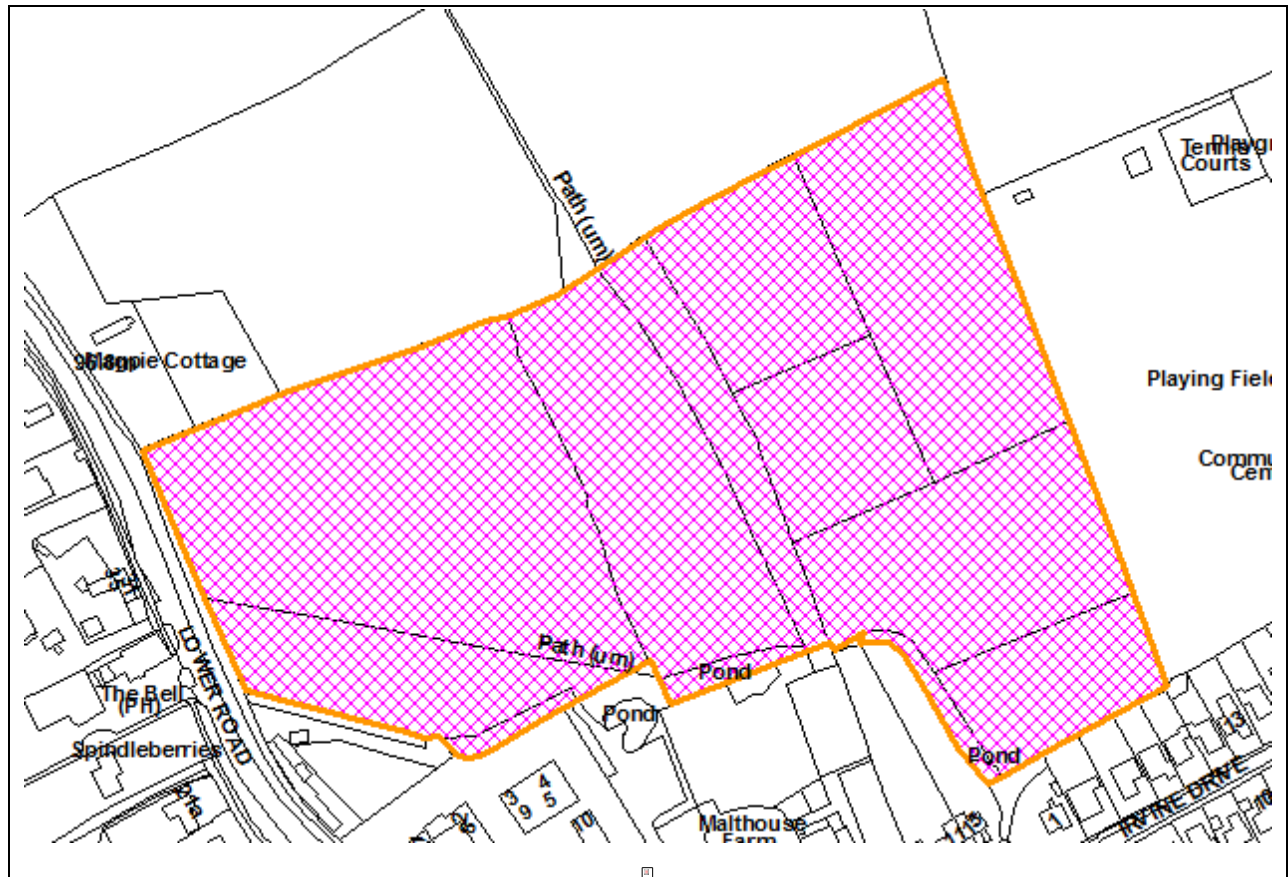


18/01857/ADP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/01857/ADP	STOKE MANDEVILLE The Local Members for this area are: - Councillor Mrs C Paternoster Councillor Bill Chapple Councillor Mike Collins	29/05/18
<p>APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION (15/04341/AOP) FOR THE RESIDENTIAL DEVELOPMENT OF 117 DWELLINGS, WITH APPEARANCE, LANDSCAPE, LAYOUT AND SCALE TO BE CONSIDERED AND INTRODUCTION OF STRUCTURAL PLANTING AND LANDSCAPING, INFORMAL PUBLIC OPEN SPACE AND CHILDREN'S PLAY AREA, SURFACE WATER FLOOD MITIGATION AND ATTENUATION</p> <p>LAND EAST OF LOWER ROAD HP22 5GT</p> <p>MR GEORGE HARKINS</p> <p>STREET ATLAS PAGE NO.116</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:**

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

### c) Impact on existing residential amenity

The recommendation is that permission be **APPROVED** subject to conditions.

## 2.0 Conclusions

- 2.1 This detailed scheme follows the grant of permission (following the completion of a legal agreement) of the outline proposal 15/04341/AOP where the principle of the development for the site was accepted and this is a material consideration in the determination of this application.
- 2.2 The application has been evaluated against the Development Plan and the NPPF. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.3 It is accepted that the development would continue to make a contribution to housing land supply which is a significant benefit to be attributed significant positive weight in the planning balance. Furthermore the proposal would make a contribution to the provision of affordable housing to which significant positive weight should be attributed. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which significant positive weight should be attached.
- 2.4 Special regard has been given to the statutory test of preserving the setting of listed buildings under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. This proposed reserved matters application would represent the significant development of the site which would affect the setting of some listed buildings in close proximity, a matter acknowledged at the outline stage; although this development would result in less than substantial harm and at the lowest end of the scale in terms of the NPPF. Paragraph 196 of the NPPF states that where development will lead to less than substantial harm to the significance of the asset this should be weighed against the public benefits of the proposal. Such public benefits of the scheme comprise a contribution to the housing supply for the District including the provision of affordable housing and economic benefits as set out above and these benefits are considered to outweigh the harm. As such there would not be a conflict with the NPPF.
- 2.5 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of the highway impact and parking provision, promoting healthy and safe communities, the design of the development, impacts on the natural environment, impact on communications, flood risk and on residential amenity. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally.
- 2.6 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 11d of the NPPF as the AVDLP housing supply policies are out of date, it is considered that the adverse impacts would not significantly or demonstrably outweigh the benefits of the proposal. It is therefore recommended that the application be APPROVED subject to conditions as set out below:

1. The development shall only be carried out in accordance with the drawing no.s referred to in the document issue record dated 17<sup>th</sup> April 2019, appended to this decision notice.

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

2. The front and side facades of plots 1, 2 and 3 shall be constructed with glazing that meets a minimum sound reduction performance  $R_w$  of 37 and ventilators that meet minimum  $D_{n,e,w}$  of 49 and walls will be of cavity masonry construction and the roofs of plots 1 to 3 will have a minimum  $R_w$  of 47, as tested in accordance with BS EN ISO 10140-1: 2016. These requirements shall be implemented prior to the occupation of the plots to which they relate and any future glazing, if it is required to be replaced, shall accord with these requirements. Certification confirming the acoustic performance, as tested in accordance with BS EN ISO 10140-1:2016, of the installed glazing/ventilation system will be provided to the Local Planning Authority prior to the occupation the plots to which the requirements relate.

Reason: To protect the internal residential amenity of the future occupiers of plots 1 to 3 from road noise associated with Lower Road and to accord with Policy GP8 of the Aylesbury Vale District Local Plan and with the NPPF.

