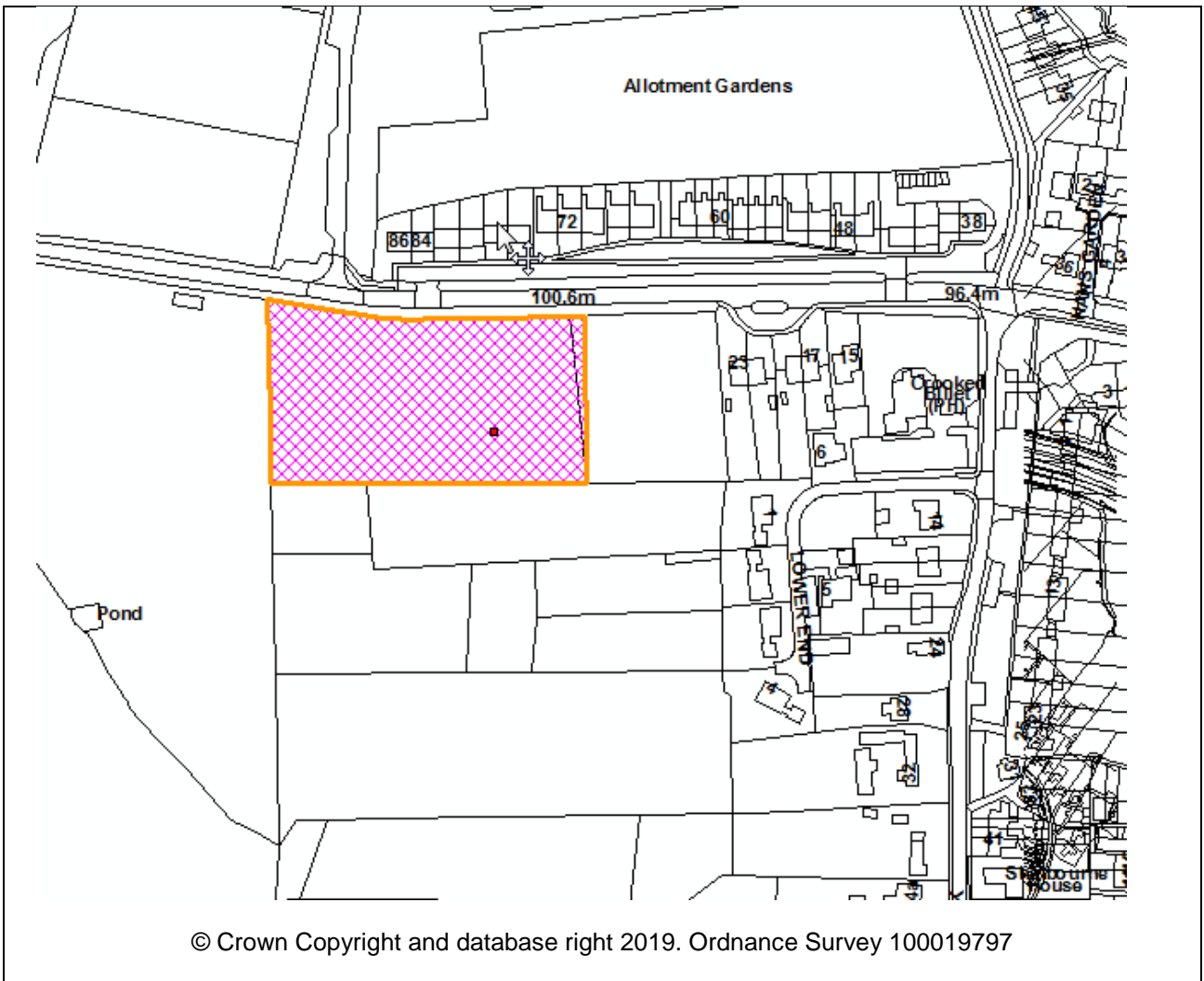


19/01241/AOP



© Crown Copyright and database right 2019. Ordnance Survey 100019797

REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/01241/AOP	NEWTON LONGVILLE The Local Member(s) for this area is/are: -	01/04/19
OUTLINE APPLICATION WITH ACCESS TO BE CONSIDERED AND ALL OTHER MATTERS RESERVED FOR A RESIDENTIAL DEVELOPMENT OF UP TO 17 DWELLINGS INCLUDING A NEW ACCESS POINT OFF WHADDON ROAD LAND OFF WHADDON ROAD EUROPEAN PROPERTY ACQUISITION LIMIT	Councillor N Blake Councillor B Everitt	
STREET ATLAS PAGE NO. 57		

1. The Key Issues in determining this application are:-

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

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

- Building a strong competitive economy
- Promoting sustainable transport
- Delivering a sufficient supply of homes
- 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

c) **Impact on existing residential amenity**

d) **S106/Developer contributions**

The recommendation is that permission be **DEFERRED AND DELEGATED** to officers for approval following the completion of a S106 Agreement to secure financial contributions towards off site sport and recreation facilities, education, highway works (traffic calming and community transport) and the provision and maintenance of a SUDS scheme. Any permission to be subject to such conditions as are considered appropriate; or if a S106 Agreement is not satisfactorily agreed, for the application to be refused by officers for reasons as considered appropriate.

2. CONCLUSION AND RECOMMENDATION

- 2.1. 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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 2.2. It is accepted that the development would make a contribution to housing land supply which is a significant benefit to be attributed limited positive weight in the planning balance. 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 limited positive weight should be attached.
- 2.3. The development would represent the loss of a greenfield site and it is acknowledged that there would be a level of landscape harm following the development of this edge of settlement site which should be attributed moderate negative weight in the planning balance.
- 2.4. 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 communities, the design of the development, impacts on the natural environment, 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.
- 2.5. 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 11 of the NPPF, 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 supported
- 2.6. It is therefore recommended that the application be deferred and delegated to officers for **APPROVAL** following the completion of a S106 Agreement to secure financial contributions towards off site play facilities, education, highway works (traffic calming and community transport) and the provision of a SUDS scheme with any permission being subject to such conditions as are considered appropriate; or if a S106 Agreement is not satisfactorily agreed, for the application to be refused by officers for reason considered appropriate.
- 2.7. The following conditions may be appropriate:
 1. Details of the appearance, landscaping, layout and scale, (herein after called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development should be carried out as approved.

