



AYLESBURY VALE DISTRICT COUNCIL

Democratic Services

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7 May 2019

STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Strategic Development Management Committee** will be held at **1.00 pm on Thursday 16 May 2019** in **The Oculus, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, 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

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AGENDA

1. **APOLOGIES**
2. **TEMPORARY CHANGES TO MEMBERSHIP**
Any changes will be reported at the meeting
3. **DECLARATION OF INTEREST**
Members to declare any interests.
4. **OVERVIEW REPORT - MAY 2019** (Pages 3 - 12)
5. **18/04097/ADP - LAND WEST OF MENTMORE ROAD, PARTRIDGE CLOSE AND BARKHAM CLOSE, CHEDDINGTON** (Pages 13 - 46)

Approval of reserved matters pursuant to Outline permission 16/02806/AOP relating to Approval of appearance, landscaping, layout and scale and associated works for 100 dwellings.

Case officer: Nina Hewitt-Jones

6. 18/01857/ADP - LAND EAST OF LOWER ROAD, STOKE MANDEVILLE (Pages 47 - 76)

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

Case officer: Sue Pilcher

7. HUMAN RIGHTS ACT (Pages 77 - 78)

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 (April 2019)
 - 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 which is regularly updated. It also updates the estimated delivery of sites based on the latest information. The latest Five Year Housing Land Supply Position Statement was published April 2019, based on March 2018 data, which shows that the Council can demonstrate 5.64 years worth of deliverable housing supply against its local housing need. This calculation is derived from the new standard methodology against the local housing need and definition of deliverable sites set out in the NPPF and NPPG.
- 1.25 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

- 1.26 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.
- 1.27 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.
- 1.28 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.

- 1.29 Further advice is also set out in the NPPG.

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

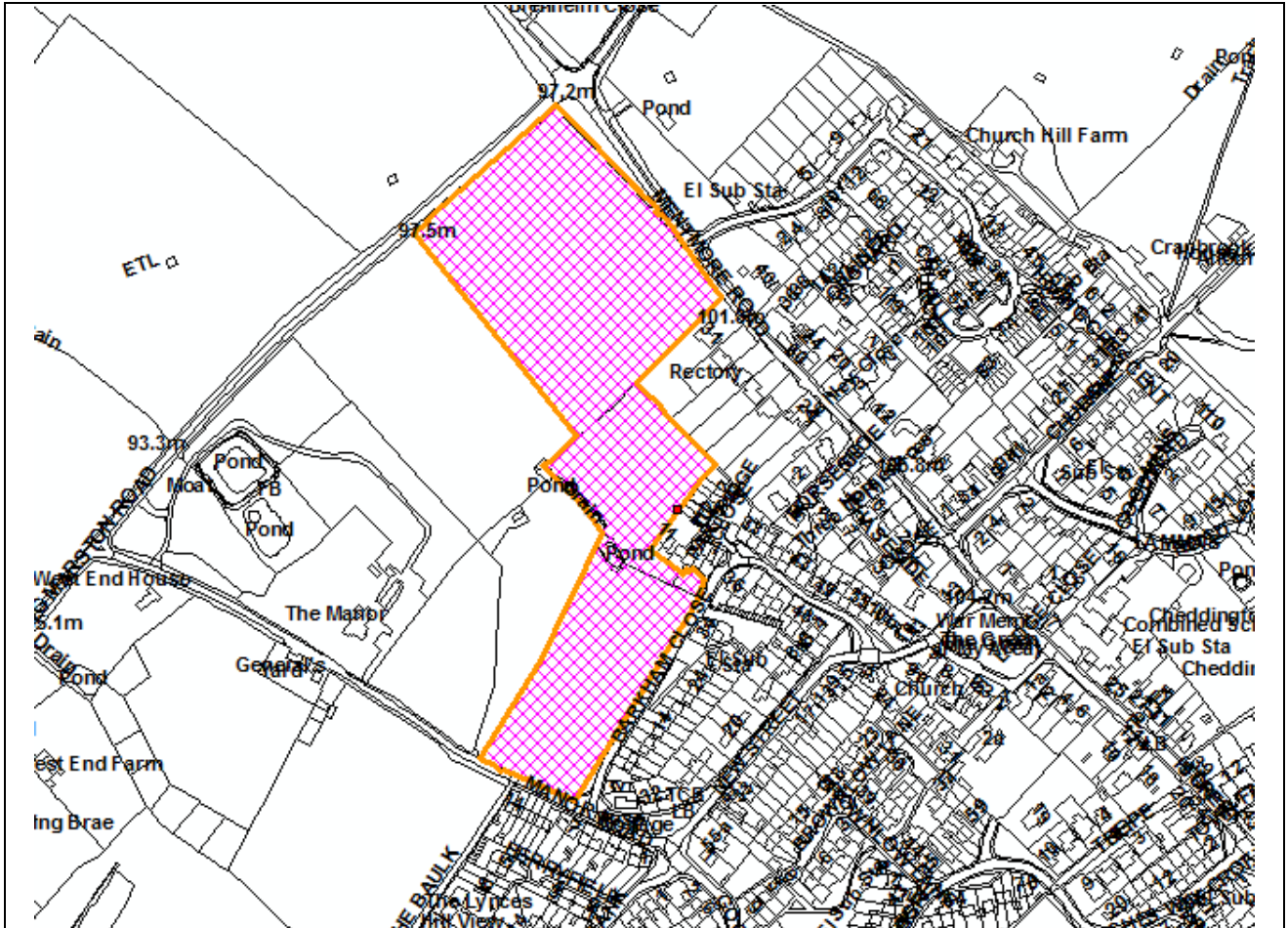
- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

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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18/04097/ADP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/04097/ADP	CHEDDINGTON	16/11/18
Approval of reserved matters pursuant to Outline permission 16/02806/AOP relating to Approval of appearance, landscaping, layout and scale and associated works for 100 dwellings Land West Of Mentmore Road, Partridge Close And Barkham Close Miss Emma Sanders	The Local Member(s) for this area are: Councillor Mrs Sandra Jenkins Councillor Derek Town	
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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 accordance with the Cheddington Neighbourhood Plan (CNP) and the Aylesbury Vale District Local Plan.**
- b) Compliance with the CNP, other relevant Development Plan policies and NPPF guidance: 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**
 - **Achieving well designed places: Reserved Matters – Layout, Scale, Appearance and Landscaping**
 - **Conserving and enhancing the natural environment**
 - **Conserving and enhancing the historic environment**
 - **Promoting healthy and safe communities**
 - **Meeting the challenge of climate change and flooding**
 - **Supporting high quality communications**
 - **Impact on residential amenities**
 - **106/Developer contributions**
- c) Other matters**

The recommendation is that permission be **GRANTED subject to conditions**

CONCLUSION AND RECOMMENDATION

The application has been considered in the light of the Development Plan and NPPF guidance. The report has assessed the application against the overarching objectives of the NPPF and it has been considered whether the proposal represents a sustainable form of development. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision

taking 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.

The village of Cheddington has a made neighbourhood plan (CNP) and this CNP can be given full weight as part of the Development Plan.

The principle of the development has already been accepted through the outline approval. In terms of the details set out in this reserved matters application, scale, layout, landscape and appearance a further assessment against the Development Plan policies and the NPPF as a whole is required.

The site is within the settlement boundary designated by CNP Policy 1 and shown on the proposals map. It is designated for development by CNP Policy 2. The details of the development proposed is in accordance with the criteria set out in Policy 2 of the CNP and it is accepted that the development is deliverable in a sustainable location.

The proposed development would provide a mix of dwellings and would help to maintain the Council's housing land supply, and would provide affordable housing, which is a benefit, and this matter is afforded positive weight in favour of the proposal. 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, and this is a benefit which is afforded positive weight in favour of the proposal.

Compliance with some of the other key planning objectives of the NPPF have been demonstrated in terms of efficient use of land, residential amenity, highway safety, parking provision, trees and hedgerows, biodiversity, design, flooding and promoting healthy communities. However these matters do not represent benefits to the wider area but demonstrate the absence of harm.

Harm relating to the loss of a green field site was evaluated at the outline stage and the principle of development of this site was considered acceptable by allowing outline permission of up to 100 dwellings on this site.

In addition, the development has been identified as causing less than substantial harm to the setting of the adjacent grade II listed building. 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.

It is considered that the details satisfactorily deal with the reserved matters of scale, layout, appearance and landscaping, and the development would accord with the made NP policies and the relevant saved AVDLP policies. Having regard to paragraph 11c of the NPPF, it is considered that the proposal would accord with policies 1, 2, 4 and 6 of the CNP, the relevant saved AVDLP policies, and the guidance set out in the NPPF, and there would be positive social and economic benefits derived from the scheme. As such it is recommended that the reserved matters be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall only be carried out in accordance with the following drawing Nos.:
 - 1028 - 002 M – Coloured Site Layout
 - 1028 – 003 F – Materials Plan

1028 – 004 C – Street Scenes
1028 – 005 E – Boundary Treatments and Chimney Plan
House Type and Garage Pack rev F
JBA 19-042-01 C Detailed Landscaping Proposals
JBA 19-042-02 C Detailed Landscaping Proposals
JBA 19-042-03 C Detailed Landscaping Proposals
JBA 19-042-04 C Detailed Landscaping Proposals
JBA 19-042-05 C Detailed Landscaping Proposals
JBA 19-042-06 C Detailed Landscaping Proposals
RED076 – 620 A Refuse Vehicle Tracking
RED076 – 600 C Fire Tender Tracking

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. Notwithstanding the details indicated on the approved plan no. 1028 003 rev F, no development shall take place above damp proof level on the building(s) hereby permitted until samples of the tiles proposed to be used on the roofs of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.

Reason: To ensure a satisfactory appearance to the development and to comply with policy 4 of the CNP, policy GP35 of Aylesbury Vale District Local Plan, and the National Planning Policy Framework.

3. No windows shall be inserted in the eastern elevation of plots 12, 55, 62, 75, and 80, nor in the northern elevation of plot 73, nor in the southern elevation of plots 14, 72, and 84, nor in the western elevation of plot 38 without the prior express permission in writing of the Local Planning Authority.

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

4. Prior to the first occupation of the development hereby permitted, the forward visibility splays shown at the north of the site on the approved drawings shall be provided, and the area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway thereafter.

Reason: To provide adequate visibility along the site carriageway for the safety and convenience of users of the highway and of the access and to accord with the NPPF

Informatives:

1. Nothing herein contained shall be deemed to effect or vary the conditions imposed on outline permission no. 16/02806/AOP which shall continue in full force and effect, save insofar as they are expressly varied by any conditions imposed hereby.

