



AYLESBURY VALE DISTRICT COUNCIL Democratic Services

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17 July 2019

STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Strategic Development Management Committee** will be held at **1.00 pm** on **Wednesday 24 July 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 - 4)**

To approve as a correct record the Minutes of the meeting held on 3 July 2019 (Copy attached).

- 4. DECLARATION OF INTEREST**

Members to declare any interests.



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

6. 19/00399/APP - ARLA FOODS LTD, AYLESBURY DAIRY, SAMIAN WAY, ASTON CLINTON (Pages 15 - 40)

Extension to dairy (Final Phase as approved by 11/00962/APP dairy consent - revised scheme)

Case officer: Laura Ashton

7. 19/01241/AOP - LAND OFF WHADDON ROAD, NEWTON LONGVILLE (Pages 41 - 66)

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

Case officer: Sue Pilcher

8. HUMAN RIGHTS ACT (Pages 67 - 68)

Agenda Item 3

STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

3 JULY 2019

PRESENT: Councillor P Fealey (Chairman); Councillors R Newcombe (Vice-Chairman), J Bloom, A Bond, R King, L Monger, B Russel and C Paternoster (ex-Officio).

APOLOGIES: Councillors C Adams and J Blake.

1. MINUTES

RESOLVED –

That the minutes of the meeting held on 12 June, 2019, be approved as a correct record.

2. 18/01060/APP - ALTON HOUSE BUSINESS PARK, GATEHOUSE WAY, AYLESBURY

RESOLVED –

That the application be Deferred and Delegated to Officers for approval, subject to the completion of a Section 106 agreement, details as per the Officer's report.

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Overview Report:

Introduction

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

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

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

The Development Plan

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

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

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

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

National Planning Policy Framework

- 1.8 The most up to date national policy is set out in the revised NPPF published in February 2019 superseding the earlier July 2018 version. At the heart of the NPPF is the presumption in favour of sustainable development (paragraph 11) in both plan-making and decision-taking.
- 1.9 The NPPF states at paragraph 8 that there are three objectives to sustainable development: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 1.10 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.(paragraph 9).
- 1.11 The Government's view of what "sustainable development" means in practice is to be found in paragraphs 7 to 211 of the NPPF. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 1.12 The presumption in favour of sustainable development in decision-taking is explained at paragraph 11 of the NPPF. Plans and decisions should apply a presumption in favour of sustainable development.
For **decision-taking** this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Foot notes:

6: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

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

- 1.13 In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - d) the local planning authority's housing delivery was at least 45% of that required⁹ over the previous three years.

And subject to transitional arrangement set out in Annex 1

- 1.14 Local planning authorities are charged with identifying a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (paragraphs 67-70) .
- 1.15 The NPPF sets out the means to delivering sustainable development. The following sections and their policies are also relevant to the consideration of all proposals:
- Building a strong competitive economy
 - Promoting sustainable transport
 - Delivering a sufficient supply homes
 - Achieving well designed places
 - Making efficient use of land
 - Promoting healthy and safe communities
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
 - Meeting the challenge of climate change and flooding
 - Supporting high quality communications
- 1.16 The NPPF sets out that transport issues should be considered from the earliest stages including the impact of development on the network, opportunities from transport infrastructure, promoting walking, cycling and public transport, environmental impacts of traffic and transport infrastructure, patterns of movement. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. (Paragraphs 102-103)
- 1.17 Paragraph 177 of the NPPF states “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”
- 1.18 The Planning Practice Guidance (PPG) has not yet been fully updated to reflect the new NPPF.

- 1.19 Local guidance relevant to the consideration of this application is contained in the following documents :
- Affordable Housing Supplementary Planning Document (November 2007)
 - Supplementary Planning Guidance on Sport and Leisure Facilities (August 2004)
 - Sport and Leisure Facilities SPG Companion Document Ready Reckoner (August 2005)
 - Five year housing land supply position statement (April 2019)
 - Affordable Housing Policy Interim Position Statement (June 2014)
- 1.20 Those documents which have been the subject of public consultation and the formal adoption of the Council can be afforded significant weight insofar as they remain consistent with the policies of the NPPF.

Housing supply

- 1.21 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 1.22 Paragraph 60 requires that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 1.23 Where the Council cannot demonstrate a 5 year housing land supply (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, there is a presumption in favour of sustainable development in line with paragraph 11 of the NPPF. The absence of an NPPF compliant supply or delivery of housing would add to the weight attached to the benefit arising from the contribution made to the supply of housing and boosting the delivery of housing generally. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.
- 1.24 In the absence of a figure for the Full Objective Assessment of Need which will emerge through the plan making process which will also need to consider potential unmet needs from adjoining authorities not within the Housing Market Area, the council has set out its approach in the published five year housing land supply position statement which is regularly updated. It also updates the estimated delivery of sites based on the latest information. The latest Five Year Housing Land Supply Position Statement was published April 2019, based on March 2018 data, which shows that the Council can demonstrate 5.64 years worth of deliverable housing supply against its local housing need. This calculation is derived from the new standard methodology against the local housing need and definition of deliverable sites set out in the NPPF and NPPG.
- 1.25 It is acknowledged that this 5 year housing land supply calculation does not include any element of unmet need, however at this stage it would not be appropriate to do so. Whilst the unmet need figure has progressed, it has not been tested through examination and it would not be appropriate to use a 'policy on' figure for the purposes of calculating a 5 year housing land supply for Aylesbury until the "policy on" figures and general policy approach has been examined and found sound. There are no up-to-date housing supply policies in AVDLP and therefore we still have to take into account the presumption in favour of sustainable development and apply the planning balance exercise in paragraph 11 of the NPPF. For neighbourhood plans which are considered up to date the starting point for determining such applications is to consider in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraph 14 of the NPPF as set out above is also relevant.

Neighbourhood Planning

- 1.26 Paragraph 29 and 30 states: Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies¹⁶.
- 1.27 Paragraph 30 states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.
- 1.28 The Neighbourhood Planning Act 2017 (the “Act”) came into force on 19 July 2017 and makes two provisions which are relevant:

Firstly, Section 1 of the Act amends section 70 of the Town and Country Planning Act 1990 to require a local planning authority or other planning decision-taker to have regard to a post-examination neighbourhood plan when determining a planning application, so far as that plan is material to the application.

Secondly, Section 3 amends section 38 of the Planning and Compulsory Purchase Act 2004 to provide for a neighbourhood plan for an area to become part of the development plan for that area after it is approved in each applicable referendum (a residential referendum and, where the area is a business area, a business referendum). In the very limited circumstances that the local planning authority might decide not to make the neighbourhood development plan, it will cease to be part of the development plan for the area.

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

Prematurity

- 1.30 Government policy emphasises the importance of the plan led process, as this is the key way in which local communities can shape their surroundings and set out a shared vision for their area. It also emphasises its importance to the achievement of sustainable development.
- 1.31 Paragraph 49 states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 1.32 Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process (paragraph 50)

Conclusion on policy framework

- 1.33 In considering each individual report, Members are asked to bear in mind that AVDLP (and any ‘made’ Neighbourhood Plans as applicable) constitutes the development plan. The emerging VALP will gather increasing weight as it moves forward but has not yet reached a stage at which it could be afforded any weight in decision-taking nor at which a refusal on grounds of prematurity

could be justified. The Council can currently demonstrate a 5 year supply of housing land based on the latest housing land supply calculation.

- 1.34 Therefore, the Council's position is that full weight should be given to housing supply and other policies set out in any made Neighbourhood Plan Decisions should be taken in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and the NPPF as a whole, including paragraph 11 and 14.
- 1.35 Where a Neighbourhood Plan is not in place, decisions for housing developments should be taken in accordance with paragraph 11 of the NPPF, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole and where necessary each report advises Members on the planning balance.