Reason: The application is for outline planning permission.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town

and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The proposed development shall be carried out broadly in accordance with the principles of the indicative site layout plan dwg no. 16150(D)005 rev J.

Reason: To ensure a satisfactory appearance to the development and to accord with Policy GP35 of the Aylesbury Vale District Local Plan and with the NPPF.

5. Prior to the commencement of development, other than below ground works and foundations, no development shall take place until details of the materials proposed to be used on the surfaces of the roads, footpaths and driveways have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials which shall thereafter be retained as such.

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

6. Prior to the commencement of development, other than below ground works and foundations and the new access, no development shall take place until details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials which shall thereafter retained as approved.

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

7. No site clearance works or development shall take place until there has been submitted to the Local Planning Authority for their approval a tree protection plan showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan.

No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

1. There shall be no changes in ground levels;

2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed unless these are elements of the agreed tree protection plan.
4. No materials or waste shall be burnt nor within 20 metres of any retained tree; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

Reason: In order to minimise damage to the trees during building operations and to comply with policy GP38 of the Aylesbury Vale District Local Plan and to accord with the National Planning Policy Framework. Details must be approved prior to the commencement of development to ensure the development is undertaken in a way which ensures a satisfactory standard of tree care and protection.

8. The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition (1) above shall include a foul water drainage scheme for the site. The development shall proceed in accordance with the approved details and no dwelling shall be occupied until the approved foul drainage serving that dwelling has been implemented as approved.

Reason: To ensure that adequate foul drainage is provided and to accord with the NPPF.

9. Unless otherwise first agreed in writing by the Local Planning Authority, no development shall take place until details of the internal finished floor levels of the dwellings hereby permitted in relation to the existing and finished ground levels on the site and adjacent land have been submitted to and approved in writing by the Local Planning Authority, with reference to a fixed datum point. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to comply with policies GP8 and GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 10 Commencement of development (to include ground clearance and site enabling works), shall not take place until a Biodiversity Offsetting Scheme appropriate to compensate for a minimum Conservation Credit requirement of 10.44 Biodiversity Units of Lowland Meadow Habitat, as assessed as the development biodiversity impact with the Defra Biodiversity metric, has been submitted to and approved in writing by the Council. The Scheme will be approved with the intention of seeking to ensure that the Development shall not result in a biodiversity loss in accordance with the National Planning Policy Framework.
 - The Scheme to be approved pursuant to the above shall include:
 - Identification of an appropriate receptor site(s);
 - A biodiversity enhancement calculation as per the Defra biodiversity metric;
 - A management and monitoring plan for the provision and maintenance of such offsetting measures for not less than 25 years from the date of implementation of the Scheme;
 - The provision of contractual terms to secure the delivery of the offsetting measures (eg. Environment Bank's Conservation Credit Purchase Agreement and Conservation Bank Agreement).

The offsetting scheme shall be implemented in full accordance with the requirements of the approved scheme and no changes to the approved scheme are permitted without the written consent of the Council.

Reason: To comply with the requirements of the National Planning Policy Framework, ODPM 05/2006, The Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended)

- 11 An ecological mitigation and enhancement strategy (EMEP) addressing ecological mitigation, compensation and enhancement measures shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the EMEP shall include the following.
- a) Review of site potential and constraints
 - b) Purpose and conservation objectives for the proposed works.
 - c) Detailed design(s) and/or working method(s) to achieve the stated objectives (e.g. SUDS/pond creation).
 - d) Extent and location/area of proposed works on appropriate scale maps and plans (e.g. retention/new planting of fruit trees).
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance, specification, number and location of bat and bird boxes, provision of permeable fencing/refugia for hedgehog).
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Details of initial aftercare and long-term maintenance of ecological habitats (e.g. hedgerows, wildflower meadow).
 - h) Details for monitoring and remedial measures.

The development will be implemented in accordance with the approved details and thereafter retained as such.

Reason: Having regard to the biodiversity of the site and to comply with the NPPF, ODPM 05/2006, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

- 12 The details to be submitted for the approval of the Local Planning Authority in accordance with Condition (1) shall include a scheme for parking, garaging and manoeuvring in accordance with the Local Planning Authority's "Car Parking Standards" The approved scheme shall be implemented and made available for use before the dwelling to which the scheme relates is occupied and that area shall not be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with Policy GP24 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 13 Prior to the first occupation of the development the off-site highway works shown in general accordance with the approved plans shall be laid out and constructed in accordance with details to be first approved in writing with the Local Planning Authority. The highway works shall be secured through a S278 Agreement of the Highways Act 1980. For the avoidance of doubt the S278 works shall comprise of footways on Whaddon Road.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

- 14 Prior to the commencement of the development the new access to Whaddon Road shall be designed/constructed in accordance with details to be submitted to and approved by the Local Planning Authority. The access shall be constructed in

accordance with; 'Buckinghamshire County Council's Guidance note, "Commercial Vehicular Access Within Highway Limits" 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to accord with the NPPF.

- 15 Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the Construction Traffic Management Plan shall be implemented as approved unless otherwise first agreed in writing by the Local Planning Authority. Details to be included:
- Provision made to accommodate all site operatives', visitors' and construction vehicles loading, off-loading, parking and turning within the site during the construction period
 - Provision made for site compound
 - Provision made for storage of materials and plant
 - Operating hours
 - Adequate precautions to be taken during the construction period to prevent the deposit of mud and similar debris on the adjacent public highways.
 - Provision for addressing any abnormal wear and tear to the highway as a result of the development including pre and post condition surveys

Reason: To minimise danger and inconvenience to highway users and to accord 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 and the application is supported.

3. INTRODUCTION

- 3.1. The application needs to be determined by committee as the Parish Council has raised material planning objections and confirms that it will be willing to speak at the Committee meeting.
- 3.2. It is worth noting that a consent was issued for the application site under reference 17/01107/AOP for development as described by this application. However, due to a procedural flaw in the manner in which the S.106 was drafted and completed, permission 17/01107/AOP was the subject of a judicial review and quashed pursuant to a consent order approved by the High Court on 4th July 2019.
- 3.3. Following the grant of the petitioner's application for judicial review of consent 17/01107/AOP in late March 2019, the applicant submitted this application due to the uncertainty surrounding the consent for 17/01107/AOP.

