



## AYLESBURY VALE DISTRICT COUNCIL Democratic Services

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4 June 2019

### STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Strategic Development Management Committee** will be held at **1.00 pm** on **Wednesday 12 June 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: P Fealey (Chairman), R Newcombe (Vice-Chairman), C Adams, J Blake, J Bloom, A Bond, R King, L Monger, B Russel and C Paternoster (ex-Officio)

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#### AGENDA

- 1. APOLOGIES**
- 2. TEMPORARY CHANGES TO MEMBERSHIP**

Any changes will be reported at the meeting

- 3. MINUTES (Pages 3 - 8)**

To approve as a correct record the Minutes of the meetings held on 24 April, 15 May and 16 May 2019 (Copies attached).

- 4. DECLARATION OF INTEREST**

Members to declare any interests.

**5. OVERVIEW REPORT - MAY 2019** (Pages 9 - 18)

**6. 18/01857/ADP - LAND EAST OF LOWER ROAD, STOKE MANDEVILLE** (Pages 19 - 58)

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 59 - 60)

# Agenda Item 3

## Strategic Development Management Committee

16 MAY 2019

**PRESENT:** Councillors R Newcombe (Vice-Chair, in the Chair), C Adams, A Bond, R King, L Monger and C Paternoster (In place of J Bloom)

**IN ATTENDANCE:** Councillors C Poll and D Town

**APOLOGIES:** Councillors J Blake and P Fealey

**1. 18/04097/ADP - LAND WEST OF MENTMORE ROAD, PARTRIDGE CLOSE AND BARKHAM CLOSE, CHEDDINGTON**

RESOLVED –

That the application be **Approved**.

**2. 18/01857/ADP - LAND EAST OF LOWER ROAD, STOKE MANDEVILLE**

This item was withdrawn from Committee.

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# Public Document Pack

## Strategic Development Management Committee

24 APRIL 2019

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

**IN ATTENDANCE:** Councillor S Lambert

**APOLOGIES:** Councillor L Monger

### 1. MINUTES

RESOLVED –

That the minutes of the meeting held on 3 April 2019 be approved as a correct record.

### 2. 15/00314/AOP - LAND SOUTH OF THE A421, WEST OF FAR BLETCHLEY, NORTH OF THE EAST WEST RAIL LINK, AND EAST OF WHADDON ROAD, NEWTON LONGVILLE

RESOLVED –

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

*Note: Councillors R. Newcombe and J. Blake took part in the debate but did not vote as they were not in attendance when the item was first considered by the Committee on 7 June 2017.*

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# Public Document Pack

## STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

15 MAY 2019

**PRESENT:** Councillors C Adams, J Brandis, A Bond, P Fealey, R King, L Monger, R Newcombe, B Russel and C Paternoster (ex-Officio)

**APOLOGIES:** Councillors J Blake and J Bloom.

**1. ELECTION OF CHAIRMAN**

RESOLVED –

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

**2. APPOINTMENT OF VICE CHAIRMAN**

RESOLVED –

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

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## **Overview Report:**

### *Introduction*

This report has been provided to assist members in the consideration of reports relating to major planning applications for development at settlements in the district. The report summarises the policy framework for the assessment of each development proposal for members consideration in addition to the detailed report relating to each individual application.

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

- 1.1 The starting point for decision making is the development plan, i.e. the adopted Aylesbury Vale District Local Plan (and any 'made' Neighbourhood Plans as applicable). S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF.

### The Development Plan

- 1.2 The overall strategy of the Aylesbury Vale District Local Plan (AVDLP) is to seek to concentrate the majority of growth (65% housing and employment) at Aylesbury with the remaining 35% in the rural areas. The latter was to be concentrated at a limited number of settlements. Insofar as this overall strategy is one which is based on the principle of achieving sustainable development, it is considered that this is still in general conformity with the NPPF.
- 1.3 Policies RA13 and RA14 relating to the supply of housing district wide form part of that overall housing strategy, and BU1 in respect of Buckingham, are now out of date, given that these identified housing targets for the plan period up to 2011 and the evidence relating to the districts need has changed significantly since these policies were adopted, and are not consistent with the NPPF policies to significantly boost the supply of housing based on up to date evidence. RA 13 and RA14 sought to take a protective approach to development and can only be given very limited weight when considering proposals within or at the edge of settlements identified in Appendix 4. Development proposals on sites are to be considered in the context of policies within the NPPF which sets out the presumption in favour of sustainable development at paragraph 11.
- 1.4 A number of general policies of the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP2, GP8, GP35, GP38 - GP40, GP59, GP84, GP86, GP87, GP88 and GP94. There are a number of other saved policies which might be relevant in a rural context including RA2, RA4, RA6, RA8, RA29, RA36 and RA37. Specific general policies relating to development at Aylesbury include AY1, AY17, AY20, and AY21. Other relevant policies will be referred to in the application specific report.