Whether the proposals would constitute a sustainable form of development

- Each report examines the relevant individual requirements of delivering sustainable development as derived from the NPPF which are:
 - Building a strong competitive economy
 - Promoting sustainable transport
 - Delivering a sufficient supply homes
 - Achieving well designed places
 - Making efficient use of land
 - Promoting healthy and safe communities
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
 - Meeting the challenge of climate change and flooding
 - Supporting high quality communications
- 1.36 These are considered in each report and an assessment made of the benefits associated with each development together with any harm that would arise from a failure in meeting these objectives and how these considerations should be weighed in the overall planning balance.

Building a strong, competitive economy / Ensure the vitality of town centres / Delivering a wide choice of high quality homes

- 1.37 Members will need to assess whether the development would will support the aims of securing economic growth and productivity , but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 83 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses.
- 1.38 Members will also need to consider whether each development proposal provides for a mix of housing based on current and future demographic trends, markets and community needs, of an appropriate size, type and tenure including the provision of affordable housing. Key to the consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land. Further advice is given on affordable housing provision, including the requirement for 10% of the homes to be available for affordable home ownership on major housing development proposals. The definition of affordable is set out in Appendix 2. The new Housing Delivery Test (HDT) applies from the day following publication of the HDT results in November 2018. A transitional arrangement is set out in paragraph 215 and 216 phasing the % threshold where delivery is below of housing required over

3 years increasing from 25% November 2018, to 45% November 2019 and 75% November 2020.

Promote sustainable transport

- 1.39 It is necessary to consider whether these developments are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, taking account of the policies in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 1.40 The promotion of sustainable transport is a core principle of the NPPF and patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.

Conserving and enhancing the natural environment

- 1.41 Members will need to consider how the development proposals contribute to and enhance the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains and preventing any adverse effects of pollution.
- 1.42 By their very nature, the majority of extensions of a settlement will result in development in the open countryside given that they are generally outside the built limits of the existing settlement. However, the actual and perceived extent to which they 'intrude' into the open countryside will vary and this will need to be assessed having regard to visibility and other physical factors.
- 1.43 In general, it will be important to ensure that the individual setting and character of each settlement is not adversely affected by the outward expansion of the town or village. This will necessarily involve individual assessments of the effects on the specific character and identity of each settlement, but will not necessarily be adverse simply as a result of a decrease in physical separation as any impacts may be successfully mitigated.
- 1.44 Members will need to consider the overall impact of each development assess the ability of the proposed development to be successfully integrated through mitigation.

Conserving and enhancing the historic environment

- 1.45 A positive strategy under paragraph 185 of the NPPF is required for conservation and enjoyment of the historic environment and an assessment will need to be made of how the development proposals sustain and enhance the significance of heritage assets and the positive contribution that conservation of assets can make to sustainable communities as well as the need to make a positive contribution to local character and distinctiveness.
- 1.46 The effects of specific developments will need to be assessed having regard to the site characteristics, specific impacts and ability to successfully mitigate. The Committee will need to consider the significance of any heritage assets affected including any contribution made by their setting. When considering the impact on the significance, great weight should be given to the asset's conservation and the more important the asset the greater the weight should be.

Promoting healthy and safe communities.

- 1.47 Decisions should aim to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.
- 1.48 It will therefore be necessary to consider how each scheme addresses these issues.

Making effective use of land

- 1.49 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. Planning decisions should take into account the identified need for different types of housing and other development, local market conditions and viability, infrastructure requirements, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.

Achieving well designed places

- 1.50 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 1.51 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 1.52 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Members will need to consider whether these issues have been dealt with satisfactorily.

Meeting the challenge of climate change

- 1.53 Developments will need to demonstrate resilience to climate change and support the delivery of renewable and low carbon energy.
- 1.54 This will not only involve considerations in terms of design and construction but also the locational factors which influence such factors. Development should be steered away from vulnerable areas such as those subject to flood risk whilst ensuring that it adequately and appropriately deals with any impacts arising.

S106 / Developer Contributions

- 1.55 Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests

- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development
- 1.56 Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage

Overall planning balance

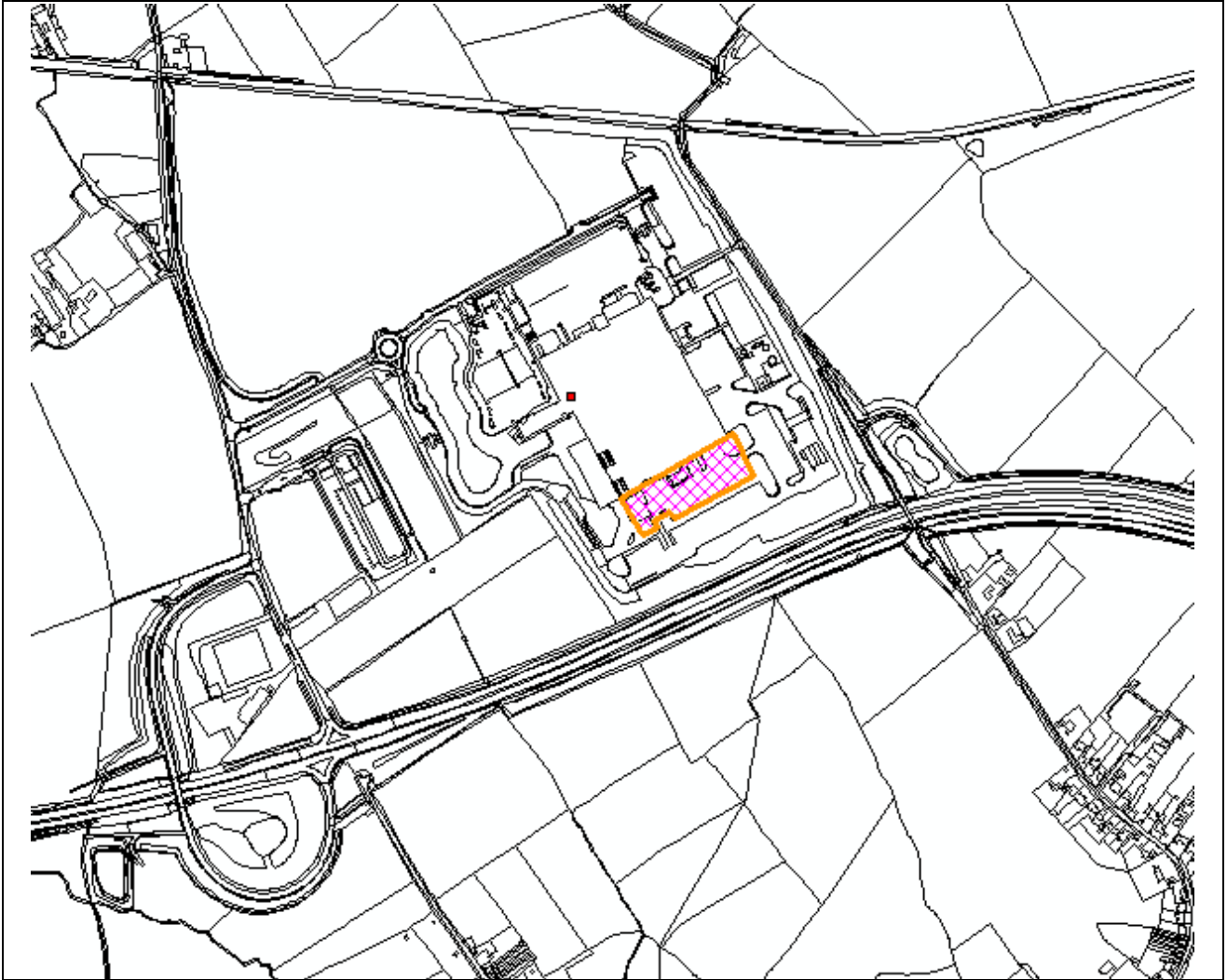
- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

Conclusions

- 1.58 The concluding paragraphs of each report, where Members are asked to either reach a view on how they would have decided or can determine an application, will identify whether the proposed development is or is not in accordance with the development plan, and the weight to be attached to any material considerations. The planning balance will then be set out, leading to a recommendation as to whether permission would have been, or should be, granted (as the case may be), and the need to impose conditions or secure planning obligations or if permission would have been, or should be refused, the reasons for doing so.

