have).
- 10.213 However, the indicative details submitted show a layout which following discussions has been amended to reflect the character and appearance of the adjacent development within MKC and that provides for spacing between and about properties such that it is considered should ensure that no adverse over or interlocking between properties should occur and that acceptable amounts of amenity space could be achieved. Therefore, It is considered that the scheme could be designed at a detailed stage so as to ensure that the amenities of future occupants would not be adversely affected.
- 10.214 . Matters of noise and disturbance is covered above.
- 10.215 Subject to an appropriate layout and scale of development, it is considered that the proposed development would not result in any significant loss of light or overshadowing to, neighbouring properties. It is therefore considered that at the detailed stage the proposal could be designed so as to accord with policy GP8 of AVDLP. It is considered that this factor should be afforded neutral weight in the planning balance.

S106 / Developer Contributions

- 10.216 An assessment is required to conclude whether each proposal will be a sustainable development and that any adverse impacts can be satisfactorily addressed through appropriate mitigation. This will include on and off site provision of infrastructure and

facilities to provide for the needs of the residents as well as providing for any specific site specific mitigation.

10.217 As noted above, there are a number of requirements which would need to be secured in a Planning Obligation Agreement to secure their delivery, namely financial contributions towards and/or onsite provision of education facilities, off-site sport and leisure provision, on-site provision of affordable housing, public open space and play areas, on- and off-site highways works, travel plan and sustainable transport measures (and/or financial contributions thereto). Specific projects are also to be identified for the financial contributions to ensure compliance with latest Government Guidance in consultation with the Parish Council and County Council.

10.218 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.

10.219 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 being sought, 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 would 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.

Case Officer: Mrs Claire Bayley

Telephone No:01296 585335

Compliance with NPPF

The planning policy position and the approach to be taken in the determination of the Application in light of the new NPPF

The NPPF 2019

- 3.1 The new NPPF was published on 19 February 2019 and supersedes the guidance previously considered in the officer report, corrigendum and related overview report. The overview report has been updated and provides an overview of the key matters to reflect the new NPPF and is attached to this report. This also provides an up date on the housing land supply position and the progress on the emerging local plan.
- 3.2 The presumption in favour of sustainable development is now set out in paragraph 11 and there are changes to the wording of the paragraph compared to paragraph 14 of the 2012 NPPF that have implications to the determination of this application.
- 3.3 The paragraph now sets out that:
- “Plans and decisions should apply a presumption in favour of sustainable development...*
- For decision-taking this means:...*
- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless:*
- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; 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”.*
- 3.4 The policies referred to in ‘d’i’ are to be found in footnote 6, which states:
- “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.”*
- 3.5 It is noted that designated heritage assets and areas at risk of flooding continue to be referred to and apply to the scheme.
- 3.6 Consideration therefore needs to be given to this and the decision taking approach as set out in the NPPF 2019. In addition it is necessary to consider the new NPPF policies, the consistency of the development plan policies with the new NPPF and whether this leads to any different conclusions to that previously reached.

- 3.7 The previous report quotes the following policies as relevant to the determination of the application:
- AVDLP 2004: GP2, GP8, GP24, GP35, GP45, GP38, GP39, GP40, GP53, GP59, GP84, GP86, GP87, GP88, GP94
- 3.8 These are relevant development planning policies which are considered against the NPPF 2019 and are discussed in more detail below.
- 3.9 The new Local Plan for Milton Keynes, Plan:MK was adopted by Milton Keynes Council at its meeting on the 20 March 2019. Plan:MK now forms part of the Council's Development Plan and replaces both the Core Strategy (2013) and saved policies of the Local Plan (2005). Plan:MK sets out the Council's strategy for meeting the Borough's needs until 2031.
- 3.10 Strategic objective no.4 of Plan:MK is to work jointly with neighbouring authorities and other key organisations on the planning of any development located on the edge of Milton Keynes (but outside the Borough boundary) so that these areas are integrated with the city and contribute to its role and character. Policy SD15 of Plan:MK provides the policy approach for Place-Making principles for sustainable urban extensions in adjacent local authorities.
- 3.11 Turning to the saved policies of the then adopted Milton Keynes Local Plan as set out in paragraph 10.8 of the earlier report. These policies have now been replaced in Plan:MK as following; DS5: open countryside, DS6: Linear Parks, D5: Amenity and Street scene, D1: Designing a high quality place, D2: Creating a positive character, D3: Design of buildings, SC1: Sustainable Construction, HE1: Heritage and Development, NE1: Protection of sites, NE2: Protected species and priority species and habitats, NE3: Biodiversity and geological enhancement, NE5: Conserving and enhancing landscape character, CT2: Movement and Access, CT3: Walking and cycling, CT5: Public transport, CT10: Parking Provision, DS2: Housing Strategy, HN2: Affordable Housing, HN3: Supported and specialist housing, HN1: Housing mix and density, HN4: Amenity, accessibility and adaptability of homes, Appendix C: Open Space and Recreation facility provision and Policy CC1: Public Art amongst others.
- 3.12 Plan:MK maintains the approach to joint working as set out in the earlier committee report and the update in relation to the policy position in Milton Keynes is not considered to change the conclusions previously reached in the earlier committee report.