4. SITE LOCATION AND DESCRIPTION

- 4.1. The site (0.8ha) is located to the western edge of Newton Longville on the south side of Whaddon Road. The site is roughly rectangular in shape and currently used for agricultural purposes. The northern boundary of the site with Whaddon Road and the western boundary are characterised by frontage hedging which is mature. To the east and south is agricultural land. To the west and on the other side of the Whaddon Road are residential dwellings with the village hall set further to the east and back from the road frontage. There is an existing gated agricultural access into the site. The land slopes down from the south to the north and there are no significant trees within the site.

5. PROPOSAL

- 5.1. This is an outline application with access to be considered at this stage and all other matters reserved for future consideration. It seeks up to 17 dwellings which are indicated on the illustrative layout.
- 5.2. The access lies to the eastern edge of the site onto Whaddon Road. The illustrative scheme shows the access leading to a T-junction arrangement to the southern part of the site and also indicates how access into the adjacent site to the west could be achieved and two link access points are indicated.
- 5.3. The Design and Access Statement (DAS) refers to the density being in keeping with that of the village with the scale of the dwellings being generally two storey in height with some rooms in the roof. The dwellings would have either 3 or 4 bedrooms with parking provided on plot in the form of a driveway to accord with the adopted parking standards. There may also be unallocated parking.
- 5.4. The DAS states that the dwellings would have an appearance based on the local pallet of materials and design elements found within Newton Longville. Existing landscape features will be incorporated into the scheme and the proposed landscape will complement the existing. The dwellings will be designed to reduce their energy demands and improved their overall efficient in respect of insulation, orientation, solar access, double glazing, quality control and maintenance manuals. Foul water be drained into the existing public foul sewer in Whaddon Road and surface water will be drained to the water course on the northern side of Whaddon Road via a balancing pond with the discharge rate being limited to greenfield run-off rate. All dwellings will have space within the curtilage for the storage of waste bins and account has been had to refuse collection.
- 5.5. A number of documents have accompanied this outline application including a Design and Access Statement, Arboricultural Impact Assessment and Method Statement, geotechnical and contamination report, ecological survey, updated Biodiversity Impact Assessment and Preliminary Offset options report, flood risk report, Landscape and Visual Impact Assessment and a Transport Assessment.
- 5.6. Several discussions took place with the applicant in respect of the earlier scheme regarding the layout of the development to show the use of perimeter blocks and for the development to complement the existing development and settlement characteristics along this part of Whaddon Road and in respect of the biodiversity of the site and the use of off-setting which is reflected in this submission.

6. RELEVANT PLANNING HISTORY

- 6.1. 88/01732/AOP: residential development- refused.

- 6.2. 15/00195/APP - The erection of 44 dwellings with access, parking, landscaping, open space and associated works – withdrawn
- 6.3. 17/01107/AOP - Outline application with access to be considered and all other matters reserved for a residential development of up to 17 dwellings including a new access point off Whaddon Road -Approved, permission quashed on 4th July 2019

7. PARISH/TOWN COUNCIL COMMENTS

Newton Longville Parish Council

7.1 As this application describes development as set forth in the now quashed consent for 17/01107/AOP, in the interests of thoroughness, comments from Newton Longville Parish Council (NLPC) for both 17/01107/AOP and 19/01241 are extracted below:

7.2 Comments received from NLPC for 17/01107/AOP dated August 2017:

1. Considerations

1.1. Whilst a larger site which contains this application site may be included as a potential allocation in the draft VALP, given the stage of the draft VALP no weight should be given to that.

1.2. More significantly the environmental report submitted with application 15/00195/APP clearly identifies this site (to the front of the larger site) as being high value grassland which was not to be built on. Whilst the site has since been ploughed up there is no evidence that the high value grassland has been destroyed and/or will not be able to be re-established. Reference should be made to the report on file for 15/00195/APP.

1.3. Even if the land cannot be restored to high value grass land it would seem entirely inappropriate to allow the proposed development on the land. To quote the objection by Mr Tim Welch: "As a decision was clearly taken, presumably by the landowner, to plough up the land regardless - on more than one occasion since; it seems that the planning authority could respond in a number of appropriate ways. Allowing a speculative planning application such as this does not seem to me to be an appropriate way to respond as it would set a very unhelpful precedent. This piece of land surely should be allowed to recover to as close to its former state as is possible, over an extended period of time, and be accommodated as such in any future planning proposals that may come before the District Council."

1.4. The application includes a Phase I Site Appraisal (Desk Study) produced for Taylor Wimpey for their application 15/00195/APP, not this application and there is no indication from the authors of the report of the extent to which it applies to this current application.

1.5. Both the Arboricultural Impact Assessment and Landscape and Visual Impact Assessment submitted with this application are noted as "Draft not for submission", it is unclear therefore what the status of these reports are.

1.6. The site is on the edge of Newton Longville and currently in the open countryside. At this point it has not been allocated in any Development Plan for development. Neither the VALP or Neighbourhood Plan are at a sufficiently advanced stage for any weight to be attached to them.

1.7. Given the absence of a suitable report assessing the site's environmental value, there is insufficient information provided to enable any other decision to be made other than refusal. Reference should be made to the reports submitted for 15/00195/APP.

1.8. At this point there is no submission from AVDC Housing, however in a submission on 15/00195/APP they stated there was no need for affordable housing in this area. This situation should be clarified.

1.9. The Transport Statement submitted with this application is inadequate. Whilst BCC

have stated they are content with the proposal, this does not take account of the potential for a further development of around 44 dwellings (15/00195/APP although now withdrawn it is likely to be resubmitted given the potential VALP allocation) which would both be behind and to the side of this development. A more comprehensive Transport Statement or Assessment should therefore be required to include a speed and volume survey as a minimum as well as drawings to demonstrate how the required visibility will be achieved. The MVAS (Mobile Vehicle Activated Sign) data held by the parish council shows a significant growth in traffic levels on Whaddon Road with speeds recorded near this site of in excess of 60 mph.