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

- 1.5 The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. The draft Vale of Aylesbury Local Plan was published and subject to public consultation in summer 2016. Following consideration of the consultation responses, and further work undertaken changes have been made to the draft plan. A report has been considered by the VALP Scrutiny Committee on 26 September and Cabinet on 10 October 2017 on the proposed submission plan. The Cabinet's recommendations were considered by Council on 18 October 2017. The proposed submission was the subject of consultation from, 2 November to 14 December 2017. Following this, the responses have been submitted along with the Plan and supporting documents for examination by an independent planning inspector at the end of February 2018. The examination hearing ran from Tuesday 10 July 2018 to Friday 20 July 2018. The Interim Findings have been set out by the Inspector, and consultation on modifications will be required before adoption can take place. The adoption of the Vale of Aylesbury Local Plan is planned to be in 2019.

- 1.7 Whilst the VALP hearing has taken place there are a number of unresolved objections to the housing strategy and other policies. Paragraph 48 of the NPPF advises on the weight to emerging plans depending on the stage of preparation, unresolved objections and consistency with the NPPF. In view of this the policies in this document can only be given limited weight in planning decisions, however the evidence that sits behind it can be given weight. Of particular relevance are the Settlement Hierarchy Assessment (September 2017). The Housing and Economic Land Availability Assessment (HELAA) (January 2017) is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. These form part of the evidence base to the draft VALP presenting a strategic picture .

### National Planning Policy Framework

- 1.8 The most up to date national policy is set out in the revised NPPF published in February 2019 superseding the earlier July 2018 version. At the heart of the NPPF is the presumption in favour of sustainable development (paragraph 11) in both plan-making and decision-taking.
- 1.9 The NPPF states at paragraph 8 that there are three objectives to sustainable development: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 1.10 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.(paragraph 9).
- 1.11 The Government's view of what "sustainable development" means in practice is to be found in paragraphs 7 to 211 of the NPPF. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 1.12 The presumption in favour of sustainable development in decision-taking is explained at paragraph 11 of the NPPF. Plans and decisions should apply a presumption in favour of sustainable development.  
For **decision-taking** this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### Foot notes:

6: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 6<sup>2</sup>), and areas at risk of flooding or coastal change.

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

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

And subject to transitional arrangement set out in Annex 1

- 1.14 Local planning authorities are charged with identifying a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (paragraphs 67-70) .
- 1.15 The NPPF sets out the means to delivering sustainable development. The following sections and their policies are also relevant to the consideration of all proposals:
- Building a strong competitive economy
  - Promoting sustainable transport
  - Delivering a sufficient supply homes
  - Achieving well designed places
  - Making efficient use of land
  - Promoting healthy and safe communities
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
  - Meeting the challenge of climate change and flooding
  - Supporting high quality communications
- 1.16 The NPPF sets out that transport issues should be considered from the earliest stages including the impact of development on the network, opportunities from transport infrastructure, promoting walking, cycling and public transport, environmental impacts of traffic and transport infrastructure, patterns of movement. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. (Paragraphs 102-103)
- 1.17 Paragraph 177 of the NPPF states “The presumption in favour of sustainable development does not apply where 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 policies<sup>16</sup>.
- 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**