2. You are advised that a legal agreement has been entered into in connection with the outline consent for the site 16/02806/AOP.

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

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

4. The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites.

WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 38 and 39 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,
- 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, the applicant/agent was informed of the issues arising from the proposal and given the opportunity to submit amendments/additional information in order to address those issues prior to determination. The applicant/agent responded by submitting amended plans/additional information which were found to be acceptable so the application has been approved.

2.0 INTRODUCTION

2.1 The Parish Council has made representations which are contrary to the officers recommendation and have indicated that they wish to speak at the Committee meeting.

2.2 The Local Member, Cllr Town, has requested that the application be considered by the Committee for the following reasons:

- This development design does not reflect discussions Cheddington residents had with Savilles (the land owner agents) during the run up to the application for Outline Planning.
- This proposal was an integral part of the Cheddington Neighborhood Plan (CNP) and was accepted by the residents as a positive contribution to the Cheddington future housing needs. The situation is no longer positive.

3.0 SITE LOCATION AND DESCRIPTION

3.1 The site comprises three adjoining areas:

- 1) Land southwest of Mentmore Road – part of a field extending approx. 186m southeast – northwest from the side boundary to No. 31 Mentmore Road to the southeast side of Long Marston Lane. Depth is approx. 140m, again to an arbitrary line in the field. Both road frontages are marked by hedges. There is a field gate access from Long Marston Lane close to the western corner. Land opposite to the northeast is orchard land, with housing fronting Church Hill at the southeast end of the frontage. Land over Long Marston Lane is open agricultural land.
- 2) Land northwest of Partridge Close – a smaller field, part separated from site (1) by hedge and tree planting, and a ditch. Rear garden boundaries to terraced Partridge Close dwellings to the northeast part of the southeastern boundary, with a side boundary to the southwest. The gardens are 10-11m long. Rear garden boundaries

to detached Mentmore Road houses to northeast: these are long gardens around 50m in depth. The site is largely flat, approx. 90m southwest-northeast, and 85m southeast-northwest, with a fence line to the northwest.

- 3) Land northwest of Barkham Close – part of a grassed field, the frontage to Barkham Close lined by trees set behind the frontage hedge. On the other side, semi-detached and terraced houses front Barkham Close. There is a convenience store on the Barkham Close/Manor Road junction. The shorter frontage to Manor Road (West End Road) is also marked by a hedge. There is residential development – semi-detached – to the southeast of The Baulk, and a field beyond. The site is largely flat, approx. 180m long southwest-northeast, and 75m wide. There is a tree enclosed pond in the northwestern corner. The northwest boundary is an unmarked line through the field. The Manor, a grade II listed building, off Manor Road is located some 115m from the northwest site boundary, with trees and shrubs on the property boundary.

4.0 PROPOSAL

- 4.1 This application seeks approval of Reserved Matters pursuant to Outline Planning Permission 16/02806/AOP relating to scale, appearance, landscaping and layout for the residential development of 100 dwellings.
- 4.2 The proposed dwellings will comprise a mix of 1 to 5 bedroom houses, 2 bedroom bungalows, and 3 bedroom chalet bungalows:
6x1 bedroom houses;
21x2 bedroom houses;
3x2 bedroom bungalows
2x3 bedroom chalet bungalows;
47x3 bedroom houses;
17x4 bedroom houses; and
4x5 bedroom houses.
- 4.3 The houses will be a mix of terraces, semi-detached and detached, which will be a maximum of 2 storeys in line with the requirements of policy 4 of the Cheddington Neighbourhood Plan (CNP). This has been the subject of amended plans
- 4.4 35% of the dwellings will be affordable housing, which will comprise a mix of 1, 2, and 3 bedroom houses, and 2 bedroom bungalows . Of these 35 affordable homes, 26 will be affordable rent and 9 shared ownership. The mix and location of the affordable dwellings has been the subject of amended plans.
- 4.5 Amended plans have also been received which have revised the proposed scale and layout of the dwellings, roadways, footways, play area, boundary treatments, and the details of the pumping station and SuDS features within the site.
- 4.6 Slab level details have been submitted in response to Condition 12 of the outline consent.
- 4.7 In addition, details have been submitted in order to discharge the following obligations in the S106 relating to the outline planning permission at this site:
 - Third Schedule point 1.1 – Open Space Land Scheme
 - Fourth Schedule point 1 – SUDS Scheme.

5.0 RELEVANT PLANNING HISTORY

06/02054/APP - Erection of 8 semi-detached houses and 4 flats for rural exception social housing development including formation of new access and associated parking – Approved

16/02806/AOP - Outline application with access to be considered and all other matters reserved for a residential development of up to 100 dwellings, associated open space including amenity land, landscaping and parking. – Approved

16/A2806/DIS - Submission of details pursuant to Condition 22, 23 and 24 (archaeological) relating to Planning Permission 16/02806/AOP – approved

16/B2806/DIS - Submission of details pursuant to Condition 11: Tree Protection Plan, Condition 15: Whole Life Maintenance Plan for Drainage, Condition 19: Zebra Crossing Details, Condition 20: Parking, Garaging and Manoeuvring Scheme and Condition 21: Construction Management Plan – pending consideration

6.0 PARISH/TOWN COUNCIL COMMENTS

6.1 Cheddington Parish Council state that in principal it has **No Objections** but wishes to make the following comments:

- a) The Parish Council is concerned that the bungalows shown are either shared ownership or rental. There were many comments from residents during the Neighbourhood Plan Process that a number of residents wished to downsize and that there was and would be a demand for bungalows for sale on the Open Market. This opinion was again voiced vehemently at a public event held by the Parish Council very recently to discuss the views of interested residents on the details of the above referenced planning application. It is also to be noted that it was envisaged during the Neighbourhood Plan discussions that a larger number of bungalows would be located in the area of the site near Barkham Close to meet the demands of ever-increasing older generation. The Parish Council also asked for clarification about whether people who currently own property outright in the village would be eligible for a shared ownership bungalow.
- b) The Parish Council noted that there are three houses of the Blakesley design which are shown to be 2.5 storey which is in conflict with the design policy of the Cheddington Neighbourhood Plan. The Parish Council would draw the planning officers attention to Page 29 of the Cheddington Neighbourhood Plan. Policy 4 i... specifically, buildings should be no more than two storeys in height.
- c) The Parish Council is concerned that there are only two three bedroomed semi-detached houses on the site plan. It would put the case that there should be more three bedroomed houses for sale, rent or shared ownership for a younger generation with growing families.
- d) The Parish Council would ask for clarification on the possible administration of the shared ownership and the properties for rent.
- e) The Parish Council also would like clarification on the future of the site and who will be responsible for street lighting, grass verges, play equipment and the maintenance of the landscaped areas.
- f) The Parish Council had argued that the development did not need a separate play area and that the S106 money could be better spent on updating the existing play area on The Green. The Parish Council would look for assurances that if a Local Equipped Area of Play (a LEAP); is to be located on the development then there should be some boundary, whether hedging or fencing, to prevent young children using this facility from running onto the adjacent road. There was some concern that the LEAP is located near a pond so that in addition to a boundary from the adjacent road the Parish Council would wish there to be a safety feature provided to prevent small children from accessing the area without supervision.

7.0 CONSULTATION RESPONSES

Tree Officer - requested a revised Arb Impact Assessment as the one submitted with the outline application (16/02806/AOP) is almost 3 years old, and reflects a different layout. Following the submission of further information there are no tree related objections to the proposal. In principle, the scheme has potential to be beneficial in terms of trees – the majority of existing trees are to be retained, and the landscape masterplan shows that there will be sufficient new planting to compensate for those lost and result in a net gain in both quantity and quality of trees on site.

Buckingham & River Ouzel Internal Drainage Board - has no comments to make regarding this planning application.

Parks and Recreation Officer - There is no requirement for this development to provide the minimum 24.7m² per resident of Outdoor Playing Space or a Local Equipped Area for Play (LEAP) on-site, then no reduction to the 'full' calculated off-site sport/leisure contribution will be applied. Financial contribution towards an off-site project is required in accordance with the Council's Ready Reckoner as set out in the s106 agreed at the outline stage. If a LEAP is provided on-site then it must meet the ROSPA requirements which include its minimum 20m buffer distance from dwellings and residential boundaries.

CPDA - concerns relating to the number of blank elevations which have been included in the design restricting surveillance and hindering occupants from safeguarding their property, the development and the community as a whole from crime and anti-social behaviour – recommends revisions to design.

Housing Officer - Not less than 35% of the total number of dwellings constructed on the land (or each Phase or Sub Phase) are to be Affordable Dwellings, provided with a tenure split of 75% Affordable Rented units and 25% Shared Ownership.

The affordable housing mix as illustrated on the amended Drawing No. 1029 002 M is suitable for this scheme and the clustering conforms with the requirements of the s106. The affordable units should be indistinguishable from the open market units.

The affordable units should conform with the Accessible and Adaptable Dwelling standard, that is Category 2 of Approved document M of the Building Regulations 2010 except the wheelchair adapted/adaptable dwellings which should conform with the Wheelchair User Dwellings standard, that is Category 3 of Approved document M of the same document.

No more than 50% of the Market Housing Dwellings are to be occupied until all the affordable units on any Phase or Sub Phase have been completed and transferred to a registered provider of social housing.

Waste and Recycling - Developer should refer to the Council's recycling and waste advisory notice for guidance.

BCC Archaeological Officer - No objection - The nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of any assets. It is not necessary to apply a condition to safeguard archaeological interest.

Ecology Officer - The Ecological Mitigation and Enhancement Plan submitted by OHES Environmental Ltd dated 20.11.2018 is considered sufficient to progress this development. The report sets out the measures required to ensure mitigation and enhancement protocols are met on site. Further details indicating the location of the proposed bat and bird features have now been submitted and are considered acceptable. The revised landscape details include the appropriate wording to capture the correct management for the wildflower areas. No further objections.