3. A minimum 1.8m high imperforate barrier with a minimum density of 10 kg/m<sup>2</sup> shall be constructed on the south west boundaries of plots 3 and 11. The barrier shall be erected prior to the occupation of the plots to which it relates and it shall thereafter be retained as approved.

Reason: To protect the external amenity of plots 3 and 11 from traffic noise associated with Lower Road and to accord with Policy GP8 of the Aylesbury Vale District Local Plan and with the NPPF.

4. A minimum 2.2m high continuous imperforate barrier with a minimum density of 10kg/m<sup>2</sup> will be constructed on the boundary between the industrial estate and plots 12, 13, 14, 15, 17 and 18. The imperforate barrier shall be in place prior to the occupation of the dwellings to which the mitigation relates and it shall thereafter be retained as such.

Reason: To protect the external amenity of plots 12 to 18 from noise from the industrial estate and to accord with Policy GP8 of the Aylesbury Vale District Local Plan and with the NPPF.

5. No floodlighting or other form of external lighting along the public rights of way and open space areas (outside of residential plots) shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change

its details.

Reason: In the interests of the visual amenity and biodiversity of the site and to comply with Policies GP8 and GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

6. The development permitted shall be carried out in accordance with the approved Feasibility Drainage Plan (E19-011-102 rev P1, Feb 19, SDP Consulting Engineers).

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to ensure that surface water is managed in a sustainable manner and to accord with the NPPF.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development falling within Classes A, B, C or E of Part 1 of Schedule 2 of the Order shall be carried out within the curtilage of the dwellings on plots 4-11 (inc), 34-41 (inc), 43-48 (inc), 82-85 (inc) and 63-70 (inc) the subject of this permission, other than those expressly authorised by this permission.

Reason: In order to safeguard the amenities of the future residents of the dwellings having regard to the size of the gardens serving the dwellings and to accord with Policy GP8 of the Aylesbury Vale District Local Plan and with the NPPF.

8. Details of the secure bike stores for the plots identified on dwg no. 1546-101 rev S, to include Plot 78 also, shall be submitted to and approved in writing by the Local Planning Authority and the bike storage provided on site prior to the occupation of the plots to which the bike storage relates. The bike storage as approved shall thereafter be retained on site.

Reason: Having regard to the character of the area and to ensure the provision of bike storage to reduce reliance on the private car and to accord with Policies GP24 and GP35 of the Aylesbury Vale District Local Plan and with the NPPF.

Informatives:

1. Working with the Applicant/agent

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

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

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

In this case, AVDC worked with the agent to revise the application and to consider further details and plans which were considered to be acceptable overall and the application is supported.

2. You are advised that, unless expressly indicated, nothing within this approval effects or varies the conditions imposed on outline planning permission no.15/04341/AOP dated 9<sup>th</sup> March 2017 which must be complied with.
3. You are advised that Planning Obligations have been entered into in connection with the outline permission associated with this application.
4. Ordinary Watercourse Informative: Under the terms of the Land Drainage Act 1991 and the Floods and Water Management Act 2010, the prior consent of the Lead Local Flood Authority is required for any proposed works or structures in the watercourse. After planning permission has been granted by the Local Planning Authority, the applicant must apply for Land Drainage Consent from the LLFA, information and the application form can be found on their website. Please be aware that this process can take up to two months.
5. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided (in accordance with construction transport management plan required by the outline approval) and used on the development site for cleaning the wheels of vehicles before they leave the site.
6. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

### **3.0 INTRODUCTION**

- 3.1 The application has been called to Committee by Cllr Mrs Paternoster so the following matters can be discussed by Members:

Stoke Mandeville Parish Council have assured me that the objections raised in their letter dated 20<sup>th</sup> February 2019 still stand, and the recent amendments made to the plans do not remove any of these objections. They have mentioned on several occasions the failure by the developer to consult with local residents and the Parish Council. Therefore I will need to call the application to Committee for determination by Members for the following reasons:

Heritage: the effect of the proposals on listed buildings in Lower Road, Swallow Lane, and St Mary's church.

Design: the proposed development is too urbanised and fails to recognise local distinctiveness or the rural nature of the site.

#### **4.0 SITE LOCATION AND DESCRIPTION**

- 4.1 The site is located to the north-western edge of the main built-up part of Stoke Mandeville village. It currently comprises agricultural grazing land and is 6.27ha in size. The site slopes down from the south-east corner to the north west corner by approximately 3.5m. To the west is Lower Road (from which access would be taken) and there are residential dwellings on the other side of Lower Road and The Bell public house. The remainder of the land to the north comprises agricultural land and there is mature hedging and trees along the northern boundary of the site.
- 4.2 To the south of the site lies the Manor Farm industrial area in which a number of light and general industrial businesses operate including car repairs. To the south and south-east of the site lie residential dwellings and to the east of the site are the playing fields and community centre accessed off Eskdale Road.
- 4.3 There are listed buildings on the west side of Lower Road, No.s 31 and 35 (grade II listed) and Loneash (grade II) and Magpie Cottage (grade II) is positioned to the north-west of the site. To the south of the site Malthouse Farm and No.s 11 and 15 Swallow Lane are listed, both grade II, and St Mary's Church (grade II) lies further to the south.
- 4.4 A footpath crosses through the site, north to south, and one crosses the site from east to south, from Lower Road and joins up with the other right of way before leaving the application site in the vicinity of Malthouse Farm to the south. A bus stop is situated on Lower Road to the west.

#### **5.0 PROPOSAL**

- 5.1 This application seeks reserved matters approval for the appearance, layout, landscape and scale of the development following outline approval being given for the development of the site with the means of access having been approved at this stage. The outline consent gave approval for up to 117 units on the site (condition 5) with condition 4 on the approval requiring that the development shall be carried out in general accordance with the Design and Access Statement and with the location plan, development framework plan and the proposed access arrangement plan.
- 5.2 The new access to the site, as approved at the outline stage, would be in the form of an advanced priority junction with a ghost island right turn and flare and would be constructed to adoptable standards as set out in the approved outline application. Footways would be included linking the site to the existing pedestrian infrastructure on Lower Road. The junction would provide a 6m carriageway with minimum visibility splays of 2.4m by 90m based on recorded speeds and a junction radii of 10m.
- 5.3 Discussions have taken place with the applicant to secure the acceptable development of the site with amendments sought on the mix, design and heights, layout, use of perimeter blocks, landscaping and distances to existing planting increased, increased planting buffers, means of enclosure, reducing exposed rear boundaries, reduction of triple car parking, reducing deep span depths, use of chimneys and appropriate materials, overlooking of footpaths, natural feature for balancing pond and to respect distances to the LEAP from dwellings.
- 5.4 It is proposed to provide a mix of dwelling sizes including terraced, semi-detached and detached dwellings and these would take the form of bungalows and two to two and a

half storey dwellings and one flat over a garage. In terms of the overall mix, 23 x 2-bed, 35 x 3-bed, 46 x 4-bed and 13 x 5-bed units would be provided. Affordable housing at 30% (35 units) would be provided. On plot parking and parallel parking would be provided and some dwellings would have garages or car ports available. The flats would have parking available to the front of the units.

- 5.5 A variety of house type designs are proposed with a limited mix of materials indicated to include facing bricks and plain or pantile roof tiles and some tile hanging and weatherboarding.
- 5.6 Surface water drainage for the development would be via piped networks entering a balancing pond with restricted outfall to the existing highway drainage system. Domestic vehicular areas will drain via tanked permeable paving. The surface water drainage network has been designed to accommodate run off for a storm return period plus 40% climate change allowance. The main piped system will be adopted by Thames Water. Foul drainage will be via a piped system connecting to an existing public foul sewer located adjacent to Lower Road and it will be adopted by Thames Water.
- 5.7 Details have been submitted to discharge various conditions as referred to in the planning history, however, with the changes to the layout and other matters, some of the details submitted need to be updated to reflect the changes before the information can be further considered.