1.10. Provision of another access to this site will potentially create three access points to Whaddon Road within 40 metres, five within 100 meters and six within 250 metres. See attached map. The points being: 1. Hammond Farm (approved for B1/B8 use) 2. Proposed development for 50 dwellings (application 17/02417/AOP) 3. Hammond Park / Longueville Hall 4. Existing houses off Whaddon Road 5. Proposed access for this application 6. Proposed access for development of 44 dwellings (as in 15/00195/APP)

1.11. It is unclear and has not been demonstrated that there is sufficient land available to provide a 2m footway given the existing hedge and drainage ditch running alongside the verge.

2. Potential approval

2.1. If despite the objections, the application is to be approved then financial contributions will be required for: Off-site play and leisure provision (improvements/additions to existing facilities in Hammond Park) in accordance with AVDC policy. Provision of street lighting within the site and along the length of Whaddon Road from the existing footway to the 30 mph boundary. (Note street lighting within Newton Longville is provided by the parish council hence is required to be met through section 106 rather than the Highways Act. This appropriateness of this can be confirmed by BCC Highways Development Management.) Provision of footway from the end of the current footway for the entire length of the site (see BCC Highways submission). A contribution to the costs traffic calming works (as in BCC Highways submission). A contribution to public transport improvements.

2.2. Before approval is given a comprehensive environmental assessment of the site should be required and reviewed by AVDC Biodiversity Officer.

2.3. Before approval is given then a new Traffic Statement/Assessment should be required as above. This should include consideration of a more comprehensive treatment of accesses allowing for the potential development to the rear and site of this site as well as other existing or proposed accesses. This could potentially include a roundabout on Whaddon Road at access to Hammond Park as well as the site and any further development to the rear.

3. Conclusions

3.1. Newton Longville Parish Council contend that the application should be refused.

3.2. The development fails to satisfy the core planning principals of the NPPF to recognise the intrinsic character and beauty of the countryside, to conserve and enhance the natural environment and to reuse land that has been previously developed. It is not sustainable development. It is in an isolated location with poor connection to the village other than along a grass verge.

3.3. The development is of such a scale on a greenfield site outside the current development boundary of the village that it would cause harm to the character and identity of the village. It clearly protrudes into the open countryside and is an unacceptable and unsustainable intrusion which would cause harm to the local landscape character and rural setting of the village. It also reduces the limited green gap separation between the village and Bletchley in Milton Keynes. It also reduces the gap between the village and the development at Salden Chase (South West Milton Keynes) which the AVDC Strategic

Development Management Committee resolved to approve on 7th June.

3.4. The proposal is therefore contrary to both the NPPF and AVDC policy GP35.

3.5. Given the lack of details of the proposed development it is not possible to comment in detail on the need for provision of either onsite or offsite local recreational provision or other matters, other than the indicative details above. Given there are currently no proposals for a section 106 agreement to secure such provision adds to the failure to comply with the need for sustainable development. The proposal therefore fails the design requirements of the NPPF.

3.6. The red line plan does not show all that is necessary as it does not include the highway verge, although works are proposed to this within the application to provide access to the site and changes to the boundary treatment.

7.3 Comments received from NLPC for 17/01107/AOP dated 10th September 2018:

Having reviewed the BIODIVERSITY IMPACT ASSESSMENT AND PRELIMINARY OFFSET OPTIONS prepared by Environment Bank, we've identified a number of issues.

1. Paragraph 1 refers to having been commissioned by Premier Properties Limited. This may be an incorrect reference as that company does not as far as we are aware have any connection with the application.
2. Paragraph 1 lists the supporting documents provided, the first being the Ecological Impact Assessment submitted in January 2015. It should be made clear this was for planning application 15/00195/APP by a different applicant for a larger site which included part of the site in this application.
3. Paragraph 3 lists local planning policy but refers to an Amber Valley policy EN14 rather than Aylesbury Vale, this both suggests a cut and paste operation by Environment Bank and a lack of scrutiny within AVDC when it was first submitted. This therefore gives rise to concerns that other aspects of the report relate to another site.
4. Paragraph 5 includes "Ecological Planning and Research (EPR) survey the site in May. The full site is approximately 0.89ha ..." It is unclear which May is being referred to, the relevance of May is not clear, however the EPR report indicates the initial Ecological Appraisal was in May 2013 followed by other surveys and assessments up to September 2013. It is further unclear what the 0.89ha refers to and whether from the EPR report (on a large site) or something else. The EPR report actually states in paragraphs 1.5 "The site consists of a block of agricultural land (approximately 3.4ha/8.3 acres) sub-divided into a number of plots defined, mostly, by recently installed fencing and newly planted hedges." The key point that ought to have been clearly drawn out is that the bulk of the lowland meadow was in the area that makes up the site of the current application and that the original application proposed to improve the lowland meadow, not develop on it, and that it would become "part of the informal accessible landscape in the village". In addition, it is surprising and disappointing that Environment Bank were not asked to make contact with the parish council to fully explore the potential of suitable sites within Newton Longville, including land in the parish council's ownership and the other land nearby under control of the applicant.

7.4 Comments from NLPC to 19/01241/AOP dated 13th May 2019

This application appears to be a duplicate of that in application reference 17/01107/AOP and the most documents submitted with the application are identical to those submitted on the previous application.

The parish council objects to the application as submitted wishes it to be considered by the Development Management Committee and confirms that the parish council is willing to attend at speak at the committee meeting.

As submitted, there is insufficient detail. In particular there is no draft Heads of Terms or draft section 106 agreement and despite the significance of highways aspects of the application no representation has been made by the Highways Authority as yet. This representation is therefore on an interim basis.

Subjection to appropriate mitigation measures as previously detailed then on the basis that this site is part of that proposed in the submitted Vale of Aylesbury Local Plan (VALP) as site NLV005, the parish council accepts the principle of residential development on this site, as long as considered as a complete site including the adjoining land proposed within VALP. As the site is not the site as proposed in VALP it results in an incongruous gap between the end of the existing development on Whaddon Road so piecemeal development that should be avoided.