BCC-LLFA - Buckinghamshire County Council as Lead Local Flood Authority has reviewed the information provided in the submitted details listed below and recommends the approval of reserved matters in relation to surface water drainage:

- Calculation details (*Storm Network 10, 30th October 2018, Red Civil Design Consultants*). Manhole Construction Details Proposed Drainage Layout (*Drawing number: 420, October 2018, Red Civil Design Consultants*).
- Existing Flow Trace and Catchments (*Drawing number: P900, October 2018, Red Civil Design Consultants*).
- Proposed post Development Land Drainage (*Drawing number: P901, October 2018, Red Civil Design Limited*).
- Proposed Drainage Layout (*Drawing number: P902, October 2018, Red Civil Design Limited*)
- Response to LLFA's Comments (*17th December 2018, Red Civil Design Consultants*)
- Review of surface water drainage and discharge options (*BM11501-002, 19th January 2018, Wardell Armstrong*)
- SuDS Drainage Plan for Discussion (*Drawing number: SUDS 1, February 2019, Residential Engineering Design Ltd*)

BCC Highway Officer – No objection to amended drawings. In summary, the proposed shared surface areas have been shortened to be safer for users and to avoid overly large areas of 'shared Surface'; the shared surface streets are shown at a minimum of 5.5m carriageway with the exception of several pinch points to act as traffic calming and have been changed to a block paver surface to differ from the tarmac road; parallel parking spaces have been removed from the 5.5m tractable carriageway; and all footways on site are now to be 2m wide and link with the existing footways. These amendments are considered acceptable and comply with Manual for Streets guidance.

Heritage Officer – The conclusion of the Heritage Statement states "It is accepted that this proposal...will affect the setting of the Grade II Listed Cheddington Manor. It will have a somewhat urbanising effect upon the setting when looking towards the west". The Heritage Officer concurs with this assessment and considers that the development looking towards the west will have a suburban effect on the setting of this designated heritage asset. The proposal would amount to less than substantial harm, low adverse impact with some slight loss of the significance of the heritage asset. The development is proposed to be located to the south east of the heritage asset some distance from the house. The harm arises from the proposals would be limited to the loss of some of the agricultural context. Nonetheless, the loss of the open fields would result in the heritage asset becoming more divorced from its agricultural connections as the fields are used for grazing sheep which would result in some harm to its setting. A fully designed landscape scheme is required to show that the verdant landscape setting can be maintained.

Landscape Officer – verbally advised no objection to the revised plans.

BCC Education – no comment

MOD – no comment

CCG – no comment

NHS – no comment

Environmental Health – no comment

8.0 REPRESENTATIONS

- 8.1 Cllr Town – This development design does not reflect discussions Cheddington residents had with Savilles (the land owner agents) during the run up to the application for Outline Planning. This proposal was an integral part of the Cheddington Neighborhood Plan (CNP) and was accepted by the residents as a positive contribution to the Cheddington future housing needs. The situation is no longer positive. The comments provided by Chris Poll is a good evaluation of the issues so I will not repeat them here. I do request as the local AVDC Councillor for Cheddington and Pitstone that this application is brought to committee for consideration prior to any determination.
- 8.2 Cllr Poll - In response to the design and access I wish to make the following comments. I am disappointed with the spread and types of affordable housing. I feel it is trying to replicate that which is already provided by the adjacent HA properties as well as the RE scheme next door. In my view the bungalows should be for sale on the open market and sited as near to the facilities of Barkham Close as possible. Whilst I had not considered a FOG this could work but should again be open market therefore allowing a local resident to control what happens, not a housing association. The reasoning behind this is that such a property would allow basic rent for the tenant or market value realisation when disposing of the property. It is felt by me that this housing mix is quite inappropriate for the needs of the community. We didn't go through an evidence based neighbourhood plan to then see a national house builder propose a scheme which is replicated across the whole country. Our evidence shows what is required and were this or another developer to read it I feel a workable solution could be found to supply what is needed, yet still make a decent return on any investment. The number of 5 bedroom houses does not concern me but the number, or lack of, smaller 3 beds does. Similarly 2 1/2 storey houses are mentioned but would be against the NP. It is clear that Cheddington requires smaller, open market, 3 bedroom properties for families starting out. There are ample 2 bed in Church Hill yet any family wishing to upgrade accommodation then finds the existing 3 bed properties too expensive. Something in between needs to be built. I feel that in trying to achieve the 35% level of affordable housing in this scheme the proposal is just shoe-horning in whatever they feel they can get away with to meet that target. Much better that some thought goes behind this. I feel the community would much better support a lower level of affordable homes if my above comments were taken on board. We need bungalows for people to buy and smaller family homes to make this large development a community. Not a community separate from the rest of the village but at the very least a sense of place within the existing fabric of the village. The upcoming VALP will adopt a lower (25%) figure and it is possible that by the time final approval is given that figure is what will be built. Much better to plan for this now. To that end I suggest further consideration to the location of various building types, placement of vehicular access and the future adoption of the development into Cheddington village. It seems little consideration is given to access the existing road network. It is a fact that some people will drive to the shop. Therefore a link into Barkham close would be prudent. Otherwise all traffic will need to exit on to Mentmore Road whatever the journey. Far from being used as a cut through I feel this will help enormously in alleviating the issue of traffic exiting on to the major Northern route out of Cheddington. Most morning traffic is along this route as residents go to the station or the road network further on to such places as Milton Keynes or Aylesbury. As for the future of the site once construction is completed I have concerns. I understand that this developer is prone to using a landscape management model. This would be wholly unacceptable in my view. It is imperative that the Parish Council be maintenance provider. From streetlights to green space, only then can there be any control by villagers. I have heard many stories of management companies not working well and costs increasing. Again, this must not be allowed to happen. The Parish Council must be the only authority for such matters as for which they are at present (and in future) responsible. As for provision of leisure amenity this must also be tied in to the existing provision. It would be less than ideal if separate provision were made Cheddington already has a play area centrally located and very well used. Any leisure provided by S106 funding should therefore be used to embellish existing

facilities. The parish Council would be more than willing to discuss matters before this plan comes to committee at AVDC in order that much time can be saved and anguish prevented.

- 8.3 3 letters of public objection have been received which raise the following issues:
- The village is already overcrowded with not enough amenities
 - The highway infrastructure can not cope with a further 100 dwellings – already parking concerns, pot holes, lorries and speeding through the village
 - There would only be one exit onto Mentmore Road which would cause a bottle neck. Cars park along this stretch of road due to the proximity of the train station
 - The proposal would disrupt the elderly and disabled residents of Barkham Close bungalows
 - The additional noise level generated by the proposed development and its associated traffic movements would make this relatively quiet village into an extremely noisy place to live
 - Bungalows to buy are needed as well as affordable housing
 - The bungalows should be close to the local bus stop and village shop
 - A link road between the two halves of the estate would improve traffic access.
 - An entrance into Manor Road would help traffic flow through the village

9.0 EVALUATION

a) The planning policy position and the approach to be taken in the determination of the application in accordance with the Cheddington Neighbourhood Plan and the Aylesbury Vale District Local Plan.

- 9.1 The overview report 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 and the made Cheddington Neighbourhood 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, NPPG 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.

Neighbourhood Plan

- 9.2 The NPPF states that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.
- 9.3 Cheddington benefits from a Neighbourhood Plan that was 'made' in August 2015 and is to be given full weight.
- 9.4 A number of CNP policies relating to housing development are relevant to this application.
- 9.5 Policy 1 designates a settlement boundary. It states that development proposals on land within the defined Settlement Boundary will be supported, provided they do not result in the loss of any existing publicly accessible open space and are consistent with other

development plan policies. The proposals map shows the application site to be within the settlement boundary.

- 9.6 Policy 2 allocates the application site to accommodate housing development of approximately 100 dwellings and sets out criteria to guide the development. It requires the provision of 35% affordable housing and divides the site into 3 sections.
- 9.7 Policy 4 sets out design principles for new development, and requires adequate parking provision and delivery of high speed broadband.
- 9.8 Policy 6 seeks to ensure development proposals enhance green infrastructure and biodiversity, and enables the protection, enhancement or provision of new footpaths, bridleways and cycleways .

Aylesbury Vale District Local Plan (AVDLP)

- 9.9 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 out of date for the reasons given.
- 9.10 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 GP2, GP8, GP24, GP35, GP38 – GP40, GP45, GP59, GP84, GP86-88, GP90-91, and GP94. They all seek to ensure that development meets the three objectives of sustainable development and are otherwise consistent with the NPPF.

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

- 9.11 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.
- 9.12 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.

a) Compliance with requirements of the CNP, other relevant Development Plan policies and NPPF guidance: Whether the proposal would constitute a sustainable form of development.

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

- 9.14 It is only if a development is sustainable when assessed against the NPPF as a whole that it would benefit from the presumption in paragraph 11 of the NPPF. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.
- 9.15 Outline permission has been granted under planning reference 16/02806/AOP for the erection of up to 100 dwellings with associated open space including amenity land, landscaping and parking, which established and accepted the suitability of this site for residential development. The principle of the development at this site, and its access have been previously considered and accepted.
- 9.16 It is considered that the site continues to be within a sustainable location for housing and the principle of the development would continue to accord with the CNP, AVDLP and the NPPF. However, this proposal still has to be assessed against all other material considerations.

Building a strong competitive economy

- 9.17 The Government is committed to securing and supporting sustainable economic growth and productivity, but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 9.18 There would be economic benefits derived from this development in terms of the construction of the development itself and the resultant increase in population contributing to the local economy. These benefits include new investment and jobs, extra demand for goods and services and increased local spending from the resultant increase in population, which would be positive and long lasting to the local economy.
- 9.19 It is therefore considered that the proposal would give rise to future economic benefits in terms of the construction of the development itself, its operation and the resultant increase in population contributing to the local economy. This is a matter which weighs in favour of the development.

Delivering a sufficient supply of homes

- 9.20 Local planning authorities are charged with delivering a wide choice of sufficient amount of and variety of land and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development. In supporting the Government's objective of significantly boosting the supply of homes, paragraph 61 states that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes. Key to the consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land.
- 9.21 The Five Year Housing Land Supply Position Statement (April 2019) sets out 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 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.