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 15/02333/SO - Proposed residential development-Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011: Regulation 5 – EIA not required.
- 6.2 15/04341/AOP - Outline planning permission for up to 117 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Lower Road and associated ancillary works. All matters to be reserved with the exception of the main site access off Lower Road, Stoke Mandeville, HP22 5GT – Approved. A S106 legal agreement was approved as part of this outline application and secured obligations in respect of affordable housing on site, open space, SuDS, LEAP, sport and leisure, education and highway matters.
- 6.3 15/A4341/DIS - Submission of details pursuant to Condition 16 - Feasibility levels, Condition 21 - Contaminated land assessment and Condition 24 - Habitats and Species – Pending consideration.
- 6.4 15/B4341/DIS - Submission of details pursuant to Condition 19 (details of offsite highway works/access) relating to Planning Permission 15/04341/AOP - Discharged.
- 6.5 15/C4341/DIS - Submission of details pursuant to Condition 14 (details of upgrade of public footpath 3) 17 (broadband) and 18 (construction transport, management plan) relating to Planning Permission 15/04341/AOP - Pending consideration.
- 6.6 19/00805/ADP - Approval of Reserved Matters pursuant to outline permission 15/04341/AOP for appearance, landscaping, layout and scale of a residential development of 117 dwellings – Pending consideration. At the time this application was submitted, it was a duplicate application, however 18/01857/ADP has since been



amended following discussions, and these changes have not been reflected in 19/00805/ADP, hence it is no longer a duplicate application.

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

7.1 Stoke Mandeville – Detailed responses have been received from the Parish Council objecting to the development and commenting that the developer has failed to adequately consult with the community, these are attached as appendices to the report. A summary of the comments is as follows:

Access:

- Further consideration should be given to the siting of the access, tactile paving moved further into site or else traffic island provided.
- Need to maintain the highest standard of accessibility
- Refuse footpath access via playing field, concern about tack being created with rat run. Alternative access could be discussed with Parish at later date

Layout:

- Cluster of affordable housing – pleased to see amendments have taken this into account
- Should review siting of dwellings backing onto industrial estate
- 2.5 storey dwelling backs onto bungalows in Irvine Drive and 15 Swallow Lane, visual intrusion and overlooking – pleased to note amendments have replaced these with chalet bungalows
- Green buffer zone should be provided to afford privacy to existing properties
- Need for single storey properties in area

Environment:

- Passageway to properties in Swallow Lane and Irvine Drive, ownership unknown.
- Wildlife corridor diminished
- Too close to listed buildings, 11 and 15 Swallow Lane and Magpie Cottage, no buffers, design does not respect historic environment
- Development does not respect rural nature of site or complement the physical characteristics of the site and its surroundings and natural qualities of the area
- A lesser number of dwellings would ease some of the concerns, would give more flexibility
- Concerns about type of lighting to be used which could affect people's properties and wildlife

Trees:

- Number of trees to be felled is unwarranted and excessive. No TPO's on the site but there are a number of mature trees including Black Poplar which should be retained unless diseased or dangerous.

If approved the Parish Council would request the following:

- Mixed hedgerow and post and rail or close boarded fence to playing field on developer side of shared ditch
- Existing mature trees to be retained to site boundaries and greater green buffer areas provided to boundaries of existing developments
- CEMP to be signed off prior to commencement
- Times of traffic lights to give freedom of passage to blue light services
- Commencement staggered so as not to coincide with other applications along Lower Road to prevent difficulty to road users

## **8.0 CONSULTATION RESPONSES**

- 8.1 Historic Buildings Officer –In summary the proposed development will have some impact on the settings of the listed buildings however the height of the buildings has been reduced and planting has been increased on the proposed layout. This will result in less than substantial harm in NPPF terms and as such the Planning Officer needs to weigh up this scale of minor harm against the public benefits of this proposal.
- 8.2 Rights of Way Officer – Footpaths 3 and 14 Stoke Mandeville cross the site. The architects consulted the County Council to discuss the footpaths prior to the planning application and a diversion application was made which regularises the footpaths to reflect the shape and layout of the new development. The new definitive alignment will be constructed with bitumen to adoptable standard to width of 2m for those pedestrian only sections and 3m for lengths accommodating pedestrians and cyclists. Surfacing of footpath SMA3/3 between the southern development boundary and the roundabout linking station Road, Lower Road and Risborough Road is covered by condition 14 on the outline permission. Content with the proposals, recommend an informative to ensure construction proceeds with the relevant closures in place. Clarity is also required regarding the treatment of the road to the front of plots 57 and 58 and must be addressed in the management plan.
- 8.3 Clinical Commissioning Group – The impact of smaller developments is hard to evidence in terms of healthcare provision, however, the effects can be significant. It is unlikely that any of the smaller developments would be large enough to generate a new build and it is therefore anticipated that there might be a requirement for modification to existing infrastructure and a contribution from the developer would be expected towards these additional costs.
- 8.4 BCC Highways – The principle of this proposal in highways and transportation terms, including the impact of the development on the local highway network, necessary offsite works and mitigating measures, has already been accepted, subject to legal agreements. Tracking for refuse vehicles is tight but it would be an extremely unlikely event that two vehicles of this size would meet within the site and therefore the site can be safely served in this regard. Private vehicle tracking appears very tight and whilst there are concerns that these manoeuvres would be awkward this is more of an amenity issue rather than a highway safety issue and therefore no highway objection is raised. Overall there are no highway objections subject to conditions.
- 8.5 Biodiversity – Satisfied with the details provided by ACD Environmental in respect of condition 24 on the outline permission. The proposed number of bat, swift, starling and sparrow boxes is low and should be increased.

- 8.6 Affordable Housing – The number and mix of affordable dwellings is now considered appropriate. The affordable units need to be tenure blind and it would be beneficial for the ground floor maisonette provided with level access and a wet room for those with limited mobility. There is no indication of the tenure split but, as per the s106, nine shared ownership units (say 5x2 bed houses and 4x3 bed houses) and 26 units for affordable rent (including the 4 bed houses) would be suggested. This should be illustrated on an Affordable Housing Plan along with the location, size and type of units in order, as per the s106, to be considered for approval prior to commencement of the development. The clustering restrictions in the S106 have been observed. No more than 50% of private units are to be occupied until all affordable units have been completed and transferred to a Housing Association.
- 8.7 BCC Archaeology – Written Scheme of Investigation is approved, condition 11 of the outline permission, but the condition cannot be discharged until all archaeological works have been completed.
- 8.8 Environmental Health –The Planning Noise Assessment produced by Cole Jarman, Report Ref 18/0184/R1-2, dated 1st April 2019, has been reviewed. The report concludes that certain mitigation measures are required to ensure that required internal and external noise levels can be maintained. If this application is approved conditions are recommended regarding glazing and ventilation and imperforate barriers for particular plots.
- 8.9 Parks and Recreation –. A revised annotated LEAP plan together with confirmation that all the observations and recommendations in Table 2 of the submitted RoSPA Playground Plans Review report have been addressed should be submitted.
- 8.10 Environment Agency – Unable to provide comments due to workload and not a statutory consultee for reserved matters applications.
- 8.11 Bedford Drainage Board – No comments to make.
- 8.12 Buckingham and River Ouzel Internal Drainage Board – No comments to make.
- 8.13 BCC SuDS – No objections subject to conditions to ensure the scheme is carried out in accordance with the feasibility drainage plan and a demonstration (such as as-built drawings and/or photographic evidence) of the as-built surface water drainage scheme.
- 8.14 Recycling and Waste – No comments to make.
- 8.15 Thames Water – With regard to foul water sewerage infrastructure capacity there is no objection. The application indicates that surface waters will not be discharged to the public network and as such Thames Water has no objection.
- 8.16 Crime Prevention Design Advisor – Unable to support the application due to rear courtyard parking which can be problematic in terms of crime and antisocial behaviour with little surveillance available and a tendency for them to remain unlit. Where courtyard parking is unavoidable it should be limited to a small number. Would request a vehicle gate to be installed to prevent unauthorised access and a good level of lighting along with inclusion of robust trellis or similar permeable fence topping in increase natural surveillance.
- Note: These comments were made on the original planning application.
- 8.17 Landscape and Urban Design –The proposed development illustrated represents the result of a series of meetings and discussions held with the aim of improving the standard of the originally submitted proposals. These changes have seen those