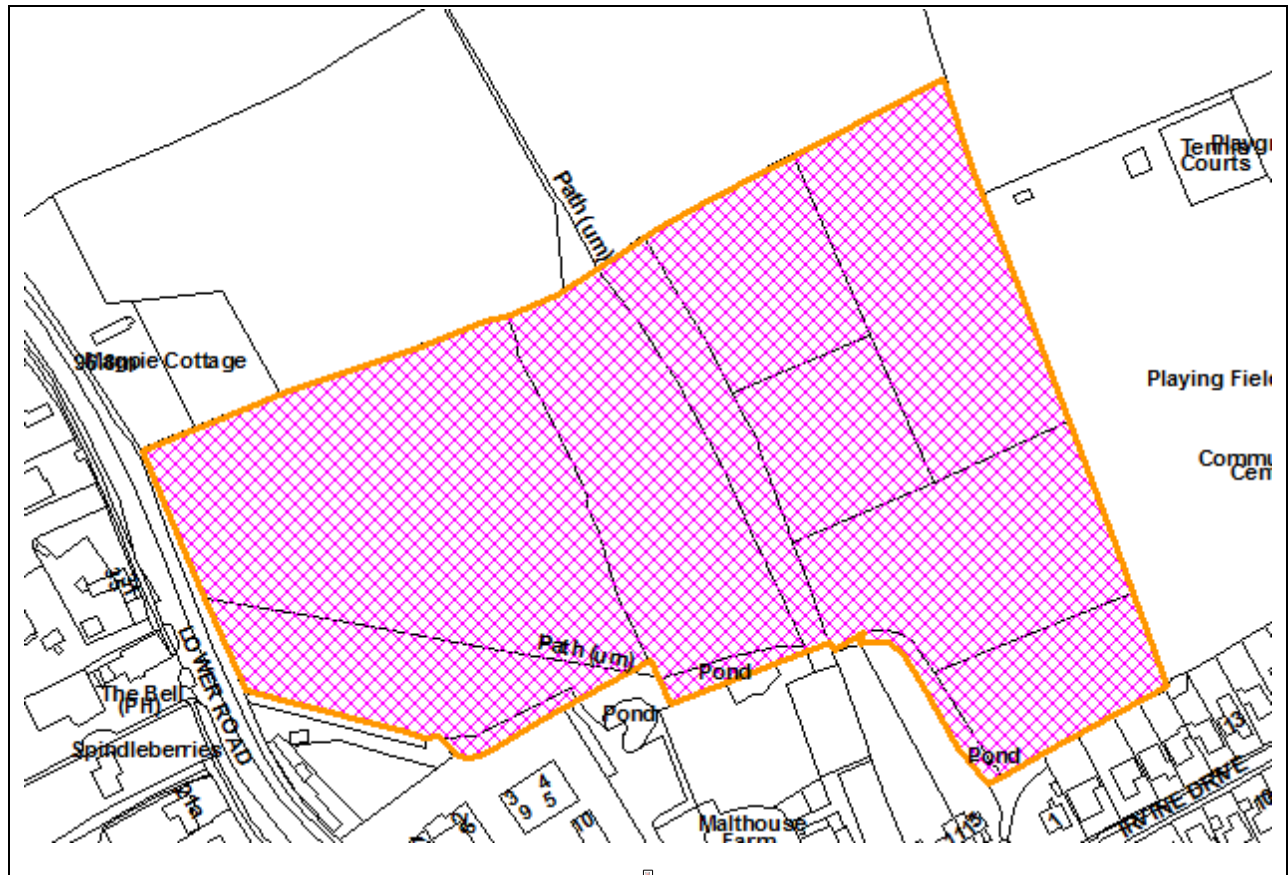
- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

### **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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18/01857/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
- Delivering a sufficient supply of homes
- Promoting sustainable transport
- 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**
- d) **Other matters**

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 30<sup>th</sup> May 2019, appended to this decision notice.

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

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

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

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

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

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

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

5. No floodlighting or other form of external lighting along the public rights of way and open space areas (outside of residential plots) within the site 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 T, to include Plot 78 also, shall be submitted to and approved in writing by the Local Planning Authority and the bike storage provided on site prior to the occupation of the plots to which the bike storage relates. The bike storage as approved shall thereafter be retained on site.

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

#### Informatives:

1. Working with the Applicant/agent

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

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

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

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

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

### **3.0 INTRODUCTION**

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

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

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

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



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

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

#### **5.0 PROPOSAL**

- 5.1 This application seeks reserved matters approval for the appearance, layout, landscape and scale of the development following outline approval being given for the development of the site with the means of access having been approved at this stage. The outline consent gave approval for up to 117 units on the site (condition 5) with condition 4 on the approval requiring that the development shall be carried out in general accordance with the Design and Access Statement and with the location plan, development framework plan and the proposed access arrangement plan.
- 5.2 The new access to the site, as approved at the outline stage, would be in the form of an advanced priority junction with a ghost island right turn and flare and would be constructed to adoptable standards as set out in the approved outline application. Footways would be included linking the site to the existing pedestrian infrastructure on Lower Road. The junction would provide a 6m carriageway with minimum visibility splays of 2.4m by 90m based on recorded speeds and a junction radii of 10m.
- 5.3 Discussions have taken place with the applicant to secure the acceptable development of the site with amendments sought on the mix, design and heights, layout, use of perimeter blocks, landscaping and distances to existing planting increased, increased planting buffers, means of enclosure, reducing exposed rear boundaries, reduction of triple car parking, reducing deep span depths, use of chimneys and appropriate materials, overlooking of footpaths and LEAP, 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 track 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 a 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 off site 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 although 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 – In order to address the “possibility of clashes between sandpit and toddler swing users”, raised in Table 2 of the submitted RoSPA Playground Plans Review report, that appears not to have been addressed, swap the locations of the LEAP sandpit with its south westerly (bottom left hand corner) proposed sensory planting area.
- 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 – The ecology corridor leaves some properties vulnerable at their side and rear boundaries and overlooking of the LEAP should be increased including clear stem trees to provide clear sight of the LEAP.
- 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 – The impacts to the majority of trees across the site, including native black poplars are broadly acceptable. Should the planning balance be in favour, further details on new planting, detailed mitigation, and ongoing landscape/habitat management would be required and this can be secured via condition.
- 8.19 Contaminated Land Officer – No elevated levels of contamination have been identified at the site itself, two areas of stockpiled material located on site will require remediation if re-used on site as they contain elevated levels of lead. Therefore based on all the information submitted condition 21 (of 15/A4341/AOP) may be discharged but following the completion of remedial works a validation report must be submitted in order to meet the requirements of condition 22.