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19/00399/APP



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| REFERENCE NO | PARISH/WARD | DATE RECEIVED |
|---|---|---------------|
| 19/00399/APP | ASTON CLINTON & BUCKLAND | 01.02.2019 |
| EXTENSION TO DAIRY (FINAL PHASE AS APPROVED BY 11/00962/APP DAIRY CONSENT - REVISED SCHEME). ARLA FOODS LTD AYLESBURY DAIRY, SAMIAN WAY, | The Local Member(s) for this area is: - Cllr Bill Chapple OBE Cllr Michael Collins Cllr Carole Paternoster | |
| ARLA FOODS | | |
| STREET ATLAS PAGE NO. 117 | | |

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 including whether the development is in accordance with the Aston Clinton Neighbourhood Plan, the Buckland Neighbourhood Plan and the most relevant policies in the Aylesbury Vale District Local Plan (The Development Plan).

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

- Building a strong competitive economy
- Promoting sustainable transport;
- Conserving and enhancing the natural environment
- Achieving well designed places
- Meeting the challenge of climate change and flooding;
-
- Conserving and enhancing the historic environment

c) Impact on residential amenities

d) Developer contributions;

The recommendation is that the application is **DEFERRED AND DELEGATED** for APPROVAL subject to the completion of a S106 Deed of Variation and subject to conditions as considered appropriate by Officers, or if these are not achieved for the application to be refused.

CONCLUSION AND RECOMMENDATION

- 1.1 The application has been evaluated against the extant Development Plan and the NPPF (2019). The proposal would accord with Aston Clinton Neighbourhood Plan (ACNP), the Buckland Neighbourhood Plan (BNP) and the most important AVDLP policies. The Neighbourhood Plans carry full weight for the purposes of evaluating this application in this instance.
- 1.2 The site is an existing employment site and designated Enterprise Zone, the Council's position is that significant weight should be given to the need to support sustainable employment growth. ACNP policy B3 supports employment development within the

Woodlands Enterprise Zone. BNP policy BP9 supports applications from businesses (B1 – Office and B2 – Light Industrial) to expand their premises within the neighbourhood area will be supported, provided they do not damage the residential environment and do not create significant additional traffic movement. The development proposals are thus considered to be acceptable in principle subject to the consideration of other development management criteria.

- 1.3 Compliance with the objectives of the NPPF have been demonstrated in terms of highways and transport considerations, achieving well designed places; the impacts on the amenities of neighbouring; conserving and enhancing the natural environment; heritage assets; and climate change and flood risk. These matters do not represent benefits to the wider area, but rather demonstrate an absence of harm to which weight should be attributed neutrally.
- 1.4 Whilst some impact has been identified from a landscape and visual impact point of view, on balance the proposed development would give rise to only generally limited harm and this level of harm would not be in undue conflict with the aims of the relevant policies. The scheme has been amended to reflect officer concerns regarding the height of the proposed development and consideration has been given to the applicant's ability to building out the 7,344 sq metres of floor-space for which extant permission exists. The limited harm arising from the development is considered to be outweighed by the significant weight given to the policy objectives to support and promote economic growth. The strategic importance of the Arla complex within the Enterprise Zone and its key role in delivering sustainable growth is considered to outweigh the limited landscape harm arising from the development proposals.
- 1.5 It is considered that the proposals would accord with the ACNP and BNP policies and AVDLP policies and there are no material considerations that indicate a decision other than in accordance with the development plan. It is considered that the proposal would represent a sustainable form of development that is supported by policies, such that, officers recommend that the application should be **DEFERRED AND DELEGATED** for **APPROVAL** subject to the completion of a S106 Deed of Variation and subject to conditions as considered appropriate by Officers, or if these are not achieved for the application to be refused.

WORKING WITH THE APPLICANT/AGENT

- 1.6 In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case detailed discussions have taken place with the applicant in order to respond to the issues raised during the planning application process. The applicant has submitted amended plans and updated technical assessments as part of this application which was found to be acceptable and it is recommended that the committee defer and delegate the approval of this application subject to the completion of a Deed of Variation as outlined in this report.

2.0 INTRODUCTION

- 2.1 The application needs to be determined by Strategic Development Management committee as the one parish has objected and confirm that they wish to speak at committee.

3.0 SITE LOCATION AND DESCRIPTION

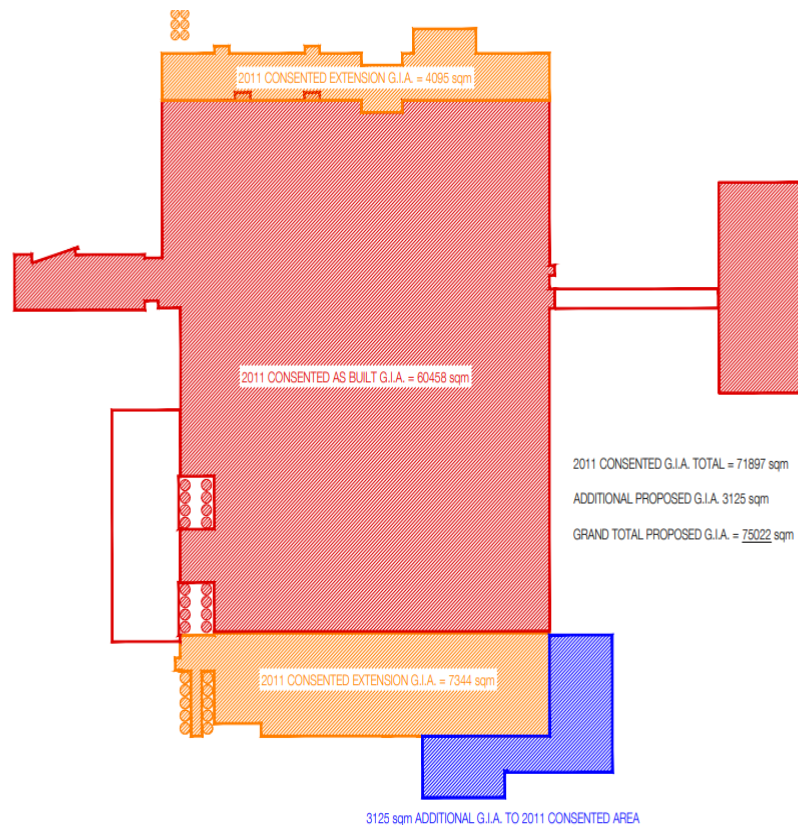
- 3.1 The application site comprises the Arla Factory complex which is located to the north of the A41, Aylesbury is 3km to the north west of the application site. Aston Clinton is located 500 m to the south and Buckland 500m to the south-east. The application site straddles the two parishes. Samian Way forms the factory's northern, west and southern boundary, with Model Row to the east. The Arla Factory is located within the Arla Woodlands Enterprise Zone which extends to the northwards of the factory towards the Grand Union Canal and to the west as far as the A41/Aston Clinton Road roundabout.
- 3.2 The Arla complex occupies some 35 hectares of land which is occupied by the factory which comprises a main building which contains a blow mould, milk processing plant, filling hall and storage area as well as ancillary offices. The complex includes a number of ancillary buildings that include an energy centre, vehicle washing station, plant room and vehicle maintenance facility. A car parking area is located to the north west of the main factory building and a balancing pond is located to the west. Lorry parking is located to the north, east and south of the building. The complex is surrounded by a landscape environment as approved by the earlier applications which is becoming well established.
- 3.3 The main factory building is more or less rectangular with a flat roof which is covered with photovoltaics. The building varies in height from a minimum of 13.4 metres up to 20.5 metres. There are silos located on the western side of the building which vary in height from 22 metres high up to 26 metres. The building has been clad in matte camouflage composite panels to assist with its assimilation with the landscape and to prevent any glare.
- 3.4 The towpath that runs parallel to the Grand Union Canal runs east to west approximately 170 metres from the factory's northern boundary and forms a public right of way (PROW). Two PROWS, footpaths BLD/5/1 and BLD/7/3, are located to the east of the application site boundary and connect with Model Row which runs parallel to the complex's eastern boundary. Public rights of way (PROWs), ACL/3/2 and BLD/6/1, run parallel with the A41 on the opposite side of the carriageway to the factory, to the south of the application site.
- 3.5 The nearest neighbouring residential property is Cherry Farm which is located on the opposite side of the bridge on Buckland Road 375 metres from the application site boundary. There are also residential land uses located to the south of the A41 on College Road South approximately 690 metres from the application site boundary. College Farm which includes residential land uses is situated approximately 530 metres to the north west of the complex (c.800 metres from the application site). The Red House is located 550 metres from the north west corner of the complex or c.920 metres from the application site.
- 3.6 The northern most boundary of Buckland Conservation Area is located approximately 760 metres to the south of the application site. The Chilterns AONB and Metropolitan Green Belt are located a minimum of 2km to the south and south east of the application site.
- 3.7 The site lies within both parishes with the boundary running through the building and site in a north-south direction.
- 3.8 The administrative boundary with Dacorum Borough Council is located 800 metres to the east of the complex.