elements of the layout that did not represent good design removed or redesigned such that they now acceptably comply with relevant design policies. Amendments to the proposed planting scheme are required to ensure the use of more native species and with front gardens defined by hedgerow planting.

- 8.18 Tree Officer – Notwithstanding the outline approval, the current application fails to recognise the presence of all veteran trees and therefore fails to appropriately assess the impacts of the proposal on these trees. However, it is considered there is scope to alter the layout and improve mitigation to enable these issues to be resolved, it is therefore advised that a revised design is sought. Further clarification is also required in respect of proposed tree planting.

The revised report has largely addressed previous concerns regarding Black Poplars – it is now stated that T18, T19 and T21-24 are recorded as native black poplar. The issue has not been addressed for other trees on site, but as these are lesser affected by the proposal it is not considered as pressing an issue. It is noted that there are structural issues with all the poplars and that management is required to ensure safe retention within the context of the development. It is also noted that T19 has suffered the most significant structural issues, and its removal is considered acceptable subject to the mitigation proposed. Concerns remain regarding the impact to veteran trees. Previous comments specifically referenced T9, 14, 15 and 17 as being highlighted as being “of veteran interest” within the outline application. The council has previously highlighted other trees that warrant further investigation. Only T9 has been addressed within the body of the report, and the report claims it is not a veteran.

It is the councils opinion that T9 is a veteran tree based on key features. It is further considered that there are other veteran trees on site – particularly T17 and T18. Other trees such as T21 and 27 are of notable size and present some veteran features so it would be useful to consider them in a similar context. The supporting evidence therefore needs to assess the impacts in line with that advice, which urges the LPA to consider:

- conserving and enhancing biodiversity
- reducing the level of impact of the proposed development on...veteran trees

Standing advice makes clear that the mitigation hierarchy should be applied and there should also be a modification to the RPA of veteran trees. The council acknowledges that there is a scale of value with regard to veteran trees. In terms of habitat, which is the primary concern of the NPPF, this is related to the number, age and quality of veteran characteristics, and to a certain extent the species. The tolerance of trees to impacts will also correlate to the age and species to a degree but on current evidence the impact on veteran trees cannot be confirmed. Comments are made on aspects of the watering schedule and species selection for the proposed planting.

In summary the impacts to the majority of trees across the site, including native black poplars are broadly acceptable, however, the application still fails to appropriately assess the impacts to veteran trees. It is apparent that there is a difference of opinion regarding the presence of trees with this status on site: to be clear T9, T17, and T18 are considered to be veteran. T21 and T27 are notable trees with some veteran characteristics. Veteran trees are identified as irreplaceable habitat within the NPPF, and Forestry Commission/Natural England standing advice sets out a process to assess the impacts to these trees. In line with NPPF and standing advice, these trees require more rigorous assessment of the impacts and suggested mitigation measures. With particular reference to T9 which is still proposed for removal, the habitat value of the tree, including for saproxylic invertebrates and lichens, needs to be assessed. Consideration should be given to serving a TPO on the high value trees within the site.

Standing advice recommends the weight given to veteran trees should be decided on a case by case basis “taking account of the NPPF and relevant development plan policies”

Should the planning balance be in favour, compensation measures for the loss of T9 should be agreed, along with further details on new planting, detailed mitigation, and ongoing management. This can be secured via condition.

## **9.0 REPRESENTATIONS**

9.1 231 letters of objection have been received making the following comments:

- Overdevelopment of site
- Loss of privacy
- Overbearing
- Overlooking
- Development out of character, insufficient consideration to wider landscape
- Development fails to reflect historic character and setting of listed buildings
- Unacceptable increase in traffic, concerns about highway safety
- Adverse impact on wildlife
- Unacceptable reduction in green buffer and wildlife corridor from outline approval
- Does not follow outline approval
- 117 dwellings a guide, not target
- Contrary to NPPF
- Increased noise and disturbance
- Developers do not own all of the land
- Applicants have not engaged with the local community
- Unsympathetic suburban houses, fail to make a positive contribution
- Poor design
- Detrimental impact on setting of listed buildings, no public benefit
- Increased flooding
- Loss of trees
- Impact on security
- Loss of view
- In conflict with objectives of Aylesbury Garden Town and emerging Neighbourhood Plan to be a Garden Parish
- Amended plans do not overcome concerns, full reconsideration is needed not continued tinkering
- Landscaping within garden areas could be removed
- Southern boundary to the development remains incorrectly sited some 3 metres too far south and must be re-positioned, current proposals are not deliverable. The boundary as currently positioned encroaches onto private land.

## **10.0 EVALUATION**

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

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

making is the Development Plan. For the purposes of this report, the Development Plan consists of the adopted Aylesbury Vale District Local Plan. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (February 2019) and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposals constitute sustainable development having regard to Development Plan policy and the NPPF as a whole.

#### Aylesbury Vale District Local Plan (AVDLP)

- 10.2 As set out in the overview report Policies RA.13 and RA.14 seek to restrict development to small-scale infill or rounding off at Appendix 4 settlements and are considered out of date for the reasons given.
- 10.3 A number of saved policies within the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP.2, GP.8, GP.24, GP.35, GP.38 – GP.40, GP.45, GP.59, GP.84, GP.86-88, GP.90-91 and GP.94. They all seek to ensure that development meets the three objectives of sustainable development and are otherwise consistent with the NPPF.

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

- 10.4 The Council has laid out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. This Plan was published and subject to public consultation in summer 2016. Following consideration of the consultation responses, and further work undertaken changes have been made to the draft plan. A report has been considered by the VALP Scrutiny Committee on 26 September and Cabinet on 10 October 2017 on the proposed submission plan. The Cabinet's recommendations were considered by Council on 18 October 2017. The examination hearing ran from Tuesday 10 July 2018 to Friday 20 July 2018. The 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.
- 10.5 Whilst the VALP hearing has taken place there are a number of unresolved objections to the housing strategy and other policies. Paragraph 48 of the NPPF advises on the weight to emerging plans depending on the stage of preparation, unresolved objections and consistency with the NPPF. In view of this the policies in this document can only be given limited weight in planning decisions, however the evidence that sits behind it can be given weight. Of particular relevance is the Settlement Hierarchy Assessment (September 2017). Also the Housing and Economic Land Availability Assessment (HELAA) (January 2017) is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. These form part of the evidence base to the draft VALP presenting a strategic picture.