- 9.22 Policy 2 of the CNP allocates the application site to accommodate housing development of up to 100 dwellings and sets out guidance that:
- Site (i) at Land off Mentmore Road shall provide for approximately 50 dwellings,
 - Site (ii) at Land rear of Partridge Close shall provide for approximately 15 dwellings, and
 - Site (iii) at Land at Barkham Close shall provide for approximately 35 dwellings.
- 9.23 The details submitted show that development on this site would deliver 100 dwellings in accordance with the total policy requirement of 100 in policy 2. However, the total 100 dwellings would be divided up between the three sites as follows:
- Site (i) – 54 dwellings
 - Site (ii) – 23 dwellings
 - Site (iii) – 23 dwellings
- 9.24 The division of the dwellings between the three sites would broadly accord with the approximate guideline figures set out in Policy 2 in so far as around half of the dwellings would be proposed within site (i), and sites (ii) and (iii) would provide for smaller amounts of dwellings. The main differences in numbers would be within sites (ii) and (iii) where the proposal would provide for 23 dwellings as opposed to approximately 15 dwellings, and 23 dwellings as opposed to 35 dwellings, respectively. This has resulted from smaller scale plots being located within site (ii) and larger plots and bungalows being located within site (iii). Provided that the proposal would accord with the other criteria set out in policy 2 (to be assessed in the following sections of this report) it is considered that this proposed distribution across the three sites would not be sufficiently contrary to the aims of policy 2 so as to warrant a refusal of the reserved matters.
- 9.25 It is considered that the housing can be delivered without delay thus contributing to the housing land supply and this benefit is maintained in the reserved matters application in accordance with NPPF advice and remains to be afforded significant benefit
- 9.26 At the outline stage the DAS indicated that the dwellings would comprise 14 x 4-bed houses; 38 x 3-bed houses; 32 x 2-bed houses and 14 x 1-bed flats, including bungalows. Condition 4 of the outline consent required the details to be submitted as reserved matters to incorporate a mix of house types and sizes having regard to an up to date assessment of housing need in the District. The reason for this condition is to secure a development that is in accordance with local needs for housing, delivers a wide choice of high quality homes, widens opportunities for home ownership and creates a sustainable, inclusive and mixed community, and to accord with Policy 2 of the CNP and the guidance set out in the National Planning Policy Framework. The applicants have looked at this in conjunction with the HEDNA (updated in September 2017) and have submitted a statement which justifies their proposed mix.
- 9.27 Policy 2 of the CNP states:
- (i)f; (ii)e and (iii)g - All proposals for the development of dwellings must demonstrate that they reflect the most up to date assessment of housing need in Cheddington for dwellings that are suited to occupancy by older person households (that is those households where at least one member is 55 or over) and to first time buyer households.
 - (i)g and (iii)f – Proposals must demonstrate an assessment of local demand for plots for custom build housing and include provision accordingly; subject to overall site viability.
 - Paragraph 4.20 of the CNP also requires that a proportion of new homes are of a

type and design that is suitable to older person households, especially so on the Barkham Close site which is suited to this purpose, given the homes in that area that are suited to that type of household. The densities of each site should allow for the provision of bungalows and maisonettes that are especially suited to, and the opportunity of the two larger sites to make provision for a small number of custom build plots. It does not prescribe specific proportions of housing types but it leaves this to the viability assessments of future planning applications to determine.

- 9.28 A range of dwelling types in this application would be incorporated within the development including detached, semi-detached, terraced and bungalows. The overall mix of units (private and affordable) proposed is set out in the following table:

Combined Housing Market and HA	Number Proposed	Percentage
1 x bed house	6	6%
2 bed house	23	23%
3 bed house	50	44%
4 bed house	17	17%
5 bed house	4	4%
Total	100	100

- 9.29 Below are tables showing the break down between private and affordable housing with a comparison on what is required by the HEDNA (*NB. HEDNA percentages may not equal 100% due to rounding*):

Market Housing	Original number	Amended Number	Percentage	HEDNA %
1 bed flat	0	0	0%	4%
2 bed flat	0	0	0%	4%
1 bed house	0	0	0%	0%
2 bed house	0	7	10.8%	13%
3 bed house	19	37 *	56.9%	52%
4 bed house	28	17	26.1%	21%
5 bed house	18	4	6.1%	6.5%
Total	65	65		

* Includes 2 x 3 bed chalet bungalows

Affordable Housing	Original number	Amended Number	Percentage	HEDNA %
1 x bed flat	1	0	0%	9%
2 bed flat	0	0	0%	6%
1 bed house	5	6	17.1%	0%
2 bed house	12 +	16 **	45.7%	38%
3 bed house	6 +	13	37.1%	38%
4 bed house	2	0	0%	9%
5 bed house	0	0	0%	0%
Total	26	35		

** Includes 3 x 2 bed bungalows

+ includes 1x 2bed & 2 x 3bed bungalows

- 9.30 The tables above shows that the proposed amended mix is broadly consistent with the HEDNA and are considered acceptable by the affordable housing officer. The proposed mix would accord with the requirement in criteria (i)f, (ii)e, and (iii)g of Policy 2 of the CNP to provide for dwellings that are suited to first time buyer households. Following

negotiations as well as providing 3 affordable bungalows on site a further 2 private chalet bungalow units would also be provided, and all private units would be adaptable and a number would be fully compliant with the equivalent of Lifetime Homes Standards all of which helps to address the need for housing for the elderly population in accordance with Policy 2(i)f, (ii)e and (iii)g of the CNP. This would address the parish council concerns.

- 9.31 The Parish Council raised concern that originally there was only 2no. of the total number of three bedroomed houses proposed to be semi-detached on the original site plan, and suggested that there should be more smaller three bedroomed houses for sale, rent or shared ownership for a younger generation with growing families. As a result of the PC comments the applicant has revised the site plan and there are now eleven semi-detached/terraced 3 bedroom private properties. In addition to this, of the 79 dwellings that would have 3 bedrooms or less, there are now 32no. three bed or smaller terraced/semi detached affordable properties proposed within the site.
- 9.32 In respect of affordable housing the S106 secured in the outline scheme required 35% affordable housing in accordance with Policy 2 of the CNP.
- 9.33 35 affordable units are proposed comprising 26 affordable rent and 9 shared ownership and at the request of the housing officer the applicants increased the number of 3 bedroom properties such that the affordable units are more reflective of the overall housing mix and local housing need. Additionally, the house type revisions across the site have made the dwellings tenure blind with more smaller semi-detached and terraced open market houses now being provided.
- 9.34 The Housing Officer has confirmed that the proposed number, tenure, mix and distribution (clustering not to exceed 15 dwellings, 18 if including flats) of the affordable housing is considered appropriate for this scheme and is satisfactorily illustrated on the revised plans.
- 9.35 In addition, as per the agreed s106 up to 15% of the affordable dwellings would be compliant with the Wheelchair User Dwellings standard, that is Category 3 of Approved document M of the Building Regulations 2010. The remaining affordable units are to conform with the Accessible and Adaptable Dwelling standard, that is Category 2 of the same document.
- 9.36 With regard to the comments of the Parish Council on the possible administration of the shared ownership and the properties for rent, the S106 sets out the details of Shared Ownership and Affordable Rent qualifications (Part 1 of the Second Schedule). As per the s106 no more than 50% of the private units are to be occupied until all of the affordable units, for that phase or sub-phase, have been completed and transferred to a registered provider of social housing.
- 9.37 Criteria (i)g and (ii)f of Policy 2 of the CNP require proposals to demonstrate an assessment of local demand for plots for custom build housing and to include provision accordingly. The HEDNA, December 2016, identifies that custom build represents “a very limited number of people and an exceptionally small proportion of the overall housing need...”. The applicant has submitted that they currently cannot find any evidence of existing demand for custom build in this area and it is considered that if such plots were advertised as part of a large development there would be no demand. The council’s register concurs that there is no demonstrated local demand and therefore no custom build plots are proposed within the development.
- 9.38 As such, it is considered that the proposal would accord with policy 2 of the CNP, policy GP35 of the AVDLP and the guidance set out in the NPPF. This factor weighs in favour of the scheme.

Promoting sustainable transport

- 9.39 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.
- 9.40 The accessibility of the site by use of sustainable modes of transport was considered and accepted as part of the outline application. As noted above, Cheddington is considered to be a reasonably sustainable location for development given its size, the services and facilities it offers. The site is located within reasonable walking distances of the facilities available within the village, and the s106 agreed at the outline stage includes a financial contribution towards improvement of local bus services.
- 9.41 Policy 2 of the CNP states the following development guidelines:
- Site 1 - (i) a. The scheme is accessed from Mentmore Road only;
 - Site 2 - (ii)a. The scheme is accessed from Partridge Close only; and (ii)b. The scheme layout and landscape scheme provides a publicly accessible footpath, cycleway and informal amenity land to connect with the provision of the same facilities of the Mentmore Road site allocation and to connect directly to Partridge Close, but expressly does not allow for vehicular access between the sites;
 - Site 3 - (iii)a. The scheme is primarily accessed from West End Road and the scheme layout provides for dwellings fronting onto Barkham Close and allows for a later phase of development within the site beyond the plan period; and (iii)d. The scheme layout and landscape scheme provides a publicly accessible footpath, cycleway and informal amenity land to connect with the provision of the same facilities of the Mentmore Road site allocation and to connect directly to Barkham Close, but expressly does not allow for vehicular access between the sites;
- 9.42 The main vehicular accesses to the site were considered and approved at the outline stage and are maintained within the current proposal. There is an access to be taken from Mentmore Road in the north and a second access from Barkham Close in the east.
- 9.43 In accordance with Policy 2(i)a of the CNP Site 1 is accessed from Mentmore Road only, and the internal layout details footpath/cycleway links between all three areas of the site, allowing for pedestrian/cycle permeability from Mentmore Road to Partridge Close and Barkham Close in accordance with (ii)b and (iii)d of Policy 2. However, as was approved at the outline stage, the accesses differ from the criteria set out in criteria (ii)a and (iii)a of policy 2 of the CNP in that no access from Partridge Close to the central area (site 2) is proposed. The officer's report at the outline stage explains that Partridge Close is not an adopted highway, and therefore not an access route suitable to serve the development proposed. It was therefore agreed that site 2 is to be accessed from site 1 to the north. However there would be no vehicular link from sites 1 and 2 in to site 3 and Barkham Close beyond.
- 9.33 Within site 3, the outline permission agreed vehicular access to the proposed development from Barkham Close, rather than West End Road to the southwest. Whilst this was not in accordance with policy 2(iii)a it was considered acceptable as the frontage to West End

Road is a short one, and access on to the site from this road would be an access point close to the existing Barkham Close access and opposite the existing access point of The Baulk. Access from Barkham Close reduces potential for conflicting turning movements, and provides a more central access into the site. The accesses are considered acceptable to the Highway Authority and have been approved at the outline stage.