## **9.0 REPRESENTATIONS**

- 9.1 23 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 was 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. In addition the applicant has advised that marketing has been undertaken in terms of liaising with local estate agents and considering local market conditions and it is considered that the mix proposed would reflect the current demand for housing sizes in the locality.
- 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 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.
- 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, including the removal of a number of trees. Objections had been expressed by the Council's Tree Officer previously given the lack of proper assessment of some of the veteran trees on the site and the black poplars. Further assessments were 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 has been supplied by the applicant in respect of the ecology of one of the veteran trees (T9) which was shown to be removed but will now be retained. Amended plans have recently been received to show this and the comments of the Tree Officer will be reported to Members. 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 could be secured as part of the discharge of condition 24 on the outline consent.
- 10.38 The development is providing significant landscaping and creation of habitats such that overall the development is not considered detrimental to ecology on and around the site.
- 10.39 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*

- 10.40 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.

- 10.41 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 site assessment report has been received in respect of 15/A4341/DIS which seeks to discharge the conditions in respect of contaminated land and the comments of the Council's Contaminated Land Officer were sought. No elevated levels of contamination have been identified at the site itself. However, there are two areas of stockpiled material located on site which will require remediation as they contain elevated levels of lead. The soil sampling completed does show that the stockpiled material may be used at depth in open spaces at the site or alternatively the material will have to be disposed of off site. If the stockpiled material is to be reused on site within the open areas additional soil sampling will be required in order to fully characterise the nature and composition of the material. This additional information must be submitted prior to the material being reused on site. Therefore based on all the information submitted it is considered that condition 21 may be discharged. Following the completion of remedial works a validation report must be submitted in order to meet the requirements of condition 22.
- 10.42 Having regard to the above it is considered that contaminated land has been adequately assessed and can be mitigated and as such the development would accord with the NPPF and this matter should be afforded neutral weight in the planning balance.
- ***Promoting healthy and safe communities***
- 10.43 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.
- 10.44 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.
- 10.45 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.
- 10.46 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.

10.47 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***

10.48 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.

10.49 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).

10.50 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.

10.51 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*

10.52 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.

- 10.53 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. Amended plans have sought to address the concerns of the CPDA such that the boundary treatment for the rear gardens of plots 60, 61 and 74-81 have been extended so that there would be no route through the landscaped ecology area and there would be increased overlooking of the LEAP from the residential properties.
- 10.54 Vehicular and pedestrian routes have been designed to ensure they are open, direct and well used and also that they are overlooked. The public footpaths through the site are retained, albeit that their route has been slightly changed and an application has been submitted by the applicants to formalise this. Access to rear gardens will be gated and locked. The communal areas including the LEAP, which would be located to the north of the site adjacent to the public right of way, will also be overlooked provided by natural surveillance from dwellings and use of the public right of way. The concerns of the CPDA are considered to have been addressed satisfactorily. In terms of open space provision, 8198m<sup>2</sup> public open space is being provided (of the 6.27ha site) which is consistent with that illustrated at the outline stage and which would provide the level of open space required for future occupiers of the development. Street lighting will be provided and a condition will be imposed to require details of lighting to be provided and approved prior to its installation for the footpaths and open spaces (if required) to ensure regard is had to this edge of settlement location, residential amenity and in respect of wildlife.
- 10.55 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*

- 10.56 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.