## *Neighbourhood Plan*

10.6 There is currently no made neighbourhood plan for Stoke Mandeville. A neighbourhood plan area has been established which follows the Parish boundary for Stoke Mandeville Parish and work is progressing but no Regulation 14 pre-submission consultation exercise has taken place and therefore no weight can be given to the neighbourhood plan at this stage.

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

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

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

10.9 Outline consent has been granted for up to 117 dwellings on the site and therefore the principle of development on this site has been previously considered and accepted and it is considered that the site continues to be within a sustainable location for housing and that it would continue to accord with the Development Plan and with the NPPF in this regard. This is a material consideration in the determination of this detailed application.

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

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

10.11 It is considered that there would be economic benefits in terms of the construction of the development itself, its operation and the resultant increase in population contributing to the local economy which would attract significant weight in the overall planning balance.

#### **• *Delivering a sufficient supply of homes***

10.12 Local planning authorities are charged with delivering a wide choice, sufficient amount of and variety of land and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development. In supporting the Government's objective of significantly boosting the supply of homes,

paragraph 61 states that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.

10.13 The Five Year Housing Land Supply Position Statement (April 2019) sets out that the Council can demonstrate 5.64 years worth of deliverable housing supply against its local housing need. The April 2019 position statement replaces the June 2018 position statement and takes into account the 2019 revised NPPF, the new Planning Practice Guidance and the latest situation on the emerging Vale of Aylesbury Local Plan which is currently being examined. The updated overview report attached sets out the detailed clarification and background information on the HEDNA position, the new Housing Delivery Test and the approach to not include any element of unmet need.

10.14 In terms of the breakdown in the mix of housing proposed, this is illustrated in the tables below. Overall there would be 1 x 2-bed flat, 22 x 2-beds, 35 x 3-beds, 46 x 4-beds and 13 x 5-beds.

Market Housing	Number	Percentage	HEDNA %
1 x bed flat	0		4%
2 bed flat	0		4%
1 bed house	0		0%
2 bed house	2	2.4%	13%
3 bed house	23 *	28%	52%
4 bed house	44	53.6%	21%
5 bed house	13	16%	6.5%
Total	82		

\* Includes 4 x 3 bed bungalows

Affordable Housing	Number	Percentage	HEDNA %
1 x bed flat	0		9%
2 bed flat	1	2.9%	6%
1 bed house	0		0%
2 bed house	20	57.1%	38%
3 bed house	12	34.3%	38%
4 bed house	2	5.7%	9%
5 bed house	0		
Total	35		

n.b. percentages may not equal 100% due to rounding

10.15 It can be seen that there is a lack of smaller units for the market housing and a lack of larger units for the affordable housing. The agent had expressed concerns that people eligible for the four-bedroom affordable houses find it increasingly challenging to meet the affordability criteria and maintain their rent levels and that the associations they have spoken with have confirmed that their preference is for a mix of two and three-bedroom family housing for rent. However, it was considered that this imbalance should be addressed such that more four-bedroom dwellings should be affordable. Subsequently



the agent has offered two four-bedroom affordable units. The Housing Officer of the Authority is now satisfied with the affordable mix of housing indicated and furthermore this would also reflect the mix of affordable housing as set out in the affordable housing obligations in the S106 for the outline permission. There would be no unacceptable clustering of the affordable units which would be spread throughout the site.

- 10.16 In justifying the position on the mix of market housing, the applicant has provided some additional information. It is commented that this is a scheme for family housing and the larger number of four bedroom dwellings gives greater flexibility in meeting this need than 3 bedroom houses would do. The site is surrounded by existing large residential homes and the development would reflect this character and its location at the edge of the village. The HEDNA mix is for a wider area and not for a particular site and it would therefore be unreasonable to expect every site to meet this mix as there are many other issues that need to be considered. Weight should be given to the appearance and scale of the setting as well as its location outside of Aylesbury and the proposed mix takes this into account. The outline approval was given after the HEDNA was published and neither the outline decision nor the S106 conditions the mix, which given the low density of the site is wholly appropriate and fundamental to the design following the character of the immediate area.
- 10.17 Whilst the housing mix is not fully in accordance with the HEDNA, a good overall mix of housing is provided and it is considered that overall the development would make a significant contribution to housing supply, including the provision of a policy compliant level of affordable housing at 30%. As such it is considered that the development would accord with the NPPF and that this matter should be afforded significant positive weight in the planning balance.

- ***Promoting sustainable transport***

- 10.18 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### Locational sustainability

- 10.19 In respect of transport sustainability, following the grant of outline consent for the development of the site when its location at the edge of Stoke Mandeville was acknowledged along with access to public rights of way, a cycle network and bus stops and noting the station within Stoke Mandeville, it is considered, that the site continues to be locationally sustainable. As part of the S106 agreement financial contributions

towards bus stop improvements, the link road and school travel plan were secured. Conditions on the outline approval relate to a number of highway matters, including the submission of a Construction Transport Management Plan, details of the off-site highway works including the access with suitable vision splays, ghosted right turn lane including a traffic/pedestrian island, shared cycleway/footway into the site access (discharged) and details of adoptable estate roads and footways.

#### Highway safety

- 10.20 The County Highway Authority previously considered the outline proposal and accepted the principle of the proposal in highways and transportation term, including the impact of the development on the local highway network in conjunction with necessary off-site highway works and mitigating measures.
- 10.21 Amended plans have been submitted to address matters previously raised by the Highway Authority including the width of private driveways, dropped kerbs and the relationship between footways and carriageways to ensure all highway users are accommodated. Refuse and private vehicle tracking has been provided and whilst this is tight in places the Highway Authority are satisfied that the development can be safely served and no objections have been raised by the Refuse Department of AVDC.
- 10.22 Whilst the comments of the Parish Council are noted in respect of the access into the site, this was agreed at the outline stage and conditions imposed at the outline stage and matters secured in the legal agreement will ensure that highway matters are suitably controlled and mitigated as necessary.

#### Parking provision

- 10.23 In respect of car parking provision, this is provided on plot and in garages with some parallel parking available. There are a number of instances where some of the dwellings have an over provision of parking, for some of the four and five-bedroom properties where there are two spaces to the front of the double garages for example and in some instances where there is communal parking for two bedroom properties there is an over-provision. There are several instances where four-bedroom properties only have two spaces available but a number of these have access to parallel parking on street and across the development site there are 19 visitor spaces which would offset the shortfall of 17 spaces on plot for the four-bedroom units. Having regard to the location of the site close to the facilities of Stoke Mandeville and with the future occupiers having access to public transport within walking distance and secure bike stores for those properties which don't have access to a garage, it is considered that overall the level of parking provision for the site would be acceptable. On this basis it is considered that the requirements of condition 13 on the outline approval have been met.
- 10.24 In respect of electric vehicle charging points, the developer has confirmed that they would be providing plots that would be EV ready, that they offer a 'passive' EV installation where the home owner can move in and attach their own charging point to a pre-wired point on the external wall. Given the variety of charging types the developer finds this a good solution as it allow the home owner flexibility as well as ensuring that owners who do not want charging points are not burdened with the upkeep of one.

## Transport conclusions

10.25 Overall it is considered that the development would accord with the aims of the SPG on car parking, Policy GP24 and with the NPPF and that it could be implemented without harm to highway safety and convenience and that sufficient parking can be provided. This absence of harm should be afforded neutral weight in the planning balance.