- 9.33 There would be no direct vehicular access between site 3 and sites 1 & 2; this arrangement is in accordance with criteria iii)d of Policy 2 of the CNP and the location of the vehicular accesses were approved at the outline stage and the principles of the indicative internal site layout were also agreed and conditioned within the outline permission. These matters are not for consideration at this detailed stage.
- 9.34 Condition 16 of the outline consent requires details of the adoptable estate roads and footways to be submitted to and approved by the LPA.
- 9.35 Concern was initially raised by the County Council Highways Officer in relation to a few aspects of the detailed layout, however the Highways Officer has met with the applicants and revised plans have been submitted as a result of their discussion.
- 9.36 The majority of the site now benefits from a 2m wide footway along at least one edge of the carriageway, although there are still areas of shared surface these areas are far shorter than were previously proposed, and the Highways Officer is satisfied that this would now be acceptable. During the meeting with the applicant's consultants the Highways Officer raised concerns over the level of forward visibility for pedestrians and vehicles at the corners within the shared surface areas at the north of the site. The revised plans demonstrate the level of forward visibility achievable, and subject to a suitable condition ensuring these areas are to remain free from obstruction this arrangement would be acceptable.
- 9.37 The revised plan shows the carriageway to be 5.5m wide, however there are several areas where the carriageway narrows over a short distance to 4.5m 'to control traffic speed'. The Highways Officer notes that if the applicant were to offer the site for adoption in the future these areas may need to be amended to provide a full width carriageway, or a more restrictive physical narrowing, however this could be easily accommodated should that need arise.
- 9.38 The revised plan shows that the areas of shared space would be constructed from a differing material than that of the main carriageway, ensuring all users would be aware of the change in nature of the carriageway.
- 9.39 The proposed on-street parking spaces have been amended slightly to provide a more obvious parking area, this would help users to distinguish between the parking areas and the main carriageway.
- 9.40 In addition, the latest layout has been tracked using an 11m+ refuse vehicle. The swept path analysis demonstrates that a vehicle of this length would be able to perform its manoeuvres within the site without over-running the kerb line or having to reverse over an extended distance.
- 9.41 Criteria (i)h, (ii)f, and (iii)i of Policy 2 of the CNP require the provision of a new pedestrian crossing of Mentmore Road to the existing footpath, this was agreed at the outline stage and Condition 19 of the outline consent requires that no part of the development accessed off Mentmore Road shall commence until details of the proposed zebra crossing have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These details have been submitted and are currently being considered under a separate pending application reference 16/B2806/DIS.

Parking Provision

- 9.52 With regard to car parking, Policy 4 of the CNP sets out design principles for new development and requires adequate parking provision, and Policy GP.24 of AVDLP requires new development to accord with published parking guidelines. SPG1 “Parking Guidelines” in Appendix 1 sets out appropriate maximum parking requirements for various types of development.
- 9.53 The quantum of parking proposed for this scale of development would be acceptable and is in accordance with policy 4(iii) of the CNP, policy GP24 of the AVDLP and the guidance set out in the Council’s adopted Parking Standards, and the NPPF. Wherever possible parking is provided within the curtilage of the residential property to which it relates. In instances where this has not been possible, the parking is well related to the associated unit to ensure it is safely and conveniently located.
- 9.54 In respect of electric vehicle charging points, the developer has confirmed that the proposed garages will be wired to a standard to accommodate EV charging points if a resident wishes in the future to put one in, the applicants are not however proposing to put any EV charging points in themselves.
- 9.55 The Highway Authority are satisfied that there is adequate turning and manoeuvring space within the limit of the site and there are conditions on the outline consent to control this.
- 9.56 Having regard to the above matters it is considered that the reserved matters have been sufficiently addressed such that the development would accord with the aims of Policies 2 and 4 of the CNP, Policy GP24 of the AVDLP, the Council’s SPG, and with the guidance set out in the NPPF, in that the proposal could be implemented without harm to highway safety and convenience and that sufficient parking is provided to serve the development.

Making effective use of land

- 9.57 Policy 4, at criteria (i), sets out design principles for new development stating that development proposals will be supported provided their scale, density, massing, height, landscape design, layout and materials, including alterations to existing buildings, reflect and enhance the character and scale of the surrounding buildings and of distinctive local landscape features; specifically, buildings should be no more than two storeys in height.
- 9.58 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.
- 9.59 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should taking into account of the importance the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 9.60 The proposal would accord with the NPPF by providing additional housing which does not result in any adverse impacts.
- 9.61 The density of the proposed development would be 30dph which is consistent with the policy requirement and that proposed at the outline stage. It is considered appropriate in this edge of village location and would not appear out of keeping with the surrounding dwellings, particularly those to the south east of the site.

Achieving well designed places

- 9.62 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.63 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
- 9.64 Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides. The overview report sets out Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.
- 9.65 Policy GP35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site. The policy as a whole is relevant for both outline and reserved matters schemes and is also reinforced by the Council's adopted supplementary planning guidance in the form of the New Houses in Towns and Villages Design Guide which encourages new development to recognise and respect landscape and local character.
- 9.66 The CNP allocates this site for development and the following policies relating to housing development are relevant to this application:
- Policy 1 designates a settlement boundary. It states that development proposals on land within the defined Settlement Boundary will be supported, provided they do not result in the loss of any existing publicly accessible open space and are consistent with other development plan policies. The application site is within the settlement boundary.
 - Policy 2 allocates the application site to accommodate housing development and sets out the following development principles to guide the development:
 - i). 2.76 ha (gross) at Land off Mentmore Road for approximately 50 dwellings, provided:
 - a. The scheme is accessed from Mentmore Road only;
 - b. The design, layout and landscape scheme demonstrate that the proposals will sustain the significance of the Cheddington Manor House heritage asset and its setting;
 - c. The scheme layout provides for dwellings facing towards, but not accessing, Long Marston Road and Mentmore Road and allows for a later phase of development within the site beyond the plan period;

d. The scheme layout makes provision for a publicly accessible footpath, cycleway and amenity land to connect Mentmore Road with the provision of the same facilities of the Barkham Close and Partridge Close site allocations, but expressly does not allow for vehicular access between the sites;

e. The landscape scheme provides for a structural landscape buffer and biodiversity improvements on the western boundary and for the retention of existing hedges in the front gardens to properties fronting onto Long Marston Road and Mentmore Road where possible;

f. All proposals for the development of dwellings must demonstrate that they reflect the most up to date assessment of housing need in Cheddington for dwellings that are suited to occupancy by older person households (that is those households where at least one member is 55 or over) and to first time buyer households;

g. Proposals must demonstrate an assessment of local demand for plots for custom build housing and include provision accordingly, subject to overall site viability testing;

h. A planning obligation is made to provide a new pedestrian crossing of Mentmore Road to the existing footpath.

ii). 0.85 Ha (gross) at Land rear of Partridge Close for approximately 15 dwellings provided:

a. The scheme is accessed from Partridge Close only;

b. The scheme layout and landscape scheme provides a publicly accessible footpath, cycleway and informal amenity land to connect with the provision of the same facilities of the Mentmore Road site allocation and to connect directly to Partridge Close, but expressly does not allow for vehicular access between the sites;

c. The scheme layout and landscape design retain the existing pond and stream on the edge of the site and provide for public access as a new amenity and for an area to be protected for biodiversity value;

d. Any groundwater flooding is managed and mitigated by the layout and landscape design of the scheme and by the use of a sustainable urban drainage system;

e. All proposals for the development of dwellings must demonstrate that they reflect the most up to date assessment of housing need in Cheddington for dwellings that are suited to occupancy by older person households and to first time buyer households;

f. A planning obligation is made to contribute to the cost of the provision of a new pedestrian crossing of Mentmore Road in part i (h) of this policy;

iii). 1.19 Ha (gross) at Land at Barkham Close for approximately 35 dwellings, provided:

a. The scheme is primarily accessed from West End Road and the scheme layout provides for dwellings fronting onto Barkham Close and allows for a later phase of development within the site beyond the plan period;

b. The design, layout and landscape scheme demonstrate that the proposals will sustain the significance of Cheddington Manor House heritage asset and its setting;

c. The landscape scheme provides a structural landscape buffer and biodiversity improvements along its northern boundary, retains the existing

trees along West End Road that do not compromise the site access and retains the existing trees and hedges on Barkham Close to incorporate into the front gardens of dwellings fronting the Close;

d. The scheme layout and landscape scheme provides a publicly accessible footpath, cycleway and informal amenity land to connect with the provision of the same facilities of the Mentmore Road site allocation and to connect directly to Barkham Close, but expressly does not allow for vehicular access between the sites;

e. The scheme layout and landscape design retain the existing pond and stream on the edge of the site and provide for public access as a new amenity and for an area to be protected for biodiversity value;

f. Proposals must demonstrate an assessment of local demand for plots for custom build housing and include provision accordingly, subject to overall site viability testing;

g. All proposals for the development of dwellings must demonstrate that they reflect the most up to date assessment of housing need in Cheddington for dwellings that are suited to occupancy by older person households and to first time buyer households;

h. Any groundwater flooding is managed and mitigated by the layout and landscape design of the scheme and by the use of a sustainable urban drainage system; and

i. A planning obligation is made to contribute to the cost of the provision of a new pedestrian crossing of Mentmore Road in part i (h) of this policy.

Planning applications should make on-site provision for 35% of dwellings to be affordable homes unless it can be demonstrated that a lower provision is necessary to make a viable scheme.

- Policy 4 sets out design principles for new development stating that development proposals will be supported provided:
 - i. their scale, density, massing, height, landscape design, layout and materials, including alterations to existing buildings, reflect and enhance the character and scale of the surrounding buildings and of distinctive local landscape features; specifically, buildings should be no more than two storeys in height;
 - ii. their landscape schemes include the planting of orchard trees;
 - iii. they make provision for a minimum of two off-street car parking spaces per dwelling, or of three spaces for dwellings of 4 or more bedrooms, unless a clear case can be made for why the proposed nature of the occupation of the dwellings will result in fewer spaces being required; and
 - iv. they contribute towards the provision of infrastructure suitable to enable the delivery of high speed broadband services across the village; as a minimum, suitable ducting should be provided to the public highway that can accept fibre optic cabling; other forms of infrastructure, such as facilities supporting mobile broadband and WiFi, should be included where possible and viable.

- Policy 6 seeks to ensure development proposals enhance green infrastructure and biodiversity, and enables the protection, enhancement or provision of new footpaths, bridleways and cycleways, stating:

Development proposals must contribute to and enhance the natural environment by ensuring the protection of local assets and the provision of additional habitat resources for wildlife and green spaces for the community, especially protected and endangered species such as badgers, Pipistrelle bats, Brown Long-eared bats and Nobel Chafer beetles.

Development proposals that enable the protection, enhancement or provision of new footpaths, bridleways and cycleways in and around the village will be

supported, provided they accord with other policies of the development plan and have regard to the principles of the district-wide green infrastructure strategy.