- 10.57 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.
- 10.58 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.
- 10.59 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*

- 10.60 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 although this was largely indicated at the outline stage and this removal was taken into account at this time. Tree T9 (veteran Field Maple) is now shown to be retained on amended plans and further information has been provided in respect of alternative planting species and construction methods and the comments of the Council's Tree Officer are awaited in this regard and will be reported to Members. 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.

- 10.61 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.
- 10.62 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*

- 10.63 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***

- 10.64 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.
- 10.65 Special regard has been given to the statutory test of preserving the setting of listed buildings under section 66 of the Planning (Listed Building and Conservation Areas) Act

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

- 10.66 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 complementary 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.
- 10.67 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.
- 10.68 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.
- 10.69 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***

10.70 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.

10.71 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.

10.72 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.

10.73 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***

10.74 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.**

10.75 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.

- 10.76 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.
- 10.77 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.
- 10.78 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.
- 10.79 Some concerns have been expressed in the representations regarding lighting and it is considered appropriate to recommend a condition to require details of any lighting for the footpath and open spaces areas within the site prior to its installation so that its impact can be considered and appropriate details secured.
- 10.80 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

- 10.81 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.
- 10.82 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

PC Comments June 2018

## STOKE MANDEVILLE PARISH COUNCIL

### RESPONSE TO APPLICATION 18/01857/AOP MATERIAL CONSIDERATIONS IN RESPECT OF UP TO 117 DWELLINGS LAND AT LOWER ROAD – EAST, STOKE MANDEVILLE

The Planning Application in respect of the above was considered at the Council's Planning Committee on 28<sup>th</sup> July 2018, on behalf of the Parish Council. The application is opposed for the following reasons -

Stoke Mandeville Parish Council is aware of the history of the development of this land and is familiar with the various reports which were issued in 2015 and 2016. The Parish Council presented to the AVDC Development Control Committee in August 2015 in respect of application 15/04341/AOP to support its objections to the development of this land in the centre of Stoke Mandeville village.

The Council has noted that the development is for up to 117 dwellings on a site in Lower Road Stoke Mandeville where two more further sites in excess of 100 dwellings having received outline approval and one of which is currently under construction.

#### Access

- The Parish Council is of the view that further consideration needs to be given to vehicular access on to Lower Road and the crossing and that associated tactile paving should be sited further into the mouth of the turning at a narrower point of the carriageway, or alternatively a traffic island should be provided. Lower Road B.4443 is an arterial route into Aylesbury town and as such carries considerable traffic especially at peak times. The access as shown would cause difficulty for vehicles attempting to cross the road to turn right entering the traffic flow towards Aylesbury and for those waiting to cross the traffic flow in order to turn right and enter the site. The road is narrow at this point and a build-up of traffic is likely to occur.
- The Stoke Mandeville Way is a disabled - accessible route and crosses the entrance to the site. Particular care needs to be taken to maintain the highest standard of accessibility
- A footpath is shown on the plans linking this development to the Playing Field which is in the ownership of the Stoke Mandeville Parish Council. No engagement has taken place or approach made to the Parish Council by any land owner/agent or developer concerning this proposal. The Parish Council has agreed as owners of this green space to refuse such access in order to secure its rightful use as an uninterrupted Queen Elizabeth II playing field of Fields in Trust. Two alternative accesses off Irvine Drive and Eskdale Road already exist for the users of the Playing Field. The Parish Council fears that the footpath as shown could develop into a "rat run" from the housing across the Playing Field to give access to the Station causing a pathway to appear across the Field over time. The siting of an alternative access could be discussed with the Parish Council



at a later date particularly as the Council is keen to develop a hard surface pathway around the Field.

### **Layout**

- There is a clustering of social housing across the site. Plots Nos. 4 – 18 are shown as backing on to an industrial site with car repair and paint spray workshops located immediately behind the boundary fence to the rear of the dwellings. The siting of these dwellings requires to be reviewed.
- Plot 96 shows a 2.5 storey dwelling which if erected as illustrated would be intrusive and look directly into the existing single storey bungalow to the rear located in Irvine Drive. The proposed dwelling on plot 96 should therefore be reviewed with a view to visual intrusion and possible overlooking of the single storey dwellings in Irvine Drive.