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

10.26 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.

10.27 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should take into account the importance of the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

10.28 This development proposes 117 dwellings on a site measuring 6.27ha. Excluding the open space area (2ha) from the development area, this gives a density of 27 dph. This is considered to be acceptable and would make effective use of the land having regard to the context of the site at the edge of the village. For information, it was noted at the outline stage that a proposed density of 30dph was envisaged and found to be acceptable. Whilst representations have been received commenting that the proposal would represent the overdevelopment of the site, it is not considered that this would be the case having regard to the layout, scale and spacing retained and the extent of the landscaping proposed, including the retention of existing vegetation and trees where possible. This would not be unreflective of the character of the surrounding area. Consideration, as set out below, is given to the impact on the natural environment, living conditions and character of the area as well as securing a well-designed development. Overall it is considered that the development would make effective use of the land such that it would accord with the NPPF and on this basis this matter should be afforded neutral weight in the planning balance.

- **Conserving and enhancing the natural environment**

### *Landscape*

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

- 10.30 Within the AVDLP, Policy GP.35 requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. Policy GP.38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible. Policy GP.84 states that development affecting a public right of way the Council will have regard to the convenience, amenity and public enjoyment of the route and the desirability of its retention or improvement for users, including people with disabilities.
- 10.31 The principal of the development of this site has been accepted with the granting of the outline permission. As such any impact on the wider landscape has already been assessed and found acceptable in the planning balance and must therefore be attributed neutral weight.
- 10.32 The details of the landscaping for the scheme has been discussed elsewhere in this report in respect of the reserved matters and in terms of planting it is proposed to use wildlife friendly and native species to provide an increase in biodiversity for the site. Plot frontages along the roads will include decorative and native hedgerows and shrubs. The layout has been designed to ensure that existing trees and hedges are retained where possible to soften the development edge and to maintain an attractive route for the public footpaths, as envisaged at the outline stage. On this basis it is considered that the development would accord with the Development Plan and with the NPPF and as such this matter should be afforded neutral weight in the planning balance.

#### *Impact on Public Rights of Way*

- 10.33 The public rights of way have been retained through the site, albeit that their alignment will be slightly modified and an application to BCC has been made in this regard. Upgrades to the footpaths have been secured by way of conditions on the outline approval and within the S106. It is not considered that the development would result in any significant adverse harm than previously identified and the development would provide a safe and attractive route for users. As such it is considered that this matter would accord with Policy GP84 of the AVDLP and with the NPPF and should be afforded neutral weight in the planning balance.

#### *Trees and hedgerows*

- 10.34 Policies GP.39 and GP.40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 10.35 As previously explained, with the approval of the outline consent it has been accepted that there would be some impact on existing trees and hedgerows both within the site and those which form existing field boundaries. Objections have also been expressed by the Council's Tree Officer given the lack of proper assessment of some of the veteran trees on the site and the black poplars. Further assessments have been undertaken and discussions have taken place between the Council's Tree Officer and the applicant's

Arboriculturalist. As a result further trees are being retained and regard had to tree protection areas and details of construction for the dwellings and roadway/footways. Further information is being supplied by the applicant in respect of the ecology of one of the veteran trees (T9) to be removed (which was accepted at the outline stage) and this will be reported to Members. This will inform how the tree will be felled and retained on site to ensure a continued habitat. There will be significant tree planting and soft landscaping to verges, the site boundaries and other parts of the site and it is considered that the landscaping for the development would compensate for any existing planting lost. As such it is considered that the development would accord with policies GP39 and GP40 and with the aims of the NPPF and as such this matter should be afforded neutral weight in the planning balance.

### *Biodiversity/Ecology*

10.36 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.

10.37 An Ecological Appraisal Report has been submitted to address condition 24 of the outline approval which acknowledged the recommendations of the appraisal report submitted with the outline but which required further detail in respect of landscaping and management plans for the enhancement features including bat and bird box provision. The appraisal report did not identify any protected species on the site but did acknowledge the potential for foraging by badgers and also by bats foraging, roosting and commuting and also of course nesting birds in the trees and hedgerows. No objections have been raised by the Council's Biodiversity Officer but for a scheme of this size the number of bat, swift, starling and sparrow boxes were considered to be low. Further information is required to address this and this information can be secured as part of the discharge of condition application that has been submitted. On this basis, subject to securing the additional information, it is considered that the proposal would accord with the NPPF and this matter should be afforded neutral weight in the planning balance.

### *Contamination*

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

10.39 The existing land use of the site is for grazing in association with an agricultural use and it is not therefore expected that there would be any significant contamination on site. A report accompanying the application found no significant ground risks and negligible risks associated with potential localised spillages and inclusions and negligible risk of ground gas associated with an infilled pond. It also found that ground conditions should be suitable for conventional strip foundation with possibly deeper foundations due to potential clay heave and desiccation (these would be considered further at the construction stage in connection with building regulations). Whilst the comments of the Council's Environmental Health Officer have been sought in respect of this reserved matters application and their comments will be reported to Members, it is not considered

that this matter raises issues of any material impact and as such it would accord with the NPPF. Currently this matter should be afforded neutral weight in the planning balance.

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

- 10.40 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.
- 10.41 Policies GP.86-88 and GP.94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development.
- 10.42 The S106 for the outline application secured various matters including financial contributions towards education and sport and leisure and on site provision of open space and a LEAP, amongst other things. As part of this detailed scheme the LEAP is indicated to the northern edge of the site and it would be overlooked by adjacent residential dwellings and users of the adjacent footpath and highway. The buffer distances to dwellings have been addressed and the S106 requires the play equipment to meet the required standards and for it to meet the relevant play assessment value of RoSPA. Further information has been received from the applicants confirming that the LEAP achieves a rating of 'Good' for both the toddler and junior play equipment but a revised annotated LEAP plan together with confirmation that all the observations and recommendations of the submitted RoSPA Playground Plans Review report have been addressed by the applicant will be required as part of the S106 obligations.
- 10.43 The CCG have commented that they would expect a contribution from the developer to address the additional costs associated with the development, although no breakdown or policy justification has been given for this. However, this is the detailed scheme following the approval of the principle of the development for up to 117 dwellings and it is at the outline stage as part of the legal agreement discussions that any contribution should have been secured, if appropriate. At the time of the outline application no comments had been received in respect of the impact on health facilities from the proposal. Furthermore the provision of health facilities is within the remit of the NHS and it is not considered that it would be appropriate to now seek to secure contributions at this stage.
- 10.44 Having regard to the above, it is considered that the proposal would accord with the Development Plan and with the NPPF and this matter should therefore be afforded neutral weight in the planning balance.

- ***Achieving well designed places***

- 10.45 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 10.46 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
- 10.47 Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.
- 10.48 Policy GP.35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP.45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site.