4.0 PROPOSAL

- 4.1 Planning permission was granted for the erection of a 1.3 billion litre dairy under planning application reference 11/00962/APP. The scheme has been subject to a number of variations through minor non material amendment applications and the full planning permission has not been fully implemented. The dairy as built has the capacity to process 0.9 billion litres of milk. The current application seeks to regularise a number of changes to

the southern portion of the building, that has not yet been built out, and also seeks to extend the building to the south east to provide an additional pallet store area.

- 4.2 The planning application seeks to re-apply for 7,1897 sq m of floor-space to the south of the building (phase 3) for which extant planning consent exists as per the 2011 consent with the addition of an extension (phase 4) which will provide an additional 3,125 sq m of B8 class storage in the south east corner of the building. The building is currently between 168 and 175 metres from the A41. The 175 metre separation corresponds with the south east corner of the building. The phase 3 section of the building would reduce this separation to between 120 and 127 metres. The phase 4 extension would result in a separation of between 103 and 120 metres. The area for which extant consent exists is being re-applied for due to it having been subject to non-material amendments. The area for which extant consent exists comprises three areas which will be used for processing, filling and storage. As the new floor-space will be class B8 storage there will be no increase in processing capacity over and above what has already been approved and so the dairy's overall processing capacity will remain at 1.3 billion litres as approved.
- 4.3 The lighter coloured (orange) area (phase 3) at the bottom of the indicative plan below indicates the area of the factory that is being re-applied for under the current application and the darker (blue) area which wraps around to the south-east and south (phase 4) indicated the extension.



- 4.4 The area of the factory for which extant consent exists will be 168 metres wide and 48 metres deep and would include an area of silos in the south west corner. The new storage area would extend this section of the building 30 metres to the east and between 24 and 15 metres to the south.
- 4.5 The scheme before the committee has been amended in order to address officer concerns regarding the height of the extension as originally proposed. There were concerns as to the height of the scheme's landscape and visual impact. The tallest part of the building both constructed and approved are the silos which are 25 metres in height. The tallest part of

the main building, the blow mould, currently stands at 19.5 metres in height. The extension was originally proposed to be 26 metres high. In response to officer comments the height has been reduced to 19.5 metres and so the height of the extension does not exceed the tallest part of the main structure of the building.

- 4.6 The additional storage area is required to accommodate an automated storage and retrieval cranes system for pallets. The storage area will be chilled and will increase the amount of processed milk that can be stored on site at any one time. The purpose of the extension is to increase the efficiency of the factory operation.

5.0 RELEVANT PLANNING HISTORY

Planning Permissions:

11/00962/APP - Proposed dairy (1.3BN L) associated offices, pallet store, energy centre, cool corridor, 3 x gatehouse, vehicle maintenance unit (VMU), transport office, wash enclosure, drivers store, car & commercial parking spaces. Balancing pond, engineering works to create landscape bund & diversion of Drayton Mead brook, landscaping and new priority junction from College Road, external works to include vehicle wash, fuel island & weighbridges and associated access – Approved

12/02205/APP - Vehicle Maintenance Unit with associated chassis wash unit, waste recycling area, cycle and smoking shelters (amendment to scheme approved under planning reference 11/00962/APP) – Approved

17/04361/ACL - Application for a Lawful Development Certificate for a proposed development for installation of milk bottling, packaging and cold store fit-out to existing dairy building shell only chamber, with external dispatch / loading pods., Comprising :-, - Two external docking pods with shutter doors., - Additional personnel escape door and stair., - First floor mezzanine of approximately 320 sqm., - Cold Store chamber., - Filling and Packing hall., - Tank room., - Internal subdivision panel walls, - Minor adjustments to external kerbing to allow vehicle turning and docking. – Certificate issued

Conditions:

Numerous conditions have been discharged in respect of the applications for full planning consent.

Minor Non Material Amendments:

There have been a number of non-material amendment applications. The key ones are listed below:

11/E0962/NON - Non-material amendment to planning approval 11/00962/APP - Amendments to design and phasing – Non material amendments approved

11/A0962/NON - Non Material Amendment sought on planning permission 11/00962/APP relating to Revised design for final phase (Phase 3) of dairy building including possible phasing of construction with 30m extension and 44m extension options - Non-material amendments - approved

6.0 PARISH/TOWN COUNCIL COMMENTS

- 6.1 Buckland Parish Council – Initial – Objects – The full comments are enclosed in **Appendix 1** of this report

- 6.2 Buckland Parish Council –Amended Scheme – Objects requests to speak at committee

“Buckland Parish Council object to this proposal on the following grounds:- It will be closer to the residences in the village giving additional noise at night and light pollution from the additional traffic using the facility. Monitoring of traffic and noise has to be a consideration to allowing planning and the Human Rights Act. (allowing residents to enjoy their property).”

- 6.3 Aston Clinton Parish Council – Initial– Objects – The full comments are enclosed in **Appendix 2** of this report.

- 6.4 Aston Clinton Parish Council – Consultation on Amended Scheme – Have verbally confirmed no objection subject to suggested conditions– their comments will be reported at the meeting.

7.0 CONSULTATION RESPONSES

- 7.1 BCC Highways –No objection subject to conditions

- 7.2 BCC Strategic Flooding and Drainage – No objection subject to conditions

- 7.3 Landscape Officer – No objection subject to condition to agree camouflage colour scheme

- 7.4 Environmental Health – No objection

- 7.5 Economic Development Officer – Supports application

- 7.6 Environment Agency – No comments received.