### **Environment**

- No plans have been submitted showing the boundary of the applicant in relation to that with properties in Irvine Drive and Swallow Lane. This is shown to be developed as a wildlife corridor and includes a fifteen feet wide strip of land [now cultivated by householders] which runs behind the bungalows to the boundary of the Playing Field and beyond. Documentation held by the Parish Council indicates this as a passageway, giving the right to “pass” and “repass” at all times. The ownership of this strip of land remains unknown and should be established. Enquiries to Bucks County Council Rights of Way confirm that this is not a registered Right of Way of the highways authority.
- A number of listed buildings are near to the development both in Swallow Lane and Lower Road. The development is too close to Nos 11 and 15 Swallow Lane and also to Magpie Cottage at Lower Road all listed buildings. No appropriate buffers are applied to Magpie Cottage Lower Road. Similarly, a number of ancient cottages are sited in Lower Road within close vicinity of Magpie Cottage. The current design of houses does not respect the historic environment of that part of Lower Road.
- The NPPF promotes good design responding to local character and reflecting the identity of local surroundings. This development does not respect the rural nature of the site or respect or complement the physical characteristics of the site and its surroundings, the natural qualities and features of the area and the effect of important public views and skylines. The development as proposed also goes against the position supported by the NPPF section 12 Conserving and Enhancing the Historic Environment.
- The Parish Council is mindful that the outline application referenced “up to” 117 dwellings. Should a lesser number be agreed and more space became available this would ease some of the concerns of the Parish Council about the siting of houses. It would give more flexibility and enable the development to be more in keeping with that which already exists in this historic area, central to the village of Stoke Mandeville.

**Should this development be approved by the Local Planning Authority, the Parish Council requests the following**

1. A close textured traditional mixed hedgerow and post and rail fence or close boarded fence should be established alongside the boundary of the Playing Field on the developer side of the shared ditch 6' high to be agreed with SMPC.
2. All existing mature trees along site boundaries to be retained and green buffer areas to be provided along the boundaries of all existing developments.
3. The Construction Environment Management Plan to be signed off by relevant parties prior to any development commencing on site. The CEMP should be monitored by BCC Enforcement Officer with regular site meetings with all those involved, especially residents of adjoining properties, those living in Lower Road plus a representative of the Parish Council.
4. Times of use of road traffic lights must be displayed in advance with special care taken to give freedom of passage to blue light services at all times.
5. The commencement of the development should be staggered so as not to coincide with other active planning applications along Lower Road which recent experience has shown causes extreme difficulty to road users, residents and businesses along this narrow 'B' arterial route into Aylesbury Town

28.06.2018

## STOKE MANDEVILLE PARISH COUNCIL

**RESPONSE TO APPLICATION 18/01857/ADP MATERIAL CONSIDERATIONS  
UP TO 117 DWELLINGS LAND AT LOWER ROAD – EAST, STOKE MANDEVILLE –  
REVISION TO LAYOUT  
December 2018**

The Planning Application in respect of above application has been considered by Stoke Mandeville Parish Council, which **OPPOSES** the application for the following reasons.

The Parish Council is aware of the history of the site and been involved throughout the planning process for this development. Comments were made on the original application for material considerations to which the Parish Council raised Objections. The comments listed below have been made after taking views from local residents, further discussions by Councillors and taking into account the revised National Policy Planning Framework of July 2018

**1 Access**

a] The Parish Council has already raised its concerns over the siting of the main and only access to this development on a narrow stretch of this arterial road into Aylesbury Town. The access as shown would cause difficulty for vehicles attempting to cross the road to turn right entering the traffic flow towards Aylesbury and for those waiting to cross the traffic flow in order to turn right and enter the site. The road is narrow at this point and a build-up of traffic is likely to occur. The proposed 'bus stop' just before the access road would likely block the vision of any vehicle trying to turn onto the main road from Magpie Cottage.

b] The Stoke Mandeville Way is a designated safe accessible route along Lower Road for people with disabilities and crosses the entrance to the site. This newly constructed access has reduced the width of Mandeville Way and needs to be addressed. Tactile paving should also be provided. Additionally, the extended layby entrance could present a danger to pedestrians who may be crossing the access, especially to children and those walking or cycling to school. At this point the footpath is also a cycle way. Particular care needs to be taken to maintain the highest standard of accessibility to pedestrians as well as vehicles.

c] A footpath is shown on the plans linking this development to the Playing Field in the ownership of the Stoke Mandeville Parish Council. No engagement has taken place or approach made to the Parish Council by any land owner/agent or developer concerning this proposal. The Parish Council has agreed as owners of this green space to refuse such access in order to secure its rightful use as an uninterrupted Queen Elizabeth II playing field of Fields in Trust. Two alternative accesses off Irvine Drive and Eskdale Road already exist for the users of the Playing Field. The Parish

Council fears that the footpath as shown could develop into a “rat run” from the housing across the Playing Field to give access to the Station. The siting of an alternative access could be discussed with the Parish Council at a later date particularly as the Council is keen to develop a hard surface pathway around the Field.