*Reserved matter: Layout*

- 10.49 As a result of discussions between Officers and the applicant amended plans have been submitted to improve the overall layout of the scheme and to ensure that it would complement the existing context of the site. Perimeter blocks are utilised to a greater extent resulting in improved layouts and fewer exposed rear boundaries. Long lengths of driveways have been reduced (triple parking) in the majority of cases so that there is not an over provision of car parking for the size of dwelling proposed, but also that visually the amount of hard surfacing has been reduced. Bungalows have been provided to the south-east which would be adjacent to those along Irvine Drive. Additional landscaping has been provided to site boundaries supplementing the existing hedgerows and also within the site. The retention of a landscaped area to the front of the site, along with the retention of the frontage hedging, save for where the access breaks through, and the area incorporating the SuDS pond to the north would enable a softer, verdant frontage to the development taking account of the edge of settlement location and adjacent countryside and being more reflective of the character of this part of Stoke Mandeville.
- 10.50 The scheme offers an accessible and permeable layout which would generally follow good urban design principles with buildings forming focal points to provide a sense of place, enclosed backs and active frontages. Blank walls to gable ends have been avoided to public spaces and highways, with windows provided for surveillance.
- 10.51 Vehicular and pedestrian routes have been designed to ensure they are open, direct and well used and also that they are overlooked. The public footpaths through the site are retained, albeit that their route has been slightly changed and an application has been submitted by the applicants to formalise this. Access to rear gardens will be gated and locked. The communal areas including the LEAP, which would be located to the north of the site adjacent to the public right of way, will also be overlooked provided by natural

surveillance from dwellings and use of the public right of way. The concerns of the CPDA are considered to have been addressed satisfactorily. In terms of open space provision, 8198m<sup>2</sup> public open space is being provided (of the 6.27ha site) which is consistent with that illustrated at the outline stage and which would provide the level of open space required for future occupiers of the development. Street lighting will be provided and a condition will be imposed to require details of lighting to be provided and approved prior to its installation for the footpaths and open spaces (if required) to ensure regard is had to this edge of settlement location, residential amenity and in respect of wildlife.

- 10.52 As discussed above, the density of the development at 27 dph is considered to be appropriate for this edge of settlement location and with the retention of existing trees and hedgerows where shown, it is considered that the layout would have due regard to its location and would not appear unduly cramped. The layout demonstrates that suitable open space, landscaping, SuDS and defensible space for planting and screening are provided for such that the development would be acceptable in terms of this reserved matter. Overall the layout is considered to be acceptable and this matter is attributed neutral weight in the planning balance.

*Reserved matters: Scale and Appearance*

- 10.53 The site is located at the edge of Stoke Mandeville with the recreation grounds to the east, residential dwellings to the south and to the west, on the other side of Lower Road, and with the industrial units to the south on Manor Farm. To the north is countryside and Magpie Cottage. In terms of scale and appearance, throughout the village and indeed in the surrounds of the application site there are a variety of dwelling types and sizes and significant variation in the materials used. Predominantly throughout Stoke Mandeville there are two storey dwellings with bungalows, including chalet bungalows. A mix of red/brown bricks and brown/red/grey roof tiles in concrete (plain, roman and pantile) and some clay and slate are found. There is also more limited weatherboarding but several examples of render being used.
- 10.54 The proposed development incorporates a number of different house types to provide variety in the appearance of the site and character but there would be cohesion through the use of complementary materials. This will also help with the legibility of the site as outlined above. There is variation in the heights of the proposed dwellings from 7.4m to 8.5m for the two storey dwellings and 9.5m for the two and a half storey dwellings down to 5.9m high for the bungalows (with accommodation in their roofs). This scale of development would not be unacceptable in this location and a similar scale of development can be found in Stoke Mandeville.
- 10.55 In terms of the design of the dwellings, the dwellings all feature gable ends (amended plans having removed the hipped gables), some with projecting front extensions and the larger dwellings and the bungalows feature front dormers. Brick cills and heads will be finished in matching brickwork along with brick banding and corbels as indicated for the particular house type. One facing brick would be utilised through the whole development with some dwellings having render, weatherboarding or tile hanging. Three different roof tiles would be used including a slate grey concrete tile for a limited number of dwellings. The materials pallet is not extensive to ensure that the development appears cohesive and connected throughout.



10.56 Some comments have been made relating to the design of the dwellings not being reflective of Stoke Mandeville and being of an urban nature. As discussed above there is much variety throughout Stoke Mandeville and it is not considered that the dwellings would appear so out of keeping such that any significant negative weight can be given to this matter in the planning balance. The applicants have considered the scale and appearance of existing development in Stoke Mandeville and sought to reflect this in the development. Mitigation of the development would also be provided by the landscape screening, existing and proposed, for the site and significant areas of open space are retained on site along with amenity areas and the LEAP such that it is not considered that the site would appear overdeveloped. Matters in respect of the historic environment are discussed below. On this basis it is considered that the scale and appearance of the development would be acceptable and in accordance with the Development Plan and the NPPF such that neutral weight should be attributed in this regard.

*Reserved matter: Landscaping*

10.57 The layout plan indicates the retention of a large number of trees and hedgerows in the site, including the retention of the hedging along the frontage except where the access would break through. There will be some removal such as where the roadways cut through and although the trees to be removed are generally of a lesser quality, there are some which are of more merit such as a veteran field maple. Tree T9 (located adjacent to plot 45) will be removed and this was indicated as being removed at the outline stage and this removal was taken into account at this time. However, further assessment is required of veteran trees on the site and tree protection and construction methods to ensure an acceptable development and discussions have taken place with the applicant in this regard. Additional landscaping and tree planting is indicated within the site and to supplement that at the site boundaries to ensure that the site retains a verdant character. The illustrative layout plan provided at the outline stage indicated an area of buffer planting to the south-east corner of the site adjacent to the Irvine Drive properties and to the rear of the Swallow Lane properties. The depth of this planting has been reduced but the existing planting will be retained, there would be further tree and hedge planting and this level of landscaping would ensure that an appropriate buffer is maintained. Whilst the new planting would be within the rear gardens of the proposed properties, as it would form part of the landscaping scheme it would be protected by the maintenance condition imposed at the outline stage. Whilst this would not necessarily ensure the long term retention of the planting, as with any landscape scheme, once it is established it would be less likely that it would be removed since it would also provide screening for the future occupiers of the development. Nevertheless, the distances between the proposed and existing dwellings would ensure that no undue loss of amenity would result as discussed below.

10.58 Amended plans have been submitted in respect of the planting scheme for the site (to reflect the changes to the layout) and these are being reviewed and the comments of the Landscape Officer will be reported to Members in this regard. In respect of means of enclosure, 1.8m high bricks walls are proposed to the limited number of exposed rear boundaries and in prominent locations adjacent to the roadways. 1.8m high closed boarded fences and gates are proposed to the remainder of rear gardens with lower 1.2m high close boarded fencing adjacent to plots 34-35 to allow surveillance of the parking area associated with these dwellings. The means of enclosure is considered to be acceptable and would address condition 7 of the outline approval. Other measures

are proposed for the dwellings adjacent to Lower Road and the industrial site as discussed below to ensure adequate residential amenity for the future occupiers.

- 10.59 Having regard to the above and subject to the acceptable planting scheme (which would address condition 8 of the outline approval), it is considered that the landscaping of the site would be acceptable and that it would accord with the Development Plan and with the NPPF and this matter should therefore be afforded neutral weight in the planning balance.

*Reserved matters conclusions*

- 10.60 Overall it is considered that in terms of the matters to be considered as part of this detailed application, and following the receipt of amendments where significant improvements were made to the layout in particular, it is considered that the development would represent good design overall which would accord with the policies in the AVDLP and with the NPPF and that as such neutral weight is afforded to them in the planning balance.