- 7.7 Bucks County Archaeology Service – No objection No Condition Required

- 7.8 Buckingham & River Ouzel Internal Drainage Board – No comments

- 7.9 The Chilterns Conservation Board – Original comments – Holding objection requesting additional details – Revised comment – Neutral:

“Should the LPA accept that the additional structures to the southeast and south-west of the complex are acceptable and do constitute minor amendments, then materials must lessen the visual impact in the wider landscape. This is not necessarily easy, however to prevent any further utilitarian development, it is fundamental that the wider visual treatment is acceptable. CCB is grateful for the additional details. For ease of reference we repeat below our previous holding objection and draw attention to our point (2) and the need to avoid any additional lighting and ensure materials prevent any possibility of a utilitarian design”

8.0 REPRESENTATIONS

- 8.1 Councillor Paternoster – Original Comments - Objects – In summary raises concern regarding height of extension and it extending closer to AONB and neighbouring residential properties. A full copy of her comments are attached as an **Appendix 3** of this report

8.2 A total of 22 objections were received following the initial application consultation. The areas of concern can be summarised as follows: -

- Noise impact from additional vehicle movements
- Concern regarding light, air pollution and smells
- Residential Amenity – development is moved 15 m closer to residential neighbours – visual impact -
- Concern regarding potential for traffic and pollution increase
- Conflict with NPPF and Neighbourhood Plan policies
- Impact on the landscape, village, surrounding countryside, and the Chilterns AONB - south eastern elevation is the most sensitive due to the proximity to the Chilterns AONB – extension would be huge blot on landscape - Arla facility has negative impact on the beauty of the surrounding area - 26m extension totally inappropriate on south east elevation – extension is incongruous to the existing structures - no analysis of sensitive, long distance views into the site from the AONB,

Extension is not subservient – concern regarding height 11 metres higher than main building - high-bay chamber would resemble an apartment block in its size and impact, towering above the existing buildings - Presently high hedges soften/partially conceal the solid buildings this would not be the case with the extension – extension is a solid block and dominates the building

8.3 A total of x1 objection has been received following the consultation on the revised proposals. The areas of concern can be summarised as follows:

- Concern regarding air pollution
- Concern regarding additional noise from bypass due to additional vehicle movements
- Net gains in biodiversity should be considered

9.0 EVALUATION

9.1 Members are referred to the Overview Report before them in respect of providing the background information to the policy framework when coming to a decision on this application. .

a) The Principle of the development, planning policy position and approach to be taken in the determination of the application

Neighbourhood Plan

9.3 The starting point for decision making is the development plan, i.e. the 'made' Aston Clinton Neighbourhood Plan (ACNP), the Buckland Neighbourhood Plan (BNP) and the adopted Aylesbury Vale District Local Plan.

9.4 A number of policies contained within the Neighbourhood Plans are of direct relevance to this planning application and require full consideration. Regard should be had for ACNP policies HQD1, B3, EN1, EN2 and EN4 as well as policies BP2, BP3, BP9, BP11, BP12 and BP15 contained within the BNP.

Aylesbury Vale District Local Plan (AVDLP)

- 9.5 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. . They all seek to ensure that development meets the three objectives (economic, social and environmental) of sustainable development and are otherwise consistent with the NPPF.

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

- 9.6 The overview report sets out the current position with regards to VALP. Policy E1 seeks to protect key employment sites which includes the Arla/Woodlands EZ.

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

Sustainable location:

- 9.7 The previous permission together with the establishment of the enterprise zone regarded this as a sustainable location for such development. The principle of the development would accord with the ACNP policy B3 and BNP policy BP9, subject to more detailed assessment below.

Building a strong competitive economy

- 9.8 As previously stated, the Government is committed to securing and supporting sustainable economic growth and productivity in order to create jobs and prosperity but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 9.9 Given that the site is an existing employment site and designated Enterprise Zone, the Council's position is that significant weight should be given to the need to support sustainable employment growth. In considering this application, the AVDLP, the Aston Clinton Neighbourhood Plan and the Buckland Neighbourhood Plan constitutes the Development Plan, and this forms the primary basis for determining the application. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF to ensure that all relevant factors are considered.
- 9.10 ACNP policy B3 supports employment development which forms part of the Arla / Woodlands Enterprise Zone. BNP policy BP9 supports applications from businesses (B1 – Office and B2 – Light Industrial) to expand their premises within the neighbourhood area will be supported, provided they do not damage the residential environment and do not create significant additional traffic movement.
- 9.11 Arla/Woodlands is a designated Enterprise Zone (EZ) and is of strategic importance to employment growth within the Vale. The EZ will facilitate the delivery of c. 150,000 sq.m of new commercial floor space and over 7,000 jobs. The EZ is intended to be a leading centre for agri-food and human health sectors building on the wider food science strengths of Buckinghamshire. The EZ will be a key location to which employment growth will be directed during the VALP plan period. The Economic Development Team has welcomed this application the dairy is a key milk production site in England, and has the capacity to produce up to 1.5 million bottles of milk every day. Arla is one of the larger employers in the area. The development will allow Arla to continue to grow their business in the area.

This continued development shows a commitment to retain this site as its key site for its milk production.

- 9.12 There would be economic benefits associated with the development arising from the construction phase, albeit time limited, and the enhancement of an existing employment location. Whilst the extension itself will not generate additional jobs, the completion of this phase for the southern section of the building will ensure the delivery of the 100 jobs as previously approved. Overall the economic benefits associated with the proposal should be held in significant weight, as advocated by the NPPF, and the development proposals are considered to comply with ACNP policy B3 and BNP policy BP9 in principle subject to the consideration of the development's impact on the residential environment and its potential to generate traffic. These matters will be considered elsewhere in this report.

Promoting Sustainable Transport

- 9.13 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 guidance in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 9.14 ACNP policy T1 explains that development proposals will need to demonstrate that appropriate site access and traffic mitigation can be delivered in order to minimise any significant adverse impacts on the highway network arising from the new developments. ACNP policy HQD1 requires new development to make provision for off-street car parking spaces in accordance with adopted standards.
- 9.15 BNP policy BP9 supports employment development provided it does not do not create significant additional traffic movement. BNP policy BP12 also explains that for all new business development, including conversions and extensions, provision must be made for all staff and visitor parking to be accommodated on-site.
- 9.16 The development will continue to use the existing approved access arrangement. The Highways Officer has acknowledged that the Arla site already benefits from a planning consent for a large portion of the development that is being proposed. This current application is to cover changes that are required to phases 3 and 4 of the consented scheme. The Highways Officer is satisfied that this application would result in a net increase of 3,125m² of floor space over that which has already been consented. This additional floor space will not result in an increase in the 'processing' area within the site but will be used as a pallet store (B8 storage and distribution). The Highways Officer notes that the increase in floor space is a result of the building height is being reduced, which subsequently reduces the height that the pallets can be stacked. Therefore, the additional floor space is required to accommodate the additional stacks of pallets resulting from the reduced building height. The application will result in additional B8 floor space. Using the trip rates that have previously been agreed for the B8 elements of the Arla site the applicant has determined that there is the potential for 7 two-way movements to be generated in the weekday AM peak, 7 two-way movements in the weekday PM peak and 4 two-way movements in the Saturday peak. The routing of HGVs from the Arla site is

controlled currently controlled via the existing S106 Agreement and the routing from this proposal would need to be secured through a S106 Deed of Variation.

- 9.17 The development would result in 5 two-way movements travelling through Aylesbury in each of the AM and PM weekday peak hours and 3 two-way movements will travel through Aylesbury in the weekend peak hour. This level of increase is not material and therefore not considered to be severe in terms of the NPPF. Although the Arla development is not fully complete, it is also worth noting that due to how the dairy facility is being operated, resulting vehicle movements are significantly less than was originally predicted when the original scheme was assessed. It is predicted that when the site is totally complete the vehicle movements will also be significantly less than those originally predicted. The applicant has produced evidence that confirms this. The impact of the additional vehicle movements arising from the inclusion of the extension has been shown not to be material. The Highways Officer has also confirmed that the parking and manoeuvring of vehicles remains acceptable. The Highways Officer raises no objection to the development proposals subject to the use of conditions.
- 9.18 To consider the development's ability to promote the use of sustainable modes of transport, a Travel Plan was submitted in support of the original planning application which was further secured by a legal agreement. This set out details of a shuttle bus service and measures to promote walking and cycling amongst employees, as well as nominating a Travel Plan Coordinator. To ensure these measures are carried forwards, a deed of variation will ensure that the Travel Plan requirements continue to apply to the development if permission is granted.
- 9.19 Given that the development proposals would not amount to a severe cumulative impact on the highway network, e.g. that significant traffic would not be generated; that safe access, parking and manoeuvring are provided; and that the dairy is operating more efficiently from a traffic generation point of view that originally planned for the development proposals are considered to accord with the advice contained in the NPPF, AVDLP policy GP24, ACNP policies T1 and HQD1 in respect of parking and BNP policies BP9 in respect of transport and BP12.