Whether the proposal would constitute a sustainable form of development.

Sustainable location

- 3.13 The governments view of sustainable development is set out in the over view report. It is considered that the conclusions reached that this is a sustainable location are not changed having regard to the new NPPF.

Build a strong competitive economy

- 3.14 The government remains committed to securing and supporting sustainable economic growth, and the previous conclusions that this proposal would bring economic benefits in terms are not changed having regard to the new NPPF.

Deliver a wide choice of high quality homes

- 3.15 The NPPF refers to achieving sustainable development including the social objective of supporting “...*strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs...*”The 2019 NPPF continues to put emphasis on delivery of a variety of homes that need to meet the varying needs of specific groups.
- 3.16 NPPF Ch5 para 59 seek sufficient land to come forward to meet the needs of groups with specific housing requirements. Para 61 considers the need in the context of size, type and tenure of the housing needed for different groups which should be assessed and reflected in planning policies. Where affordable housing is needed, NPPF para 62 states that the type of affordable housing should be specified in policy.
- 3.17 The 2019 NPPF continues to put great emphasis on affordable housing delivery. The NPPF indicates that affordable housing should not be sought for residential developments that are not major development (Para 63).
- 3.18 Para 64 states:
- “Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*
- a) provides solely for Build to Rent homes;*
 - b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
 - c) is proposed to be developed by people who wish to build or commission their own homes; or*
 - d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.”*
- 3.19 The overview report sets out the position on the 5 year housing supply. Having regard to the new policies in the 2019 NPPF, it is considered that Policy GP2 of AVDLP continues to be consistent with the NPPF so that they should continue to be afforded full weight. It is considered that the changes in the NPPF and the consistency of policies with the new NPPF does not change the conclusions on the assessment of the proposal against these policies and the proposal complies with the NPPF and government guidance.

Promoting sustainable transport

- 3.20 The overview report sets out the relevant policies and the NPPF continues to ensure 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.
- 3.21 Having regard to the new policies in the 2019 NPPF, it is considered that policy GP24 of AVDLP continues to be consistent with the NPPF so should continue to be afforded full weight. It is considered that the changes in the NPPF and the consistency of policy with the new NPPF does not change the conclusions on the assessment of the proposal against these policies that the proposal would not have an adverse impact on highway safety or convenience and the proposal complies with the NPPF and government guidance.

Conserving and Enhancing the Natural Environment

- 3.22 The NPPF continues to emphasize that the planning system should contribute to and enhance the natural environment. In terms of consideration of impact on the natural environment regard must be had as to how the development would contribute to the natural 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. NPPF para 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other things, *“a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);”*
- 3.23 Having regard to the new policies in the 2019 NPPF, it is considered that GP35, GP39 and GP40 of AVDLP continues to be consistent with the NPPF so that they should continue to be afforded full weight. It is considered that the changes in the NPPF and the consistency of policies with the new NPPF does not change the conclusions on the assessment of the proposal in relation to the impact on landscape, biodiversity including achieving a net gain, trees and contamination against these policies and the proposal complies with the NPPF and government guidance.