## **2. Layout**

a] The Council is pleased to note that a number of its comments have been taken into account within the revised layout especially in respect of the adjustment to social housing backing on to Weston Business Park. However, the erection of two storey dwellings to the rear of bungalows Nos 1,3,5,7,9, and 11 Irvine Drive continues to give concern. It also applies to No. 15 Swallow Lane as the development runs alongside that property.

b] Previous layouts have shown a green buffer between the development and the rear of properties in Irvine Drive which has now diminished. If erected as now proposed, the new double storey dwellings would be intrusive to single storey properties in Irvine Drive looking immediately into the rear of existing bungalows. The Parish Council is therefore of the view that a green buffer zone should be provided to afford privacy to existing properties. The layout as currently submitted is not in accordance with the NPPF which states that a variety of type of dwellings should be used to meet all housing needs and not a proliferation of urban development as now submitted for this semi -rural area. There is a need for single storey properties within the area to meet the needs of the increasing elderly population and for those with disabilities.

## **3. Environment**

a] No plans have been submitted showing the boundary of the development site in relation to adjoining roads and properties. The wildlife corridor originally shown behind Irvine Drive appears to have disappeared resulting in a negative impact on this historic part of the village.

b] Eight listed buildings exist in Swallow Lane and Lower Road and are in close proximity to the site. The development is too close to Nos 11 and 15 Swallow Lane and also to Magpie Cottage at Lower Road where no green buffer exists. Greater treatment along this edge of the development is required to help mitigate the impact of the development on the setting of this area close to the village centre. The design of building types should make a positive contribution to the local character and distinctiveness of the area and not detract from the setting.

c] The NPPF promotes good design responding to local character and reflecting the identity of local surroundings. This development does not respect the rural nature of the site or respect or complement its physical characteristics. The rural nature of the

site and its surroundings. The natural qualities and features of the area and the effect of important public views and skylines have been ignored.

d] The proposals include a hard surface and lighting to be provided to part of Footpath No. 3 which travels from the stile near to St. Mary's Parish Church across fields at Malthouse Farm and onwards to Stoke Mandeville Hospital. That part to be lit runs close to the rear of properties in Swallow Lane, adjacent to a barn of Malthouse Farm which contains bats and immediately adjoins the side boundary of 'Pecaw'. Immediate concerns are expressed as to the type of lighting to be used with the risk of this intruding into people's homes. It is therefore essential that engagement takes place with those residents and their views be taken into account. To date there has been no meaningful engagement by the developers with adjacent residents on any aspect of the development proposals.

e] The Parish Council is mindful that the outline application referenced "up to" 117 dwellings. Should a lesser number be agreed and more space became available this would ease some of the concerns of the Parish Council about the revised layout and the protection of existing properties. It would give more flexibility and enable the development to be more in keeping with that which already exists in this historic area, central to the village of Stoke Mandeville.

**Should this development be approved by the Local Planning Authority, the Parish Council requests the following**

1. A close textured traditional mixed hedgerow and close boarded fence to be established alongside the boundary of the site on the developer's side of the ditch and facing on to the Parish Council's Playing Field. The design and placement of such should be agreed with the Parish Council to be agreed with SMPC.
2. All existing mature trees along site boundaries to be retained and greater green buffer areas than shown on current plans, to be provided along the boundaries of all existing developments.
3. The Construction Environment Management Plan to be signed off by relevant parties prior to any development commencing on site. The CEMP should be monitored by BCC Enforcement Officer with regular site meetings with all those involved, especially residents of adjoining properties, those living in Lower Road plus a representative of the Parish Council.
4. Times of use of road traffic lights used during the period of construction must be displayed in advance with special care taken to give freedom of passage to blue light services at all times.
5. The commencement of the development should be staggered so as not to coincide with other active planning applications along Lower Road which recent experience has shown causes extreme difficulty to road users, residents and businesses along this narrow 'B' arterial route into Aylesbury.

19.12.18

PC Comments Feb 2019

## STOKE MANDEVILLE PARISH COUNCIL

**RESPONSE TO APPLICATION 18/01857/ADP MATERIAL CONSIDERATIONS  
UP TO 117 DWELLINGS LAND AT LOWER ROAD – EAST, STOKE MANDEVILLE –  
REVISION TO LAYOUT  
FEBRUARY 2019**

The Planning Application in respect of above application has been considered by Stoke Mandeville Parish Council, which **OPPOSES** the application.

The Council is pleased to note that a number of its comments have been taken into account within the revised layout with the replacement of three double storey houses with chalet bungalows to avoid overlooking into single storey dwellings in Irvine Drive.