The quantum proposed is too high, it is the same as proposed in VALP for the large site which would result in a higher density than proposed in VALP and that of surrounding housing.

8. CONSULTATION RESPONSES

- 8.1. Environmental Health – No comments to make.
- 8.2. Biodiversity – No objections. Following the submission of the Biodiversity Impact Assessment and Preliminary Offset Options Report (Environment Bank, 19th April 2018) it is accepted that off-site mitigation for the loss of priority habitat (lowland meadow) habitats could deliver a net gain for ecology.
- 8.3. BCC SuDS – No objections subject to conditions. Require further information regarding the use of the ditch on the other side of the road for drainage, the use of permeable surfaces, permeability testing and the discharge rate.
- 8.4. Parks and Recreation – An off-site financial contribution in lieu of on-site sport and leisure facilities would be appropriate in this case and be dependent upon the number of bedrooms per dwelling.
- 8.5. BCC Highways – BCC as the Highway Authority provided comments on the previous application and recommended approval subject to conditions. Application 17/01107/AOP was approved, but was the subject of a Judicial Review regarding matters contained within the Legal Agreement relating to the sum of money secured towards a local traffic calming scheme. Within consultation documentation under 17/01107AOP a sum of £25,000 was requested for Traffic Calming, however during the legal agreements preparation period, further analysis was carried out by the Council and it was determined that the originally requested sum was not lawfully justified given the predicted impact traffic would have upon the local highway. Therefore, an amended sum of £2567 was considered justified and ultimately signed into the S106. This application has been submitted so that a fresh decision may be made by AVDC upon the development.

A new access is proposed to serve the development and shows the proposed access to measure 5.5m and benefit from two 2m footways. A 5.5m wide access is fit to serve the proposed development as it will safely accommodate simultaneous two way vehicle flow. An updated swept path analysis drawing has also been submitted which evidences that a large refuse vehicle can safely enter the site through the proposed access, further evidencing the access suitability. In accordance with Manual for Streets, the access must also benefit from visibility splays of 2.4m x 43m either side of the access, measured to the nearside carriageway edge. BCC is satisfied that sufficient visibility can be achieved and this is secured by way of condition below.

There is no footway proposed to the west of the site access. The site is located adjacent to the community centre and recreational grounds to the northwest and the accessibility of these facilities would be greatly improved if a short section of footway to the west of the site was provided with a dropped kerb crossing point. This has been secured by way of condition below.

The closest bus stops to the site are located on Westbrook End, approximately 200m from the site. The main bus service serving these stops is the number 50 bus which provides a link from Newton Longville to Milton Keynes and Winslow. This service currently only operates every two hours on weekdays and Saturdays. In order to improve the sustainable travel options from the site, a contribution of £50,000 to upgrade the 50 service to provide more links to the surrounding area in the peak hours is required. This would help the site meet sustainable objectives as required by paragraphs 102 – 104 and 108 in the NPPF.

Having assessed the highway implications BCC considers that a contribution is justified towards the Newton Longville Traffic Calming Scheme. This scheme intends to reduce vehicle speeds throughout the village and deter traffic that could otherwise use the strategic road network. The scheme will therefore provide safer and slower roads for those living in the proposed development. A sum of £2567 is requested to be paid to the Council prior to commencement of the application. This sum would be pooled together with other monies secured from development in the local area which have also contributed towards the same traffic calming scheme. To date, less than five S106 contributions have been allocated to the project, meaning there is no breach of pooling restrictions. The sum requested is consistent with sums provided by other development towards the project thus ensuring consistency and fairness.

The Highway Authority has no objections to the proposed development subject to conditions and S106 to secure financial contributions towards off site highway works.

8.6 BCC Education has no objections subject to financial contributions to provide additional secondary facilities calculated in accordance with BCC adopted policy

8.7 Landscape – As described in the CA document the western end of the village has historically and is still defined by the rural fields, this important landscape feature would be lost should the proposed development take place, which would therefore dilute the historic rural character of the village at the western end. The proposed development would alter the landscape character of the baseline plot from a green field site to a housing development. It would also extend the settlement of Newton Longville to the west, permitting the village extents to move further into the countryside. This change would be irreversible and significant for the site, the village and the surrounding landscape to the west. The perception of the village would be altered should development take place on this site. The approach from Whaddon Road travelling towards Newton Longville is at present rural, the removal of a large section of mature hedgerow to accommodate the access and the new built form of 17 dwellings would interrupt the rural continuity of the approach towards the settlement from the west and make this area appear urban and built up, and not befitting of the rural setting to which it belongs.

There is a disagreement with the significance of landscape effect being moderate/minor, the proposals would lead to a complete change of the site from an agricultural green field to a housing estate. As demonstrated on the submitted parameters plan, the whole site apart from an insignificant area around the site boundaries is highlighted as 'developable area', transforming the landscape into an urbanised piece of land. This is a permanent and significant change and the significance of this change cannot be underestimated.

The conclusions on the visual impact during the construction stage, has also been misjudged. The outcome would be large and therefore significant, for highly sensitive residential receptors who have direct views of the site, their views would clearly deteriorate as a result of construction works on this site. Also the site would completely change from an agricultural field continuous with the surrounding landscape to an isolated housing estate separate from the surrounding landscape, appearing very much at odds with the neighbouring environment.

It should also be noted that the development would also be seen by both pedestrians and cyclists travelling along Whaddon Road for active recreation, who would be of greater sensitivity than road users.

Night time visual effects in a rural context must also be considered. A housing development situated within an area of undeveloped countryside would have significant adverse effects on the surrounding landscape in terms of night time visual experience. The submitted LVIA has not assessed the proposed lighting in the visual assessment.

The site is nucleated from the rest of the settlement and appears outside the village boundary. The proposed development is dense and bears no consideration to the rural context of the site. The building layout also bears no relationship between the existing urban grain to the east, and has no relationship to Whaddon Road frontage or the properties north of the road.

The housing layout is suburban and cul-de-sac in appearance. The removal of existing vegetation along Whaddon Road to create a road way entrance would conflict with the rural appearance of the road at present. The housing would greatly urbanise the rural approach to the village, creating a funnelling effect taking in to account the modern houses to the north of Whaddon Road also. There is little proposed mitigation or boundary treatment to the eastern or southern edge which is unacceptable.