Promoting healthy and safe communities

- 3.24 Planning decisions should aim to achieve healthy, inclusive and safe places in accordance with paragraph 91 of the NPPF and they should provide the social, recreational and cultural facilities and services the community needs. 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. NPPF para 127 states that planning policies and decisions should ensure that developments, amongst other things, *“f) 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[46]; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- 3.25 Accompanying Footnote 46 references *“Planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.”*
- 3.26 Having regard to the new policies in the 2019 NPPF, it is considered that Policy GP35, GP45, GP86-88 and GP94 of AVDLP continues to be consistent with the NPPF so that it should continue to be afforded full weight. It is considered that the changes in the NPPF and the consistency of policies with the new NPPF does not change the conclusions on the assessment of the proposal against these policies and the proposal complies with the NPPF and government guidance.

Achieving well designed places

- 3.27 Paragraph 124 sets out 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and*

other interests throughout the process.” The overview report sets out the detailed considerations for well designed places.

- 3.28 Having regard to the new policies in the 2019 NPPF, it is considered that policy GP35 continues to be consistent with the NPPF so that it should continue to be afforded full weight. It is considered that the changes in the NPPF and the consistency of policies with the new NPPF does not change the conclusions on the assessment of the proposal on design and the proposal complies with the NPPF and government guidance.

Conserving & Enhancing the Historic Environment

- 3.29 A positive strategy under paragraph 185 of the NPPF is required for the 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.

- 3.30 The new NPPF paragraph 190-195 requires the significance of the designated asset, the weight to be given to any substantial harm to or loss of such asset, reflecting the previous advice in paragraphs 132-135 of the NPPF 2012.

- 3.31 Paragraph 196 states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

- 3.32 Para 197 states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

- 3.33 It is considered that there is no material change to the conclusions on the assessment of the proposal relating to heritage impact set out in the previous report.

Meeting the Challenge of Flood Risk & Climate Change

- 3.34 The NPPF continues to seek to meet the challenge of flooding. NPPF ch14 and the subsection ‘Planning and flood risk’ paras 155 to 165 consider the approach to this challenge in more detail. Paragraph 155 states: *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”* Para 157 still requires a *sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:”* amongst other things *“c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques);”*

- 3.35 Paragraph 163 of the NPPF requires new development to ensure that flood risk is not increased elsewhere. Where appropriate applications should be accompanied by a site specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 3.36 Para 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 3.37 Paragraphs 158-160 set out the requirements and for sequential and exceptions tests which closely follow the advice previously set out in paragraphs 99-103 of the NPPF 2012.
- 3.38 Having regard to the new policies in the 2019 NPPF, it is considered that the proposed development will be resilient to climate change and flooding in accordance with these policies and the NPPF and re is no material change to the conclusions on the assessment of the proposal in the previous report.

Impact on residential amenities.

- 3.39 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.
- 3.40 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.
- 3.41 It is considered that the changes in the NPPF and the consistency of policy GP8 with the new NPPF does not change the conclusions on the assessment of the proposal against the these policies and the proposal complies with the NPPF and government guidance.
- 3.42 Having regard to the new policies in the 2019 NPPF, it is considered that Policy GP35 continues to be consistent with the NPPF so that it should continue to be afforded full weight. It is considered that there is no material change to the conclusions on the assessment of the proposal against this policy in the previous report.

Making effective use of land

- 3.43 The effective use of land is referred to in the updated overview report and it is considered that given the character and patterns of development in the area, the urban design and design principles of the proposal including the extent of site coverage the proposal would 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 and takes 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. This is addressed in the original report.

Developer Contributions

3.45 The NPPF continues to set out the expectations for the seeking of planning obligations (Chapter 3) and also in the continuing to promote healthy and safe communities including provision for open space and recreation which is important to health and wellbeing (Chapter 8) and reflect the CIL tests and regulations which were set out in the previous report. The requirements set out in the previous report are still relevant and consistent with the NPPF and the S106 continues to progress in line with the report before Members and meets the CIL regulations and new NPPF.

Supporting high quality communications

3.46 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services. This is a new section in the NPPF which was not previously considered.

3.47 Given the 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.

Case Officer: Claire Bayley

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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