Reserved Matter: Layout

- 9.67 Vehicular access was approved at outline stage in the form of two main access points, on Mentmore Road and Barkham Close. The former provides vehicular access to the land adjacent to Mentmore Road and Long Marston Road, and to the land adjacent to Partridge Close; with the latter providing vehicular access to the land west of Barkham Close. The two circulation areas are linked by a footpath and cycleway, which has potential to be used as an emergency access. These agreed access arrangements are maintained in the current reserved matters layout.
- 9.68 The proposed internal layout of the development would be organised around a hierarchy of streets from primary and secondary streets to shared surface areas and private drives, and would follow that which was indicated at the outline stage, in accordance with conditions 2 and 3 of the outline permission. The dwellings on the perimeter of the site have been orientated to face out across public open space or the open countryside to create positive aspects in these locations, whilst units on the north eastern and south eastern boundaries within area (2) would back/side on to the gardens of the neighbouring properties in Partridge Close and dwellings fronting Mentmore Road. Exterior perimeter roads and perimeter blocks of dwellings are provided where possible and the scheme layout provides for dwellings facing towards, but not accessing, Long Marston Road and Mentmore Road, in addition the layout would allow for a later phase of development within the wider site beyond the plan period in accordance with Policy 2(i)c of the CNP,
- 9.69 Following discussion with the Highways Officer and the Council's Urban Design Officer the applicant has submitted a revised layout which is now less formal and less regular, providing more informal angles within the streets and therefore a more rural character and organic form to the development. The entrance to the site is enhanced by three larger units, presenting a focus as you enter the site. Internal perimeter roads have now been provided across the site, providing improved vehicular access, and the connectivity both through the site and to adjacent existing housing has been improved.
- 9.70 The proposal provides a large area of open space to the north with amenity space and planted buffers to the east, west and south, retaining trees and hedgerows and new planting with adequate space about the buildings, reflecting the local character, such that it is not considered that the site would appear overdeveloped. The revised layout follows the principles of good urban design and represents a layout consistent with the characteristics of the surrounding area.
- 9.71 The revised site layout plan takes account of the Council's waste and recycling advice note and the maximum distance that bins would have to be pulled would be 25 metres which is in accordance with the guidance. In addition, a tracking drawing has been provided which shows the path of an 11.22m long refuse/service vehicle serving the site. The plan shows that this type and length of vehicle could service the site without overrunning kerbs or being forced to reverse over extended distances.
- 9.72 In respect of car parking provision, a sufficient number of car parking spaces would be provided for the future occupiers of the dwellings mainly in the form of on plot parking but also with some marked parallel parking alongside the highway. Car parking is to be related to each dwelling, and overly long driveways (which would result in surplus 'half spaces') have been removed from the revised layout where possible to ensure that parked cars would not encroach across pavements but also that visually the amount of hard surfacing is reduced.

- 9.73 On this basis the development would accord with the aims of policies 1, 2(i)b, c, d, & e, 2(ii)b & c, 2(iii)b, d, & e, 4(i) and (iii), and 6 of the CNP, policies GP24, GP35, and GP45 of the AVDLP, and with the guidance in the NPPF.

Reserved matter: Landscaping

- 9.74 Existing trees, established hedgerows and landscape features are shown to be retained where possible, including along the Long Marston Road and Mentmore Road boundaries, and along West End Road, as required by policy 2 of the CNP, and the layout proposal has been amended to ensure these features are not included within rear gardens and thus their retention can be better controlled. Also, roads have been re-positioned adjacent hedges and landscaping features to ensure a greater chance of retention and protection from removal, by not being within private ownership.
- 9.75 The proposed landscape scheme would enhance the site boundaries with additional tree, hedge and shrub planting. The accesses to the site from Mentmore Road and Barkham Close will feature trees and bulb planting to frame the entrance. The site would be bounded by native planting and existing vegetation, particularly along the western boundary where there would be a planted buffer of a minimum depth of 3 metres in order to provide a transition out towards the open countryside beyond the site and to sustain the verdant setting of the adjacent listed Manor, in accordance with Policy 2(i)b & e and (iii)b. In addition, the existing on site ponds are shown to be retained and incorporated within the public amenity space, which would be connected to the other areas of the development via foot and cycle paths, in accordance with policy 2(i)d, (ii)b & c and (iii)d & e of the CNP.
- 9.76 Pre-grown Ivy screening is proposed to provide an instant green and soft screen around the pumping station in the far northern corner of the site. The attenuation basin would have an organic natural appearance as opposed to being 'ridged and engineered', with wildflower and wetland meadow planting proposed to attract wildlife to that area and provide visual interest. Boulders are also proposed in this area to create opportunity for informal play as well as providing shelter for wildlife and this would accord with policy 6 of the CNP. The north eastern section of area (3) would be planted with orchard trees to reflect context of Cheddington village and to comply with that requirement in policy 4(ii) of the CNP.
- 9.77 It is considered that the landscape details of this development would comply with policies 2(i)b, e & d, (ii)b & c and (iii)b, c, d & e 4(ii), and 6 of the CNP, policies GP35, GP38, GP45 and GP86 of the AVDLP and the NPPF and as such the details are considered acceptable.

Reserved matters: Scale and Appearance

- 9.78 A context analysis has been undertaken by the applicant which shows the typical design of buildings in the area. The context analysis has guided the design of the proposed houses so that the development is appropriate to its surroundings and relates to the local vernacular.
- 9.79 The site is located to the west of the village of Cheddington. It is bound to the north by Mentmore Road and Long Marston Road whilst to the immediate east is existing residential development. The south is bound by Barkham Close and West End Road/Manor Road. To the west of the site is open fields and Cheddington Manor, a listed building with extensive grounds. 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.
- 9.80 The site is well connected to the existing settlement and is framed to the east and south east by Barkham Close and existing properties that back onto the site from Partridge Close

and Mentmore Road. Mentmore Road forms a linear pattern of development of bungalows and 2 storey semi and detached dwellings set predominately within generous plots; Barkham Close comprises single storey and two storey dwellings with a spacious urban grain and the dwellings in Partridge Close, which is off of Barkham Close, are smaller in scale and form a higher density cul-de-sac.

- 9.81 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. There is variation in the ridge heights of the proposed dwellings from 7.4m to 8.5m for the two storey dwellings and 5.9m to 6.1m high for the bungalows. This scale of development would be acceptable in this location and a similar scale of development can be found in Cheddington.
- 9.82 The originally submitted scheme included three dwellings which were to be 2.5 storey; this was in conflict with policy 4(i) of the CNP, which states that buildings should be no more than two storeys in height. The layout and house types have been revised such that all 2.5 storey properties have been removed from the proposal, thus now complying with the CNP and better respecting the scale and character of the surrounding dwellings.
- 9.83 In terms of the appearance, the revised plans detail an increased variety of house types associated with the edge-of-village/countryside location and to pick up on the rural character of Cheddington and its local architecture, with eaves and verge brick detailing added to better reflect the character of the area. Also care has been taken to look at the roofscape throughout the development, in particular along the rural edge, and chimneys have been added where appropriate. New gable-fronted house types and slightly staggered frontages have been added to reinforce the variety and rural character of the street scene. The character areas are now more distinct and better reflect the immediate character of the surrounding area.
- 9.84 Following a context analysis, the most appropriate materials were considered to be two types of shades of red brick and a multi buff brick, with some of the dwellings being fully or partially rough rendered, and the proposed roof materials are shown to be a mixed russet coloured and a brown coloured double cambered roof tile and a grey slate. Condition 7 of the outline consent required this reserved matters application to include sample/details of the materials proposed to be used on the external surfaces of the development, such details have been provided on the submitted materials plan and would appear acceptable although it is considered given the scale of the development, its edge of village location, and its relationship with the adjacent listed building, there is some concern over the roof tiles proposed and it would be appropriate to approve samples of the roof tiles on site prior to the construction of the dwellings above slab level and this could be controlled by condition.
- 9.85 The dwellings would also have stone banding, hung tile panelling, and detail banding where appropriate and this is detailed with the submitted house type pack. Rainwater goods are detailed to be black and the windows, doors, fascias, soffits and bargeboards are to be white UPVC. In terms of surface materials, private driveways and the shared surfaces are shown to be block paved, with the main roadways being tarmac.
- 9.86 Closed boarded fencing at a height of 1.8m would be provided between gardens with brick walls along garden boundaries where they bound public realm. Condition 10 of the outline consent requires that the development is to be carried out in accordance with the approved boundary treatments and a further condition at this time would be unnecessary.
- 9.87 Condition 12 of the outline consent required that details of the slab levels of the proposed dwellings be submitted as part of the reserved matters. Such details have now been submitted and are considered acceptable in order to discharge the outline condition 12, in

so far as it relates to the submission and approval of details. The condition goes on to require the buildings to be constructed in accordance with the approved details and as such a further condition at this reserved matters stage would be unnecessary.

- 9.88 The proposal would be in accordance with policies 2(i)b & 2(ii)b, and 4(i) of the CNP, policy GP35 of the AVDLP, the Council's design guidance, and the NPPF.

Reserved matters conclusions

- 9.89 Overall it is considered that, following the receipt of amendments where improvements have been made to the layout of the proposal, the scale and appearance of the dwellings, and the landscaping, in terms of the matters to be considered as part of this detailed application such details represent good design overall which would accord with policies 1, 2(i)b, c, d, e & d, 2(ii)b & c, 2(iii)b, c, d, & e, 4(i), (ii) & (iii), and 6 of the CNP, policies GP24, GP35, GP38, and GP45 of the AVDLP, and the guidance set out in the NPPF.

Conserving and enhancing the natural environment

- 9.90 In terms of consideration of impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Regard must be had as to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF.
- 9.91 Section 15 of the NPPF states planning policies and decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 9.92 Policy 2 of the CNP requires that: the design, layout and landscape scheme demonstrate that the proposals will sustain the significance of the Cheddington Manor House heritage asset and its setting; the landscape scheme provides for a structural landscape buffer and biodiversity improvements on the western boundary and for the retention of existing hedges in the front gardens to properties fronting onto Long Marston Road and Mentmore Road where possible; and the scheme layout and landscape design retain the existing pond and stream on the edge of the site and provide for public access as a new amenity and for an area to be protected for biodiversity value.
- 9.93 Policy 6 of the CNP seeks to ensure development proposals enhance green infrastructure and biodiversity.
- 9.94 Policy GP35 of the AVDLP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines.
- 9.95 Policy GP38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible. With policies GP39 and GP40 of the AVDLP seeking to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.