There are concerns that the proposed application would lead to an extension of development into the open countryside and how the development contributes to or enhances the physical characteristics of the site and its surroundings. This site has an important role to play in preserving the edge of the rural envelope of the village at Westbrook End and along Whaddon Road, safeguarding the open countryside and fortification of the historic boundary of Newton Longville to the west. The proposed development would be likely to result in significant adverse landscape character and visual impacts to the immediate site and the surrounding countryside, and it should be considered in the planning balance on this basis.

9.0 REPRESENTATIONS

9.1 As this application describes development as set forth in the now quashed consent for 17/01107/AOP, in the interest of thoroughness representations submitted for 17/01101/AOP and 19/01241/AOP are summarized below:

9.2 In respect of 19/01241/AOP: 1 letter of representation have been received which considers the proposed housing layout and mix appears sensible and requests conditions be imposed relating to street lighting, maintenance of hedgerows and drainage attenuation features, pedestrian access between the site and the village and net ecological gain.

9.3 In respect of 17/01107/AOP: 13 letters of representation were received objecting:

- Effects of hugely increased traffic noise, safety and polluting emissions from developments – proposal would add to this.
- Reasons for dismissing 16/02183/APP apply to this site.

- Contrary to Newton Longville's Community Led Plan which considers that the village envelope should be preserved.
- Housing density is out of keeping with existing built development.
- Sensitive ecological area, loss of floral species, land should be allowed to recover.
- Application 15/00195/APP showed this area retained as an ecological area.
- Increase risk of coalescence.
- Increase traffic from development would be unacceptable.
- Concerns about utility provision feasibility and land drainage, potential issues with broadband availability and adequacy.
- Contrary to policy GP35.
- Density not in keeping.
- Local school is full and doctors unable to take on new patients.
- loss of residential amenity.
- Difficulty providing footpath to front

Comments on amended plan:

- Revision to access is a welcome change, safety improved
- Indicated future access into adjacent field comes over as a sensible measure
- Removal of pedestrian crossing island is welcomed
- Site layout and housing mix appear sensible
- If approved should consider visual effects of street lighting, maintenance of hedgerows and drainage feature, provision of pavements
- Need to ensure there is net ecological gain on and off site

10.0 EVALUATION

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

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

Aylesbury Vale District Local Plan (AVDLP)

- 10.2 As set out in the overview report Policies RA.13 and RA.14 seek to restrict development to small-scale infill or rounding off at Appendix 4 settlements and are considered out of date for the reasons given.
- 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.8, GP.24, GP.35, GP.38 – GP.40, GP.45, GP.59, 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 overview report sets out the current position with regards to VALP . The application site is allocated within VALP as NLV005, a 0.3ha site for 17 dwellings to include a new access off Whaddon Road. The site criteria for this allocation state that development proposals must be accompanied by the information required in the Council's Local Validation List and comply with all other relevant policies in the Plan. In addition, proposals should comply with all of the following criteria:
- a. The site will make provision for around 17 dwellings at a density that takes account of the adjacent settlement character

- b. The site should be accessed via Whaddon Road and be accompanied by a design and access statement
- c. The site will need to provide for a footpath extension from the site access to Longueville Hall and access to Hammond Park
- d. A transport statement will be required to assess the developments impact on the highway and where necessary public transportation network
- e. An assessment of sewerage capacity and/or water supply will be required in consultation with Thames Water
- f. The development design and layout will be informed by a full detailed landscape and visual impact assessment (LVIA)
- g. Any proposed development should be expected to provide a buffer to address all boundaries.

Neighbourhood Plan

- 10.5 There is currently no neighbourhood plan in existence for Newton Longville. A neighbourhood plan area has been established although some initial work is being undertaken which is at a very early stage and therefore no weight can be given to the neighbourhood plan.

Whether the proposal would constitute a sustainable form of development.

- 10.6 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.
- 10.7 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. Whilst the location of the site is considered to be in a sustainable location at the edge of Newton Longville with access to public transport and the facilities of Newton Longville, 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.

Sustainable location

- 10.8 Within the Settlement Hierarchy Assessment (September 2017) which forms part of the supporting evidence for VALP, Newton Longville is considered to be a medium village (population of 1846). Medium villages are considered to have some provision of key services and facilities, making them moderately sustainable locations for development.
- 10.9 The site is considered to be locationally sustainable with access to public transport and to the villages facilities and amenities, including the village hall on the opposite side of the site. In addition a short section of footway to the west of the site is to be provided with a dropped kerb crossing point which will improve the accessibility of the site further. This could be secured by condition as part of the off-site highway works.

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 limited positive weight in the overall planning balance given the scale of the development proposed.

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 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 With regards to the contribution that the development would make to housing supply, it is considered that this would be significant and that this matter should be afforded limited positive weight in the planning balance given the scale of the development proposed and in the context of the Authority having a five year housing land supply.
- 10.15 A mix of dwellings comprising bungalows and two-storey development has been indicated but the final mix is to be determined at the detailed stage and so this matter must currently be afforded neutral weight in the planning balance.
- 10.16 In respect of affordable housing the outline scheme does not meet the thresholds for securing such provision on site as outlined in AVDLP policy GP.2 which refers to the provision of 25 dwellings or more or a site area of 1 ha or more. Although the NPPF 2019 refers to the provision of affordable home ownership for major development involving the provision of housing, this development has progressed some way since its original submission in 2017 and discussions have taken place in respect of the S106 such that the Authority's view is that this requirement should not apply in this instance.

Promoting sustainable transport

- 10.17 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

- 10.18 In respect of transport sustainability, as discussed above the site is considered to be locationally sustainable with access to public transport and to the villages facilities and amenities, including the village hall on the opposite side of the site. In addition a short section of footway to the west of the site is to be provided with a dropped kerb crossing point which will improve the accessibility of the site further. This could be secured by condition as part of the off-site highway works.

Access

- 10.19 The Highway Authority are satisfied that the development would be served by a safe and suitable access and that the visibility required would be achievable. They have noted that vehicular links to the adjacent site have been indicated and these would not conflict with the use of the main access into the site and are satisfied that the further detail of these can be dealt with at the detailed stage.