Conserving & Enhancing the Natural Environment

- 9.20 Section 15 of the NPPF states that planning policies and decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 9.21 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value and requires sites where there is potential for impacts to be surveyed. Policy GP38 requires landscaping proposals to help buildings complement their surrounding and to conserve existing natural features of value.
- 9.22 ACNP policy HQD1, in respect of the natural environment, requires development to be in keeping with local character and must be shown to have understood distinctive local landscape features. ACNP policy EN1 requires new development in the Parish to (inter alia) respect retain trees and hedgerows in accordance with current Bs5837 national best practice (as updated); minimise impact on natural habitats and species and provide net gains to biodiversity. The policy also requires ecological information to be

provided in support of applications and explains the development must respect local landscape character and important views into and out of the village and the Chilterns AONB. ACNP policy EN2 also seeks to minimise impacts upon and to provide net gains in respect of biodiversity.

- 9.23 BNP policy BP2 seeks to protect the specific character of the Chiltern Hills where great weight will be attached to conserving landscape and scenic beauty. BNP policy BP15 states that proposals will be supported which preserve or enhance the natural environment throughout the Parish, by ensuring the protection of local assets and the provision of additional habitat for wildlife and green spaces for the community. Outside the areas of special designation, proposals will be supported which are landscaped and include tree planting that respects the local landscape character.

Impact on Landscape Character

- 9.24 Beyond the Enterprise Zone, the site's surroundings comprise open countryside and arable fields to the north of the A41. The site itself is flat with the higher ground associated with the Chilterns AONB being visible in the distance, some 2 km from the factory site and beyond the villages of Buckland and Aston Clinton. A key consideration of the appropriateness of the scheme is its impact on longer views from the AONB.
- 9.25 Whilst the landscape surrounding the factory complex and the Enterprise Zone is characterised by open countryside and arable fields, the commercial built form which includes the existing factory, comprise dominant features within the landscape. As the proposed extension does not significantly extend the factory building or does not extend the boundaries of the complex at all, the extension would be experienced as part of the existing building. For this reason and in combination with the intervening scheme of landscaping, the proposed development is considered to have an acceptable impact when considering the landscape character.

Visual Impact & Impact on the AONB

- 9.26 The Landscape Officer has suggested that whilst the proposed extension in itself would normally be regarded as substantial, in the context of the size of the existing factory complex it is proportionately relatively modest. Furthermore the Landscape Officer notes that a considerable proportion of the proposed development implements extant permissions – the southern portion of the buildings which comprises 7,344 sq m – and can be built out without the need for any further consent. As such the proposed development that is 'over and above' this consented 'future baseline' is somewhat more modest. Nonetheless the proposals are of a sufficient scale that, following consultations with AVDC, the applicant was asked to submit an appropriate assessment of the potential landscape and visual impacts of the proposed development. The applicant subsequently submitted a Landscape and Visual Assessment (LVA) based on the amended plans.
- 9.27 Having reviewed the LVA, the Landscape Officer has confirmed that whilst he agrees with much of it, there are some shortcomings and areas of minor disagreement. With regard to the landscape character impacts of the proposed development, the LVA concludes that there would be 'minor adverse effects' on the immediate landscape surrounding the proposed extension and 'low adverse effects' on the wider landscape, including the Chilterns AONB and its setting (although confusingly the conclusion of the

LVA advises that the effects would be 'minor adverse'). In any case, the Landscape Officer agrees that the landscape character effects of the proposed development would not be of an extent that would be contrary to the aims of the relevant planning policies and that this would be a reasonable conclusion to weigh in the planning balance regarding landscape character effects of the proposed development.

- 9.28 However in its consideration of the visual amenity effects of the proposed development, the LVA concludes that none of the agreed visual receptors would experience impacts greater than 'moderate adverse' with the considerable majority experiencing either 'low' or 'negligible' effects. Whilst this is fair for the majority of visual 'receptors', with the proposed development being perceived in the direct context of the existing structure, there are viewpoints (particularly to the south of the proposed development) where the baseline views have the existing structure sitting at or below the horizon line. The proposed development will, from these vantage points, be perceived to break/interrupt this skyline in a noticeable manner. By way of example, the LVA concludes that the proposed development would result in a 'moderate adverse' impact on the users of PRoW ACL/3/2 which is located towards the south east of the application site on the opposite side of the A41 to the factory. Based on the assessment that there would be a 'medium adverse' magnitude of effect on those walkers heading northwards along the footpath towards the proposed development.
- 9.29 The Landscape Officer suggests that the submitted LVA somewhat underestimates the level of impact on these footpath users. Walkers here would reasonably be adjudged to be highly sensitive to their surroundings as it is likely that they are using the footpath for the express purpose of enjoying a walk through the countryside. Whilst it is agreed that the proposed development (when compared with the baseline) would give rise to a 'medium adverse effect', the Landscape Officer does not agree that this level of effect on a 'high sensitivity receptor' would only result in a 'moderate adverse' impact. These receptors are considered to experience at least a 'moderate/major adverse' impact for those sections of footpath that afford 'skyline' views of the proposed development. However these view must be considered against the backdrop of the existing and extant permission and will be mitigated by the approved landscaping scheme in the longer term.
- 9.30 The Chilterns AONB, as previously described is located 2 km to the south of the site and includes Upper Icknield Way from which there are extensive views over the Vale. These views are sufficiently panoramic that the factory complex is viewed as only a very small part of a wider, much more expansive landscape view. At present the factory is viewed in the forms a small part of this panorama and is viewed in the context of the surrounding Enterprise Zone Development, furthermore the camouflage cladding means that it sits quietly within the landscape. The addition of the extension, given the distances involved is expected to be barely discernible from such a long view, nor harm views towards the AONB and would not harm the setting of the AONB
- 9.31 Overall however, whilst there will be some harm on visual receptors to the south, when considered 'in the round' the proposed development would give rise to only generally limited harm and that this level of harm would not be in undue conflict with the aims of the relevant policies and this would be a reasonable basis upon which to consider the landscape and visual impacts of the development. It should also be acknowledged that the southern section of the building benefits from extant consent and so this could be built out in the absence of permission being granted for the current scheme. The Landscape Officer, on balance raises no objection to the development proposals,

subject to a condition to agree the bespoke continuation of the camouflage scheme that has been used to soften the building's impact on the landscape. This is reflective of the comments raised by the Chilterns Conservation Board who also request that any additional lighting be controlled. This will be achieved by condition.

Trees & Landscape

- 9.32 There are no trees or hedgerows that will be effected by the development proposals and the scheme will not impact the approved landscaping scheme. It is however acknowledged that the extension will result in changes to the car parking area. A condition will secure a scheme of hard and soft landscaping to ensure that the car parking area continues to be softened by landscaping and assimilates with the existing scheme.

Ecology

- 9.33 Given the nature of the application site at present, there is no reasonable likelihood of any protected species being impacted by the development proposals. A condition however will ensure that the mitigation measures agreed in the context of the original planning application continue to be carried forwards.
- 9.34 In summary, considering the development's role in conserving and enhancing the natural environment; from a landscape character, trees, landscape and ecological point of view, the development proposals are considered to be acceptable. The development proposals are thus considered to comply with AVDLP policies GP35, GP38, GP39 and GP40; ACNP policy EN1 and EN2; BNP policies BP2 and BP15; and the advice contained in the NPPF.