Landscape

- 9.96 As set out above, this application site already benefits from outline planning permission for the development of up to 100 dwellings. As such impact on the wider landscape and the loss of a greenfield site have already been assessed and found acceptable in principle and is therefore afforded neutral weight. The details of the landscaping for the scheme has been discussed elsewhere in this report in respect of the reserved matters

Trees and planting

- 9.97 The proposed development incorporates the retention of a number of perimeter trees especially those along the northern, western and southern boundaries of the site, along the Mentmore Road frontage, and adjacent to the Barkham Close properties, to minimise the impact of the development.
- 9.98 There will also be extensive additional planting within the proposed development to enhance visual amenity and create ecological enhancements. The planting will comprise native trees to the entrances, around the public open space and extensive planting around the site boundaries, and a structural landscape buffer on the western boundary in compliance with policy 2 (i)b & e and (iii) b & c of the CNP.
- 9.99 In addition an area of orchard planting is proposed within site 3 in accordance with criteria (ii) of Policy 4 of the CNP.
- 9.100 The Councils Tree Officer raises no objections. The proposed details are considered to be appropriate and in accordance with the relevant CNP and AVDLP policies and the guidance set out in the NPPF.
- 9.101 Condition 11 of the outline consent requires the submission of tree protection details and these have been submitted and are currently being considered under a separate pending application reference 16/B2806/DIS.

Biodiversity

- 9.102 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.
- 9.103 The revised layout plan details that the proposal would accord with Policy 2 of the CNP which at criteria (i)e seeks biodiversity improvements on the western boundary, and at (ii)c and (iii)e to retain the existing pond and stream on the edge of the site as an area for biodiversity value. In addition the proposal would accord with Policy 6 of the CNP which seeks to ensure development proposals enhance green infrastructure and biodiversity by ensuring development proposals contribute to and enhance the natural environment, the protection of local assets and the provision of additional habitat resources for wildlife and green spaces for the community.
- 9.104 The outline planning permission is subject to a number of conditions, including in particular, condition 13 which relates to ecology and nature conservation considerations, requiring further ecological information, in the form of an EMEP to be submitted to and approved by the LPA.
- 9.105 In accordance with Condition 13 of the outline permission as part of this reserved matters application details have been submitted in the form of an Ecological Mitigation and Enhancement Plan by OHES Environmental Ltd dated 20.11.2018 and this is considered sufficient to progress this development. The report sets out the measures required to ensure mitigation and enhancement protocols are met on site.
- 9.106 Further details indicating the location of the proposed bat and bird features and the

management of the wildflower areas have been received and are considered acceptable by the Council's Ecology Officer.

The proposal would therefore comply with Policy 2(i)e, (ii)c, & (iii)e, and policy 6 of the CNP, and the guidance set out in the NPPF.

Conserving and enhancing the historic environment

- 9.107 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. Where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, paragraph 196 requires this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.108 Policy 2 of the CNP states, at criteria (i)b and (iii)b, that the design, layout and landscape scheme shall demonstrate that the proposals will sustain the significance of the Cheddington Manor House heritage asset and its setting.
- 9.109 Policy GP35 of AVDLP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. This is a position supported by the National Planning Policy Framework which promotes good design, responding to local character and reflecting the identity of local surroundings and materials.
- 9.110 In addition, legislation regarding buildings and areas of special architectural and historic interest is contained within the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of the Act seeks to preserve the setting of listed buildings. In addition, the NPPF highlights the desirability of sustaining and enhancing the significance of heritage assets including that of archaeological interest and AVDLP policy GP59 is also relevant and considered to be in conformity with the NPPF in this matter.
- 9.111 There is a grade II listed building 'Cheddington Manor' adjacent to the site; Cheddington Manor is described in its listing as a house dating back to the late 16th, early 17th Century altered and much repaired. It is a timber framed building with 18th and 20th Century brick infill, and an old tile roof. There are large 20th Century extensions to the northeast.
- 9.112 The Manor is set within a large curtilage, bounded by tree, hedge and shrub planting. The well-screened curtilage boundary is just over 100m from the boundary of area (1), 70m from area (2), and 85m from area (3). The land between the site and curtilage boundaries would remain open land in agricultural use. The setting of the listed building is already marked to some degree by built development of Cheddington, and in approving the outline consent at this site it was considered that having regard to the distance of the development from the listed building, the existing screening on the curtilage boundary, and the potential for planting to provide a "soft edge" to the development site, the proposal would not significantly compromise the spacious setting of the Manor.
- 9.113 Following the submission of this reserved matters application the Council's Heritage Officer requested additional information to describe the significance of the heritage assets affected

including the contribution made by their setting, and to demonstrate that the proposed new development will make a positive contribution to local character and distinctiveness. In response the applicant has submitted a Heritage Statement. The conclusion of the Heritage Statement states “It is accepted that this proposal...will affect the setting of the Grade II Listed Cheddington Manor. It will have a somewhat urbanising effect upon the setting when looking towards the west”. The Councils Heritage Officer concurs with this assessment and considers that whilst the impact of this development would amount to less than substantial harm to the setting of this designated heritage asset, no clear and convincing justification has been made by the applicant and Government guidance that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Hence amendments were sought to the proposed scheme for the western edge of the development to ensure that the verdant landscape setting of the listed building can be maintained.

- 9.114 Revised plans have been submitted by the applicants which detail increased soft landscaping along the western boundary of the site and, as discussed in the design section of this evaluation, it is considered that the revised scheme would have an acceptable impact upon the significance of the setting of the heritage asset since the proposal comprises appropriately scaled dwellings with traditional features and which would be constructed of high quality materials, also visual impact would be minimised by a well designed landscaping scheme which would enhance and reinforce the verdant character of the rural setting to the west. It is therefore considered that the design, layout and landscape of the revised scheme would accord with policy 2(i)b and (iii)b of the CNP.
- 9.115 Whilst the proposal would amount to less than substantial harm to the setting of the listed Manor, it is considered that the level of such harm would be at the lower end of less than substantial for the reasons set out above. Furthermore special regard has been had 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 it is accepted is a higher duty. It has been concluded that less than substantial harm would arise. The harm which would be caused to the significance of the heritage asset as identified above must be weighed against the public benefits of the proposal in accordance with the guidance contained in the NPPF.
- 9.116 Policy GP59 of AVDLP requires regard to be had to the protection and enhancement of sites of archaeological importance. Conditions 21, 22, and 23 of the outline consent relate to archaeological issues and require an on site evaluation prior to the submission of the reserved matters application. The County Council Archaeological Officer has considered the details of the reserved matters and confirms that the nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of any assets. On this basis, there are no adverse impacts on archaeological remains and the details of the reserved matters would comply with the guidance set out in the NPPF and Policy GP59 of the ADVLP.

Promoting healthy and safe communities

- 9.117 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.
- 9.118 Policies GP.86-88 and GP.94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development.

- 9.119 Policy GP84 of the AVDLP states that in considering applications for development affecting a public right of way the Council will have regard to the convenience, amenity and public enjoyment of the route and the desirability of its retention or improvement for users, including people with disabilities. Planning conditions will be imposed on planning permissions, or planning obligations sought, to enhance public rights of way retained within development schemes.
- 9.120 Financial contributions towards appropriate education provision, sustainable transport and off-site sport and leisure projects were secured via a s106 agreement as part of the outline application.
- 9.121 The applicant has revised the details of the house types to respond to the comments raised by the CPDA: additional windows have been added, where required, to provide additional surveillance to both public and parking areas; exposed boundary walls will have a small trellis and planting to deter climbing; and all gates across the development will be robust 1.8m high with self closing hinges and key lock operational from both sides, and fixed level with the front face of the building
- The applicant originally proposed an equipped play area to be provided within an area of open space along the mid section of the western boundary of the site, however this has been removed from the most recent amended plans as there is no policy or S106 requirement to provide a LEAP on site and the Parish Council have requested that the secured s106 funding money be spent on updating the existing play area on The Green.
- 9.122 Pedestrian access is to be provided alongside the vehicular access routes as well as a further footpath and cycleway connection between the 3 sections of the development and in accordance with policy 2(ii)b of the CNP a footpath connection would be provided up to the eastern boundary where the site abuts Partridge Close.
- 9.123 This proposal would comply with policies 2, 4 and 6 of the CNP, policies GP84, GP86-88 and GP94 of the AVDLP, and the guidance set out in the NPPF.

Meeting the challenge of climate change and flooding

- 9.124 The NPPF at Section 10, "Meeting the challenge of climate change, flooding and coastal change" advises at paragraph 103 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.
- 9.125 Policy 2 (ii)d and (iii)h of the CNP states that any groundwater flooding is managed and mitigated by the layout and landscape design of the scheme and by the use of a sustainable urban drainage system.
- 9.126 Concerns were initially raised by the LLFA in relation to proposed drainage details and SuDS features, and the applicant has been in discussion with the County Council Flood Team. It is understood that infiltration is not feasible within the site as demonstrated within the Wardell Armstrong Drainage Technical Note which was supplied to the LLFA on the 13th December 2018.
- 9.127 Additional information has been submitted which now shows a series of SuDS components to manage surface water generated as a result of development. A large basin will provide the attenuation and water quality treatment benefits before a

restricted discharge into the ordinary watercourse North of Long Marston Road. There would also be smaller scale SuDS incorporated where possible with the site, including permeable paving for areas of the development which is less than 1:20; this will provide further water treatment benefits. Rain gardens have also been proposed for some of the houses as a communal feature, this will provide amenity and biodiversity benefits.

- 9.128 The development will include the construction of the attenuation basin and its outfall. The applicants confirm that they have a contractual obligation to ensure that the existing outfall culvert from the Long Marston Road ditch to its outfall north of the development is in good working order. A plan which details the route of the existing culvert, and detail of the repair works to be undertaken to that culvert has been provided to the LLFA in December 2018.
- 9.129 In light of the above, BCC as lead local flood authority are satisfied with the details submitted. It is considered that a suitable drainage scheme can be achieved and that the submitted details would satisfy condition 14 of the outline consent provided that the development is constructed in accordance with the revised information and this can be controlled by condition. Condition 15 of the outline consent requires the submission and approval of a lifetime SuDS maintenance plan and details of this are currently being considered under a separate discharge of condition application.
- 9.130 As such, it is considered that the proposal would be resilient to climate change and flooding in accordance with Policy 2 (ii)d and (iii)h of the CNP and the guidance set out in the NPPF.

Supporting high quality communications

- 9.131 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
- 9.132 Given the nature and location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of this development.
- 9.133 Policy 4 of the CNP sets out design principles for new development and states at criteria (iv) that development proposals will be supported provided they contribute towards the provision of infrastructure suitable to enable the delivery of high speed broadband services across the village; as a minimum, suitable ducting should be provided to the public highway that can accept fibre optic cabling; other forms of infrastructure, such as facilities supporting mobile broadband and WiFi, should be included where possible and viable.
- 9.134 In relation to the provision of communication infrastructure the developer has confirmed that they will be using Fibre Nest high speed broadband within the development and they have submitted details, which are considered acceptable.
- 9.135 It is therefore considered that the proposal would accord with Policy 4(iv) of the CNP and the guidance set out in the NPPF.