However, it is considered such revisions are insufficient to lessen the effect of the development on the area. From the initial outline application, through to the most recent reserved matters application, the land promoter, Gladman and the developer Abbey Homes, have systematically failed to consult with local residents and the Parish Council or take notice of comments made by them throughout the application process. The Parish Council believes that a revised design must be prepared to address the current inadequacy again before planning consent is granted for the following reasons -

**Historic Environment**

The developer fails to take account of the surroundings which includes the Parish Church of St, Marys and eight heritage assets [listed buildings] being either near to or adjoining the site. Stoke Mandeville village has historic elements and is mentioned in the Domesday Book. However, little note seems to have been taken of the NPPF in this respect, which promotes dwellings being built which are sympathetic to the local character and history including the built environment.

The development is too close to listed buildings Nos 11 and 15 Swallow Lane and also to Magpie Cottage at Lower Road where insufficient green buffer still exist to protect the historic environment of those properties. The Heritage Officer's response to the application [03/09/2018] indicates that greater landscape buffer treatment along the edge with the listed buildings 11 and 15 Swallow Lane and Malthouse Farm and also that along Lower Road should be provided to lessen impact of the development on the setting of those buildings also to help mitigate the impact of the development on Magpie Cottage.

The design of the proposed buildings is of an urban nature and does not make a positive contribution to the local character or distinctiveness of the area and detracts from the setting. The opportunity has not been taken to bring in the right mix of development. The NPPF goes on to say that there should be early discussion between those affected including

the local community in order to clarify schemes and take account of their views. There has been a total failure by this developer to engage with local residents or the Parish Council when some of these issues could have been discussed and possibly resolved.

### **Access**

The Parish Council has already raised its concerns over the siting of the main and only access to this development on a narrow stretch of this arterial road into Aylesbury Town. The access as shown would cause difficulty for vehicles attempting to cross the road to turn right entering the traffic flow towards Aylesbury and for those waiting to cross the traffic flow in order to turn right and enter the site. The road is narrow at this point and a build-up of traffic is likely to occur.

### **Environment**

The wildlife corridor originally shown behind Irvine Drive has been diminished resulting in a negative impact on this historic part of the village.

The proposed development does not respect the rural nature of the site or complement its physical characteristics or natural qualities in any way. The adverse effects on public views and skylines have been ignored.

### **Footpath No 3**

The proposals include a hard surface and lighting to be provided to part of Footpath No. 3 which travels from the stile alongside St. Mary's Parish Church across fields at Malthouse Farm and onwards. The footpath runs close to the rear of properties in Swallow Lane, is adjacent to a barn of Malthouse Farm which contains bats and immediately adjoins the side boundary of 'Pecaw'. Immediate concerns are expressed as to the type of lighting to be used with the risk of this intruding into people's homes. It is therefore essential that engagement takes place with those residents and their views be taken into account. To date there has been no engagement by the developers with adjacent residents although a technical member of the Abbey Homes staff agreed to attend a meeting with the Parish Council and residents to discuss the issues fully. Disappointingly nothing further has been heard.

### **Trees**

The Arboricultural Impact Assessment report has been noted and the number of trees to be felled considered excessive and unwarranted. Although there are no TPOs on this site the number of mature trees including Black Poplar to be felled the Parish Council considers that all trees unless diseased or dangerous should be retained along with any of the existing hedgerow along the eastern boundary adjoining the Queen Elizabeth II Playing field and that fronting Lower Road.



**Should this development be approved by the Local Planning Authority, the Parish Council requests the following**

1. A close textured traditional mixed hedgerow and close boarded fence to be established alongside the boundary of the site on the developer's side of the ditch and facing on to the Parish Council's Playing Field. The design and placement of such should be agreed with the Parish Council to be agreed with SMPC.
2. All existing mature trees along site boundaries to be retained and greater green buffer areas than shown on current plans, to be provided along the boundaries of all existing developments.
3. The Construction Environment Management Plan to be signed off by relevant parties prior to any development commencing on site. The CEMP should be monitored by BCC Enforcement Officer with regular site meetings with all those involved, especially residents of adjoining properties, those living in Lower Road plus a representative of the Parish Council.
4. Times of use of road traffic lights used during the period of construction must be displayed in advance with special care taken to give freedom of passage to blue light services at all times.
5. The commencement of the development should be staggered so as not to coincide with other active planning applications along Lower Road which recent experience has shown causes extreme difficulty to road users, residents and businesses along this narrow 'B' arterial route into Aylesbury.

20.2.19

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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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