Achieving Well Designed Places

- 9.35 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.36 Policy GP35 of the AVDLP 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.
- 9.37 ACNP policy HQD1, to take the design considerations, requires development in the Parish to be of high quality design and should reflect the attractive vernacular of Aston Clinton, and be in keeping with local character. To achieve this, development proposals will be supported, provide their scale, density, height, massing, layout and materials, including alterations to existing buildings, have understood and reflected the character and scale of the surrounding buildings and of distinctive local landscape features.
- 9.38 BNP policy BP3, whilst relating to new buildings is considered to be relevant because it seeks to preserve local distinctiveness. The policy explains that In all parts of the Parish new buildings must preserve local distinctiveness through design, use of materials, density, space around buildings, height.
- 9.39 Whilst an extension comprising c.3,000 sq m of floor-space would normally be regarded to be substantial in the context of the existing factory, which is a substantial building itself,

the extension is considered to be modest. In terms of the maximum height of the building the following table sets out the comparisons:

| 2011 permission- | Original 2019 proposal | Revised 2019 proposal |
|--|-------------------------------|------------------------------|
| 19.5 (blow mold) 13.4m rest 22-29m silos | 26m | 19.5m |

With the amendments to the height of the stackable storage area, so that it is no taller than the existing building, the extension is regarded to be subservient. From most viewpoints the extension will either not be visible or will appear discrete. The extension has been designed to assimilate with the main building in terms of its appearance and will not appear discernable against the backdrop of the existing building. The external materials and pattern strategy will match those found on the main building.

- 9.40 In summary the extension is considered to be reflective of the character, scale and appearance of the existing building. The scheme’s impact on the landscape character of the area and on longer views and skylines are considered below in this report. Considering the design of the proposed development, it is considered to accord with AVDLP policy GP35; ACNP policy HQD1; BNP policy BP3; and the advice contained within the NPPF.

Preserving & Enhancing the Historic Environment

- 9.41 A positive strategy under paragraph 185 of the NPPF is required for the conservation and enjoyment of the historic environment and an assessment will need to be made of how the development proposals sustain and enhance the significance of heritage assets and the positive contribution that conservation of assets can make to sustainable communities as well as the need to make a positive contribution to local character and distinctiveness.
- 9.42 ACNP policy HQD1 requires development proposals to take full account of any relevant considerations concerning the historic environment and heritage assets in the area. BNP policy BP14 requires development proposals to demonstrate that the impact of the proposals on heritage assets has been carefully considered.
- 9.43 Whilst there are no Listed Buildings neither on nor within the vicinity of the application site and the site does not fall within any Conservation Area, explained an archaeological investigation has already been undertaken in respect of the application site, and Roman remains have already been recorded. BCC archaeology raise no objection to the development proposals.
- 9.44 It should also be noted that the Grand Union Canal is a non designated heritage asset and the bridge over the canal to the north east of the factory complex is Grade II Listed.. Given the canal and bridge’s positioning to the north of the existing building, away from the proposed extension, the development is not considered to have any impact in this regard.
- 9.45 In light of the above, the development proposals are considered to accord with the advice contained in the NPPF and ACNP policy HQD1 and BNP policy B14 in respect of the historic environment.

Meeting the Challenge of Flood Risk & Climate Change

- 9.46 Paragraph 163 of the NPPF requires new development to ensure that flood risk is not increased elsewhere. Where appropriate applications should be accompanied by a site specific flood risk assessment.

- 9.47 ACNP policy E4 requires all development proposals with flood risk implications to demonstrate that flood risk is not increased elsewhere; to ensure that surface water run off does not exceed the existing rate using sustainable drainage and permeable paving and surfacing; and should be sited in areas of the least flood risk. ACNP policy EN2 also requires that where possible and appropriate, provide sustainable drainage facilities and a restrictive use of storage lagoons or similar retentive systems discharging to surface water receptors.
- 9.48 The site is located in Flood Zone 1 and is subsequently at low risk of fluvial flooding although it is located within an area identified as being of low, medium and high risk of surface water flooding. The proposed extension will connect into the existing surface water drainage system on site. Surface water runoff for the whole site is stored within an attenuation basin with a discharge to the Halcrow Beck at a rate of 4.3l/s. The LLFA have confirmed that the surface water drainage strategy is acceptable subject to a condition to secure evidence of that the as-built connection to the existing surface water drainage scheme has been carried out by a suitably qualified person prior to the use of the extension. Subject to the use of the recommended condition, the development proposals will not increase the risk of flooding onsite or elsewhere in the locality. The development is considered to accord with the advice contained within the NPPF and ACNP policies E4 and EN2.
- 9.49 The building has been designed to incorporate a number of sustainable energy technologies to reduce the dairy's carbon footprint. The long term aim is for the operation to be CO2 neutral. There is subsequently no objection to the proposals on this basis and this accords with the NP policies and advice contained in the NPPF.

c) Amenity of Neighbouring Occupiers

- 9.50 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.
- 9.51 AVDLP policy GP8 explains that planning permission will not be granted where development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. Policy GP95 also states that in dealing with applications, the Council will have regard for the amenities of existing occupiers. Development that exacerbates any adverse effects of existing uses will not be permitted.
- 9.52 ACNP policy HQD1 seeks to achieve a good standard of amenity for all existing and future occupants. ACNP policy B3 supports employment development proposals provided that they does not generate unacceptable noise, fumes, smell or result in other disturbance to neighbouring residential properties; and that the amenity of neighbouring occupiers are not unduly harmed. Similarly BNP policy BP9 supports the redevelopment of existing businesses provided they do not damage the residential environment.
- 9.53 The dwellings to the north of the application site will not be impacted by the development proposals due to their positioning towards the south of the building. The occupiers of these buildings, due to the separation distances involved and the intervening presence of the existing building, will experience no material impacts when considering the potential for increased noise or disturbance or loss of outlook. The separation distances are such that the levels of privacy, enclosure and daylight/sunlight currently enjoyed by the occupiers of these dwellings will not be impacted by the development.

- 9.54 The impact of the proposed development upon residential neighbours to the south will be mitigated by the landscaping scheme which includes bunds and a 30 metre wooded buffer which is now well established. This should ensure that any dwellings to the south do not experience any material loss of outlook. Again the separation distances are such that there would be no impact on the levels of privacy, enclosure and daylight/sunlight currently enjoyed by the occupiers of these dwellings.
- 9.55 When considering the potential for noise and disturbance there are two sources of nuisance, operational noise and that associated with any additional traffic movements associated with the extension. The noise report submitted in the context of the earlier application showed that operational noise would be below ambient noise levels in the evening and during the night. Given the presence of the factory at the moment the extension is not considered to give rise to any material increase in noise and disturbance. Furthermore, the additional traffic movements arising from the development are low and subsequently no material impact is considered to arise. It should be noted that the traffic movements associated with the factory, in reality, have been less than those predicted in the context of the 2011 application. This has been evidenced and confirmed by Bucks County Highways. The impact of the factory as a whole has therefore been lower than expected and the proposal would not result in any undue impact from vehicle movements associated with the proposed extension. I. To considered noise and disturbance arising from the operation neighbouring occupiers will continue to be protected by the 2 metre high acoustic fencing that has been installed as part of the noise mitigation strategy for the factory. As with the previous consent conditions will be applied to ensure that noise levels from plant and machinery and vehicle reversing alarms are managed.
- 9.56 Consideration need to be taken of the potential disturbance arising from the construction of the development. It should be noted that the Environmental Statement that was submitted alongside the 2011 application considered the impacts of construction noise and disturbance, and considered the construction of the Arla factory in combination with three other major schemes in the vicinity. It found that only a negligible to minor adverse impact would arise and would be limited due to the site's location next to the A41. No more than minor vibrations were expected to be experienced by the occupiers of the nearest properties. Given that this considered the construction of the whole factory plus other adjacent construction projects, it would be reasonable to conclude that the impact associated with the construction of the southern portion of the building and the extension would be negligible.
- 9.57 When considering the potential for light pollution, the bunds and landscaping will reduce this impact and giving weight to the existing arrangement, no material impact would arise. It should also be noted that the building will be clad in materials with a matte finish to avoid any glare/reflection. The requirement for any additional lighting will also be controlled by condition as will the potential for odours arising from the operation.
- 9.58 When considering the potential for the development to impact on the amenity of neighbouring occupiers, it is considered that there would be no material impact when considering the potential for noise and disturbance, light pollution, impacts on privacy, outlook or sense of enclosure. On this basis the development proposals are considered to accord with AVDLP policies GP8 and GP95, ACNP policy HQD1 and B3; and BNP policy BP9.

d) Planning Obligations / Section 106 Matters

9.559 A deed of variation is being entered into by the applicant to ensure that the planning obligations secured in the context of planning application reference 11/00962/APP are carried forwards in the event that the committee is minded to grant permission. The areas of key importance are the agreed routing of HGVs through the area to ensure that the agreed distribution is maintained and to ensure that the Travel Plan is carried forwards.