Impact on residential amenities

- 9.136 The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP8 states that permission for development will not be

granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.

- 9.137 The site is bounded to the east and south east by Barkham Close and existing properties that back onto the site from Partridge Close and Mentmore Road. 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 included amending the siting of a small number of the dwellings, replacing house types, and altering plot boundaries. The Council would normally seek a separation distance between dwellings of around 14m back to side and 20m back to back.
- 9.138 The proposed dwellings at plots 62-68 would face towards the northern boundary of the rear garden of no. 31 Mentmore Road. However, there would be a separation distance ranging from 15m to 20m between their proposed front elevations and the garden boundary of no. 31, the dwellings would also be separated by the proposed internal roadway. Plot 61 would be sited with its side elevation parallel to the existing side elevation of no. 31 Mentmore Road, the separation distance between these side elevations would be around 21m. This arrangement is acceptable such that there would be no loss of residential amenities to any of these dwellings.
- 9.139 Plots 33, 34 and 46 would side on to the north eastern boundary of site (2) and their plots would abut the rear boundaries of the existing dwellings fronting Mentmore Road (nos. 23-31) with a separation distance ranging from 2.7m to 7m. The rear gardens of the Mentmore Road properties are long (around 50m in length) as such this arrangement is acceptable and would not result in the proposed dwellings being overbearing.
- 9.140 Along the south eastern boundary of the site are (2) plots 27-33 would back onto the rear (and one side) gardens of the existing dwellings in Partridge Close. The relationship between these properties is consistent with the normally accepted relationships found elsewhere within the village, and there would be a separation distance of 11.5m between the rear elevations of the proposed dwellings and the boundary of the site, and a back to back distance of around 25m between the rear elevations of the existing dwellings and the proposed dwellings. As such it is considered that the proposed dwellings would not result in any adverse loss of light, privacy, or outlook.
- 9.141 The proposed dwellings at Plots 24-26, located adjacent to the southern boundary of site area (2), would be sited with their rear elevations located a minimum of 10.5m away from the northern side boundary of no. 11 Partridge Close. The separation distance between the dwellings and the orientation of the plots, is such it is considered that it would not have an adverse impact upon the neighbouring existing dwelling in terms of loss of light, privacy or character of outlook.
- 9.142 The rear garden boundaries of the existing dwellings 1-11 Partidge Close would be bounded by the proposed orchard and planting area and there would be no adverse impact upon the residential amenities of those dwellings.
- 9.143 In site 3, plots 1-10 would face towards the eastern boundary of the site and the western boundary the existing Barkham Close development. The separation distances between the front elevations of the proposed dwellings and the boundary of the site would range from 21m to 24m, with a proposed internal perimeter road and tree planting in between. The separation distance elevation to elevation between the proposed dwellings and the adjacent existing dwellings in Barkham close would range from 39m to 57m. This arrangement is acceptable and there would be no loss of residential amenity.

- 9.144 Internally within the development, plots 12, 14, 38, 55, 62, 72, 73, 75, 80 and 84 would be sited with their side/rear elevations facing towards, and in relatively close proximity of, the rear/side garden boundaries of their neighbouring plots. However, bearing in mind that there would be no openings/windows within these elevations and that the separation distances and orientation of the dwellings are such that they would not result in an overbearing impact or overshadowing, this arrangement is considered acceptable. In order to protect the future amenities of the neighbouring dwellings from any direct overlooking or loss of privacy as a result of the insertion of any new windows a condition could be imposed to restrict the insertion of any further openings in the relevant elevations of these plots. It is considered that there would be no adverse impact upon the residential amenities of the future occupants in terms of privacy or light.
- 9.145 The layout and design of the remaining proposed dwellings would ensure that the residential amenities of the future occupants would be respected and given the distance between the proposed dwellings and the nearest existing neighbouring dwelling it is considered that the development would not result in any adverse overlooking or loss of privacy.
- 9.146 Overall the proposed layout and distances between properties is considered to be acceptable and would provide a satisfactory level of residential amenity for the occupiers of the existing neighbouring dwellings and the future occupiers of the proposed dwellings.
- 9.147 The future occupants of the proposed dwellings would have access to adequate private amenity spaces and within the development residents would have access to useable areas of open space, including the provision of a informal woodland play space, footpaths, and a cycleway.
- 9.148 The proposed play area located to the west of the site would be more than 20m away from the nearest residential dwelling. The tighter 10m minimum buffer distance from residential boundaries, was requested by the Council's Green Spaces Officer, however this is not stated in the most recent Fields in Trust guidance and therefore is no longer considered to be a required criteria.
- 9.149 On this basis it is considered that adequate regard has been had to residential amenities such that the proposal would accord with policy GP8 of the AVDLP and the guidance set out in the NPPF.

s106/Developer contributions

- 9.150 A detailed S106 agreement was agreed and completed as part of the outline permission for this site and applies to this reserved matters application. The agreed obligations relate to financial contributions towards education provision, sustainable transport and off-site sport and leisure provision. This is a reserved matters application and it is not considered appropriate to revisit the S106 agreement at this reserved matters stage.

c) Other matters

Reps:

- **maintenance of green spaces by PC v management company- S106 provisions**

The Third Schedule of the agreed s106 at point 1.2(i) and (ii) requires the developer to inform the Council of their intentions with regard to the open space land, the applicants have confirmed that the land will not be offered to the Parish Council and that it will be maintained by way of a management company. It is understood that the Parish Council have been made aware of this and have been sent details of what the management company will be responsible for.

- **adoption of roads**

The revised plan shows the carriageway to be 5.5m wide, however there are several areas where the carriageway narrows over a short distance to 4.5m 'to control traffic speed'. The Highways Officer notes that if the applicant were to offer the site for adoption in the future these areas may need to be amended to provide a full width carriageway, or a more restrictive physical narrowing, however this could be easily accommodated should that need arise.

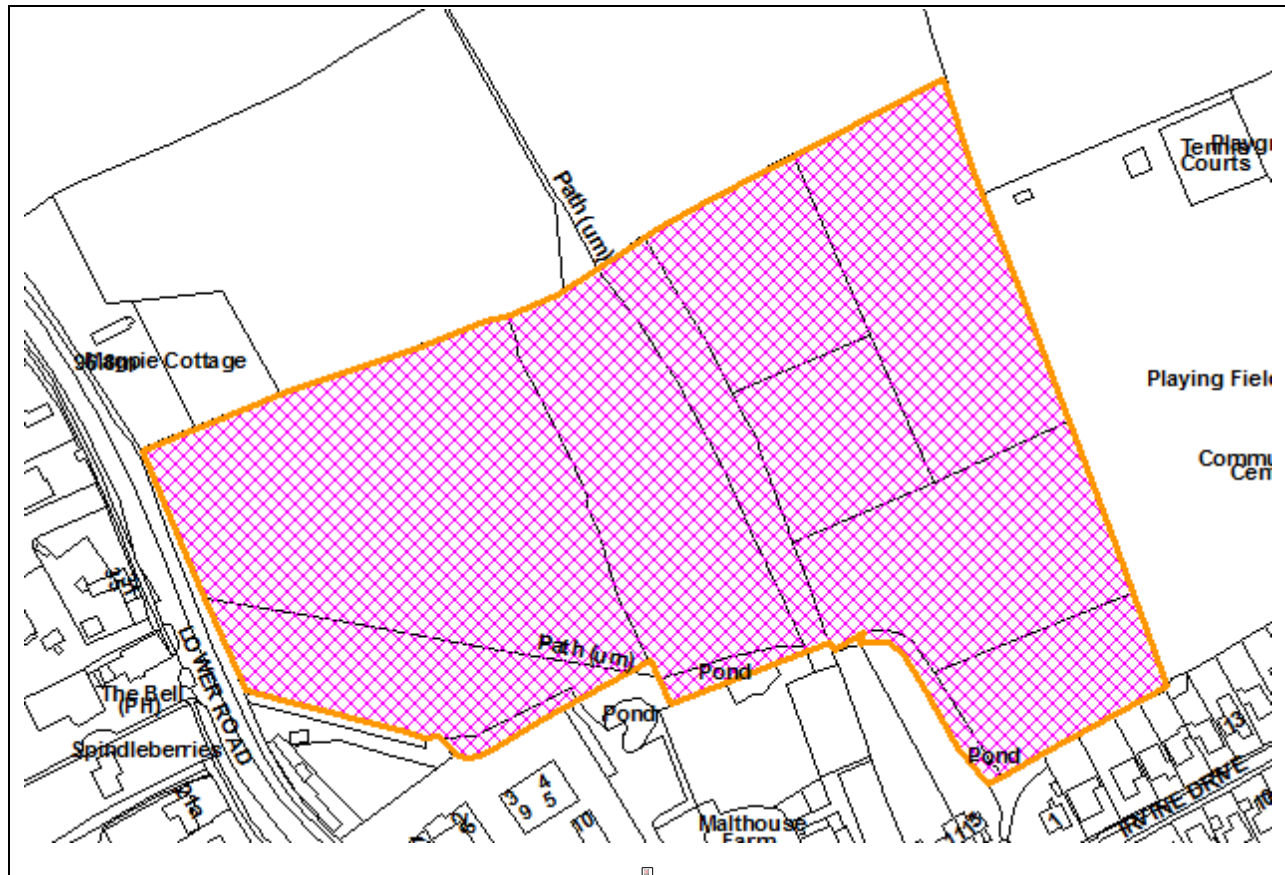
- **lower % affordable in VALP**

Whilst it is noted that the emerging VALP is set to adopt a requirement of 25% affordable housing, the S106 approved at the outline stage for this site includes an obligation to provide affordable housing at a level of no less than 35% and this is in accordance with the requirement set out in Policy 2 of the CNP, which has full weight as part of the development plan. The developers are therefore required to provide this level of affordable provision and the most recent revised housing layout plan demonstrates that the proposed dwellings would make effective use of the site and would not appear out of keeping with the character and spacing of the existing surrounding dwellings. As set out above, the proposed housing mix would generally comply with the aims of the HEDNA, and it is considered that the proposed dwellings would not appear overly cramped or clustered.

Case Officer: Mrs Nina Hewitt-Jones

Telephone No:01296 585282

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 17th 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/m² 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/m² 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 9th 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 20th 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, 8198m² 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 20th 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

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

DETERMINATION OF PLANNING APPLICATIONS

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

HUMAN RIGHTS ACT 1998

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

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

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

SECTION 17 CRIME AND DISORDER ACT 1998

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

EQUALITY ACT 2010

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

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