Car parking

- 10.20 With regards to car parking, it is considered that the indicative plan shows that there would be adequate space for car parking to be provided within the site to ensure that the parking standards of the Authority are met and this would be looked at in detail at the reserved matters stage.
- 10.21 BCC have no objections subject to the following Section 106 Contributions:
- £2,567 contribution towards the Newton Longville Traffic Calming Scheme to mitigate the impact of traffic from the development on the Whaddon Road/Stoke Road/Drayton Road/Bletchley Road Junction.
 - £50,000 towards the upgrade to bus route 50 to provide better links to Milton Keynes/Bletchley and Winslow in the peak hours to make the site more sustainable in transport terms
- 10.22 On this basis the development would accord with the aims of policy GP24 of the AVDLP and with the guidance in the NPPF such that this matter should be afforded neutral weight in the planning balance.

Conserving and enhancing the natural environment

Landscape

- 10.23 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 should 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 landscape, agricultural land, trees and hedgerows and biodiversity.
- 10.24 Within the AVDLP, Policy GP.35 requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural

qualities and features of the area; and the effect on important public views and skylines. Policy GP.38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible. Policy GP.84 states that development affecting a public right of way the Council will have regard to the convenience, amenity and public enjoyment of the route and the desirability of its retention or improvement for users, including people with disabilities.

- 10.25 The setting of Newton Longville is one of rolling clay farmland draining towards the River Ouzel catchment. The landscape is characterised by rural fields, hedgerows and meandering streams and exposed ridges. The site itself forms an agricultural field.
- 10.26 The Council's Landscape Officer in commenting on the previous application had expressed significant concerns with the development of this greenfield site essentially because it would extend the settlement further into the countryside such that the perception of the village would be altered with the approach from Whaddon Road travelling towards Newton Longville being at present rural. With the removal of a large section of mature hedgerow to accommodate the access and the new built form of 17 dwellings this area would appear more urban and built up, and not befitting of the rural setting to which it belongs. It was considered that the site would completely change from an agricultural field continuous with the surrounding landscape to an isolated housing estate separate from the surrounding landscape. It should also be noted that the development would also be seen by both pedestrians and cyclists travelling along Whaddon Road for active recreation, who would be of greater sensitivity than road users. In addition the building layout as originally submitted bore no relationship between the existing urban grain to the east, and has no relationship to Whaddon Road frontage or the properties north of the road and there was little mitigation in terms of landscaping and boundary treatment.
- 10.27 In terms of the principle of developing this site, the concerns of the Landscape Officer are acknowledged, however, this site is positioned on the other side of Whaddon Road to existing residential development with the village hall and associated facilities being located further to the west and behind these properties. The development of this site would be viewed in the context and with the backdrop of this existing development. Therefore although the development would not use previously developed land it is not considered that there would be significant harm to the settlement character or to the wider landscape. Nevertheless the development of this greenfield site would inevitably result in some harm and therefore this matter should be afforded moderate negative weight in the planning balance.
- 10.28 It is accepted that this is an outline scheme with only means of access to be determined. Development to the north side of Whaddon Road is set back behind a service road and a similar approach is shown on the indicative layout plan. Dwellings are set being the existing hedgerow to be retained (save for the new access and visibility splays) and there would be a service road behind this. Although development would be at depth from the Whaddon Road, it would be viewed against the development to the south-east so this is not considered to be unacceptable in principle. In addition indicative links through to the site to the east are shown to ensure that the future development of this site, which forms the remainder of the VALP allocation, would not be prejudiced.
- 10.29 A perimeter block is shown to the east side of the site to reduce exposed rear boundaries and parking would be available on plot or to the front of dwellings. To the west side of the site the dwellings to the boundary are indicated to be bungalows and with the positioning of the attenuation basin to the front west corner of the site and the retention of hedgerow to the north and west providing mitigation, it is considered that the site could be developed such that the dwellings would not be unduly intrusive in the locality and that the layout would be reflective of that opposite the site. Subject to further consideration being given at

the detailed stage, it is considered that the indicative layout provides sufficient comfort that the site could be developed in an appropriate manner.

- 10.30 Although the representations received have made reference to a dismissed appeal off Drayton Road, Newton Longville (16/02183/AOP), this site is not located in close proximity to the application site. There are clear differences in that the Drayton Road site has no existing development opposite to justify potential development and it must be remembered that each site must be assessed on its planning merits. Similarly although application 15/00195/AOP included this application site to its northern part, no decision was made on this application as it was withdrawn.
- 10.31 The proposal involves the retention of a gap between the eastern edge of the development and the existing dwellings to the east. The proposed allocation in the emerging VALP shows the whole of this site and land to the east as being allocated for 17 dwellings,. It is understood that the land to the east is not made available to the applicants and the illustrative plan shows the 17 dwellings can be accommodated in a relatively spacious arrangement which reflects the character of the area, and therefore can adequately deliver the numbers anticipated. The retention of a gap would not be detrimental to the overall character of this part of the village where there are large open amenity areas, verges and spaces which contribute to the greening of the settlement.
- 10.32 Overall it is acknowledged that the application represents the development of a greenfield site at the edge of Newton Longville. Therefore notwithstanding that the Authority are satisfied that an appropriate detailed scheme could come forward at reserved matters stage, overall, the impact on the landscape must be afforded moderate negative weight in the planning balance.