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

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

- 10.62 Special regard has been given to the statutory test of preserving the setting of listed buildings under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. The Council's HBO had commented that for nos 11 and 15 Swallow Lane and The Malthouse, the existing 20<sup>th</sup> Century development means that the context of the site is part of the suburban development of the settlement and that the existing length of the rear gardens will help to mitigate the impact but that a greater landscape buffer would be preferred as shown on the outline indicative plan. In respect of St Mary's Church the impact would be negligible. With regard to nos 31, 35 and Loneash off Lower Road, the significance of these buildings now largely lies in the historic fabric of the buildings and that the attenuation basin and proposed vegetation to the front of the site would help to provide some green setting. Magpie Cottage to the north of the site would benefit from the proposed areas of open space and the retention of the hedgerow would help assist in mitigating the impact on its setting. Given that this cottage would be seen in the context of the development site, additional buffer planting is requested along the boundary.

- 10.63 Since the above comments were made, amendments have been made to the site layout and additional landscaping has been indicated to the boundaries to the Swallow Lane listed properties (and others) and revisions have been made to the scale and design of some of the dwellings, such as the bungalows to the south-east of the site and a revised house type to the north-west of the site (plots 29-31) which has a lower ridge line than the house type originally proposed. The development framework plan of the outline

application illustrated a wider potential landscape buffer to the south-east boundary, but the landscaping shown would nevertheless provide a reasonable level of screening to the listed buildings such that the impact on their setting would be mitigated. Similarly landscaping and the attenuation pond are shown to the site frontage which would provide some spacing and mitigation to the setting of the Lower Road listed properties, including Magpie Cottage. The Council's HBO has considered the revisions and is of the opinion that whilst the proposed development would have some impact on the settings of listed buildings, the height of buildings has been reduced, design amendments have been made and planting buffers have been increased. The majority of heritage concerns have been addressed and whilst although some concern at the lack of vernacular character in the design of some of the proposed units was expressed, it is Officer's opinion that their design would be reflective of dwellings found in Stoke Mandeville and the proposed use of materials would be commentary to the existing materials found in the vicinity of the site. Overall the HBO Officer considers the development would result in less than substantial harm.

- 10.64 The comments made by the HBO in respect of design matters are noted. This site is not within a conservation area, nor is it adjacent to one. Design matters have been addressed above and having regard to the context of the site at this edge of settlement location wherein there is a variety of designs and sizes of dwellings, it is considered that the development would have an acceptable impact on the character and appearance of the settlement and it would complement the existing development there.
- 10.65 Having regard to the above, it is considered that the development would lead to less than substantial harm to the setting of the listed buildings and that the level of harm is at the lower end of the scale such that it would not be sufficient to justify a refusal. Therefore in accordance with paragraph 196 of the NPPF the harm must be weighed against the public benefits, as undertaken in the conclusions above.
- 10.66 With regards to archaeology, the written scheme of investigation has been approved by BCC with regard to the requirements of condition 11 of the outline approval. However, this condition cannot be discharged until all of the archaeological works have been completed. There is not considered to be a conflict with the NPPF in this regard and this matter should be afforded neutral weight in the planning balance.

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

- 10.67 The NPPF at Section 14, 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 163 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.
- 10.68 As the Local Lead Flood Authority, BCC have raised no objections to the development subject to conditions. The S106 attached to the outline approval requires the submission of a SuDS scheme to be approved in writing by the Local Planning Authority prior to commencement of the development and for the approved scheme to be implemented prior to occupation. The LLFA are satisfied with the feasibility water drainage scheme

provided such that the terms of the S106 would be addressed in this regard.

10.69 In respect of foul drainage, condition 10 imposed at outline stage requires details of a foul drainage scheme to be submitted for approval and implemented prior to occupation. Details have not yet been received in this regard.

10.70 On this basis it is considered that the development would be appropriately flood resilient and that surface water drainage and foul drainage has been accounted for and as such the development would accord with the NPPF and this matter should be afforded neutral weight in the planning balance.

- ***Supporting high quality communications***

10.71 Paragraph 114 of the NPPF requires Local Planning Authorities' to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services. Given the nature and location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development. It is therefore considered that the proposal would accord with the guidance set out in the NPPF.

**a) Impact on residential amenities.**

10.72 The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.

10.73 Amendments have been received in respect of the layout of the scheme and dwelling types and significantly the row of dwellings to the south-east of the site has been amended to be bungalows (with accommodation in the roof - rooflights to the rear and a dormer to the front). Additional planting has also been indicated along the boundary with the existing dwellings to the south. Having regard to the distances between the proposed and existing dwellings (ranging from 29m to 40m to the elevations of the dwellings to the south), the proposed heights and the proposed tree and hedge planting in between, it is not considered that there would be any undue loss of privacy or overlooking to the existing properties, nor would the proposed dwellings appear overbearing when viewed from the south-east. Even in the absence of any planting and assuming a 1.8m high fence between the existing and proposed dwellings, given the distances between which exceed the distance normally secured by the Authority, there would be no grounds to refuse the development on loss of privacy or overlooking grounds.

10.74 Discussions have taken place with the applicant regarding revisions to the scheme to improve the layout of the site and concerns had also been expressed by Officers regarding the length of some of the back gardens for the properties and the distances between properties and revisions have been received to address these matters. These revisions include amending the siting of a small number of the dwellings, altering garden

boundaries and replacing house types for example. The relationship between the proposed dwellings is now considered to be satisfactory and generally meets the distances the Authority would normally seek (14m back to side and 20m back to back). On this basis the amenities of future occupiers of the development is considered to be satisfactory.

- 10.75 Following the revisions to the layout of the scheme a revised Noise Assessment has been submitted and assessed by Environmental Health. The matters identified that could affect residential amenities were the traffic noise from Lower Road and the noise and disturbance emanating from the industrial estate to the south, Manor Farm. The report concludes that certain mitigation measures would be necessary to ensure that required internal and external noise levels can be maintained. These include glazing and ventilation which meets minimum sound reduction performance to plots 1, 2 and 3 and a 1.8m high imperforate barrier to the south-west boundary of plots 3 and 11 to mitigate road noise from Lower Road. Also a 2.2m high imperforate barrier to the boundaries of plots 12, 13, 14, 15, 17 and 18 with the industrial estate would be required to mitigate noise emanating from the uses on the industrial estate. Subject to conditions to ensure these requirements are met, Environmental Health raise no objections to the development.
- 10.76 Some concerns have been expressed in the representations regarding the lighting of the footpath and it is considered appropriate to recommend a condition to require details of any lighting prior to its installation so that its impact can be considered and appropriate details secured.
- 10.77 Following consideration of the above matters, It is considered that adequate regard has been had to residential amenities such that the development would accord with Policy GP8 of the AVDLP and with the NPPF and that this matter should be afforded neutral weight in the planning balance.

#### Other matters

- 10.78 Some of the representations refer to land ownership matters and the red edge of the application site. The developer has confirmed that they own all of the land within the red line boundary and has commented that the exact boundary has been set out on site and accords with the red line forming the outline consent. The Authority do not engage in land ownership disputes and on the basis of the information provided are satisfied that consideration of the planning application as submitted can proceed.
- 10.79 A number of the representations received, and the Parish Council, comment on the lack of meaningful consultation with the community by the developer. The applicant has been aware of the representations received and the concerns of Officers to the proposals as originally submitted and has responded with the submission of amended plans. Whilst these do not fully address the concerns and objections of local residents, the Local Planning Authority cannot require the developer to engage fully with the community and there has been effort on the applicant's side to listen to local concerns, albeit it is understood that no formal meeting has been held between the community and the developer.

Case Officer: Mrs Sue Pilcher