Agricultural land

- 10.33 In terms of the loss of the agricultural field, Paragraph 170 of the NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land and, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. There is no definition as to what comprises 'significant development' in this context but the threshold above which Natural England are required to be consulted has been set at 20 hectares so the site (just under 1ha) falls well below this threshold. Whilst the actual grading of the land has not been provided by the applicants, the maps on the Natural England website indicate that it is grade 4 which is lower quality land. However, in the absence of detailed information this matter must be afforded very limited negative 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 There would be some loss hedgerow to accommodate the proposed access and its required visibility splays, however, hedgerows to the boundaries of the site to the west and north would otherwise be retained. A landscape condition could ensure details of retention and new planting are submitted for consideration. As such it is considered that 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 The application was accompanied by an ecological survey and Biodiversity Impact Assessment and Preliminary Offset options report which has been updated. The development of the site would result in the loss of lowland meadow habitat and to compensate for this biodiversity offsetting is proposed. To provide a 20% net gain, an estimated 2.1-2.9ha would be required. The assessment proposes that undertaking positive management interventions to restore or stop degradation would be appropriate and four sites have been identified as being appropriate at Winslow, Quainton, Steeple Claydon and Milton Keynes which would involve grassland restoration or arable reversion. In discussion with the Authority the most suitable site would be chosen for its use for offsetting the loss of habitat on this site and this could be secured by a planning condition.
- 10.38 The Council's Biodiversity Officer has no objections to the approach outlined above, subject to a condition, and on this basis it is considered that the development would accord with the NPPF and for this particular application this matter should be afforded neutral weight in the planning balance.

Contamination

- 10.39 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.
- 10.40 The existing land use of the site is for agricultural purposes and therefore it is not expected that there would be any contamination present that would require remediation. On this basis it is considered that currently this matter should be afforded neutral weight in the planning balance.

Promoting healthy and safe communities

- 10.41 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.
- 10.42 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.
- 10.43 As part of this development a financial contribution can be secured through a S106 agreement towards the expansion of Cottesloe School to meet the county education requirements. Although representations received have referred to the local doctors and it is acknowledged that the future households will pose a demand on healthcare facilities, this is a modest scheme for up to 17 dwellings and the funding of such facilities is normally through central government. An off-site financial contribution in lieu of on-site sport and leisure facilities would also be appropriate in this case and would be dependent upon the number of bedrooms per dwelling.
- 10.44 Having regard to the above, it is considered that, subject to the completion of a S106 in respect of the above matters, the proposed development would accord with the AVDLP policies GP86-88 and GP94 and to the guidance contained within the NPPF. It is concluded that the proposed development would create safe and healthy communities in

accordance with the guidance set out in the NPPF and that this matter should be afforded neutral weight in the planning balance.

Making effective use of land

- 10.45 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.
- 10.46 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should taking into account of the importance the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 10.47 The density of the development based on 17 dwellings on the 0.8ha site would equate to 21dph. This is considered to be acceptable at this edge of settlement location and would make effective use of the land having regard to aims of the NPPF. As such this matter should 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). 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.
- 10.50 Policy GP.35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP.45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site.
- 10.51 In terms of providing a safe and secure environment, this is an outline scheme and the layout details are indicative only at this stage. The DAS has described how account will be taken of Secured by Design matters and this will include the use of perimeter blocks, clustering of dwellings, clear pedestrian routes, passive surveillance and enclosed rear boundaries for example. This matter would be more fully assessed upon receipt of a reserved matters application but it is considered that a satisfactory layout has been indicated at this outline stage as discussed above in the landscape section such that the

Authority can be confident that an appropriate layout could be secured at the detailed stage. On this basis this matter should be afforded neutral weight in the planning balance.

Conserving and enhancing the historic environment

- 10.52 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.
- 10.53 In this instance there are no heritage assets on this site or nearby which would be adversely affected. In respect of 15/00195/APP BCC Archaeology commented that the geophysical survey and trial trenching undertaken did not record any significant archaeology. On this basis the development would accord with the NPPF and this matter should be afforded neutral weight in the planning balance.

Meeting the challenge of climate change and flooding

- 10.54 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.
- 10.55 The site is within flood zone 1 and is therefore at low risk of flooding. BCC SuDS have raised no objections to the development subject to conditions to include the requirement for further investigations into how the development site can be drained to include ground investigations and the potential for using permeable surfaces and also to secure the future maintenance of the SuDS scheme. The requirement for a SuDS scheme and its maintenance can be secured in a S106 for the development which has been completed.
- 10.56 On this basis it is considered that the development would be appropriately flood resilient and that surface water drainage has been accounted for and as such this matter should be afforded neutral weight in the planning balance.

Supporting high quality communications

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

c) Impact on residential amenities.

- 10.59 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.

- 10.60 This is an outline scheme with only means of access to be determined at this time. An indicative layout plan has been provided which indicates that adequate back to back distances and garden sizes could be provided but this would have to be confirmed at the detailed stage. The development would not result in any unacceptable loss of privacy or overlooking to the existing residential properties.
- 10.61 No objections have been received from Environmental Health in respect of this proposal.
- 10.62 On this basis it is considered that the development would be acceptable and as such this matter should be afforded neutral weight in the planning balance.

d) S106/Developer contributions

10.63 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

10.64 In this instance financial contributions towards

- off site sport and leisure ,
- education contribution towards expansion of Cottesloe School
- highway works (traffic calming and community transport) £2,567 contribution towards the Newton Longville Traffic Calming Scheme to mitigate the impact of traffic from the development on the Whaddon Road/Stoke Road/ Drayton Road/Bletchley Road Junction.
- £50,000 towards the upgrade to bus route 50 to provide better links to Milton Keynes/Bletchley and Winslow in the peak hours to make the site more sustainable in transport terms
- Bucks CC monitoring contribution
- AVDC monitoring contribution
- The provision and maintenance of a SUDS scheme .

10.65 The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 places into law the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development of this nature if the obligation does not meet all of the following tests; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. From April 2015 there are restrictions on the pooling of planning obligations. Local authorities can no longer pool more than five S106 obligations together (dating back to March 2010) to pay for a single infrastructure project or type of infrastructure.

10.66 In the context of this application the development is in a category to which the regulations apply. The requirement for a financial contribution towards the above mentioned matters are to be secured through a Planning Obligation Agreement. These are necessary and proportionate obligations that are considered to comply with the tests set by Regulation 122 for which there is clear policy basis either in the form of development plan policy or

supplementary planning guidance, and which are directly, fairly and reasonably related to the scale and kind of development.

10.67 Other issues raised in representations:

- *Publicising the S106 draft and heads of terms:* The broad heads of terms are set out in this report and the draft S106 will be published on line in due course in accordance with the legislative requirements.
- *Representations of the highway authority:* these have been received and available to view on line.
- *Piecemeal development in conflict with VALP and higher density than proposed:* this is dealt with above

Case Officer: Mrs Sue Pilcher