Other Matters:

9.60 It is noted that originally the description of development referred to a revised scheme to "application 11/0962/APP". The parish council's raised that the documents to this application were not available. This was in fact a typo and the original application reference was 11/00962/APP. This was rectified so that interested parties could easily find the related documents.

9.61 It is acknowledged that one objector has suggested that the A41 be re-surfaced with a low noise emitting surface. As the development proposals would lead to only a very small number of additional vehicles using the A41, it would be unreasonable to expect Arla to fund such an improvement.

Case Officer: Laura Ashton

RE: 19/00399/APP Arla Foods Ltd Aylesbury Dairy, Extension to dairy (Final Phase as approved by 11/0962/APP dairy consent - revised scheme)

Aston Clinton Parish Council, strongly objects to this application on the following grounds:

Height and scale and impact on the character, landscape and important views.

From the applicants Planning Statement document of January 2019, we note that the current building height appears to be 14.645m above ground level. (Point 1.15, page 5, phase 4 Extension, bullet point 6)

We fail to find any previous approval for roof mounted silos as per point 1.15, page 5, phase 4 extension, bullet point (phase 4) bullet point 3, which will exceed existing ground level silo heights by 1m.

The proposed massive chilled storage facility with a height of 26m is far in excess of the existing roof line and totally inappropriate especially on this south east elevation. This will be visible for miles and especially from the Chiltern hills AONB.

Further, the statement in para 3.4 of the planning statement – is disingenuous in comparing the height of the proposed phase 4 structure, with the existing silos. The existing silos have a height of 22.9 m and are substantially smaller in scale than the proposed extension, which is also at a stated height of 26m. (reference proposed south east elevation drawings from the design and access statement.) We fundamentally disagree with the statement at the end of this paragraph “this extension will not be prominent in long distance views”. As this extension is circa 10m higher than the bulk of the host building, we fail to see how this will not be prominent.

Also, para 3.5 states that the revised scheme has a cleaner simpler south elevation to the 2011 scheme which cannot agree with, particularly given the increased height of the chilled storage facilities making it incongruous to the existing structures.

As a result of the above points, this application contravenes the following planning policies:

NPPF para 127 states that developments should ensure that they –

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting

Aston Clinton Neighbourhood Plan (**ACNP**) **policy HQD1** – states that development proposals will be supported provided:

i) Their scale, density, height, massing, landscape design, layout and materials... have understood and reflected the character and scale of the surrounding buildings and of distinctive local landscape features

ACNP policy EN1 – any development in the village will be required to respect local landscape character and important views into and out of the village and the Chilterns AONB

ACNP H1 – this proposal falls outside of the ACNP settlement boundary and is not suitable to a countryside location, as defined in parts i, ii and iii of this policy.

AVDLP saved policy GP35 – as it is not in keeping with the existing host building in terms of height and scale and does not respect the effect it will have on important public views and skylines.

We also request that the local planning authority publish on the planning portal the original application 11/0962/APP that this application relates to, for consultees and public to view, as it currently not available.

Comments for Planning Application 19/00399/APP

Application Summary

Application Number: 19/00399/APP

Address: Arla Foods Ltd Aylesbury Dairy, Samian Way, Aston Clinton Bucks HP22 5WJ

Proposal: Extension to dairy (Final Phase as approved by 11/0962/APP dairy consent - revised scheme)

Case Officer: Laura Ashton

Customer Details

Name: Parish Buckland Council

Address: Parish Office Village Hall Halton

Comment Details

Commenter Type: Parish Council

Stance: Customer objects to the Planning Application

Comment Reasons:

- Residential Amenity

Comment: The application as presented, would have a detrimental impact to the landscape, surrounding countryside and Chilterns AONB, as would it's design.

The height and scale of the proposed high bay, chilled storage facility is designed as a solid block, attached to the gable end of the existing building, but extends 15m beyond the current building towards the Lower Buckland Road. This is unacceptable, as an extension should always be subservient to the main buildings and not dominate it. This application proposes an extension which is 11 meters higher than the main building, overlapping the original by 15m. This is not considered a subservient extension.

Section 3.3 of the application, the design and access statement states that 'the layout of the existing dairy complex was carefully considered to minimise its visual impact locally and within the wider landscape small/lower profile elements were placed closer to the more sensitive A41 boundary to the south east.' The south eastern elevation is the most sensitive of the whole of this site due to the proximity of the Chilterns AONB and views into the site from the AONB. Despite the above, the applicant is now proposing to add a huge extension, taller and wider than the current building, to that very sensitive south eastern elevation.

The proposal moves the 26m high building 15m closer to the single track, Lower Buckland Road and adjacent countryside. This solid, overpowering mass would present a very hard edge to the whole development at a point where the built development should be stepped down, in landscape terms.

By moving the development 15m closer to Lower Buckland Road, also moves it closer to residential developments. The residential development of Buckland lies very close to the Arla development, on the opposite side of the A41 and not 500m away as the applicant claims within the design and access statement. This proposed, large extension, will have an adverse effect on the residential amenity of these properties, contrary to AVDLP policy GP8.

The Arla site is visible from the Chilterns, not only in views from the Upper Icknield Way and the Tring Hill section of the A41, but in wider views from Coombe Hill. A fact, the applicant has ignored. The original buildings were clad in muted colours in order to blend into the surrounding countryside. Although the applicant refers to the design as 'mimicking' the opposing silos, it cannot 'balance' due to the massing, bulk and height of the block extension, against the narrow cylinders of the original design. There was no analysis of sensitive, long distance views into the site from the AONB, even though this extension will be closer to the AONB than the remainder of the site and very much in the foreground of all views out of the AONB.

The Arla site is a gateway site into Aylesbury and the Vale. The proposed high-bay chamber will present a high solid mass, completely out of keeping with the current site.

The Aston Clinton Neighbourhood Plan is quoted, but the applicant has ignored the fact that this extension falls within the Parish and Neighbourhood area of Buckland. The Buckland Neighbourhood Plan has not even been considered, although it forms part of the planning policy for that area. The proposal is contrary to Policy BP3 of the BPC NP which states that 'In all parts of the Parish, new buildings must preserve local distinctiveness through design, use of materials, density, space around buildings and height.' This application fails to do this. The proposed extension is higher than the existing building, creating an effect of massing, not space.

Buckland Parish Council believe that the proposal contravenes the following planning policies:-
NPPF p127 - this states that developments should ensure that they are:-

(b) visually attractive as a result of good architecture, layout and appropriate and effective landscaping

(c) sympathetic to local character and history, including the surrounding built environment and landscape setting

The current proposal is contrary to these requirements.

AVDLP GP35 - fails to respect the physical characteristics of the host building and fails to take into account the effect on important public views and skylines

Buckland Neighbourhood Plan BP3 - This application fails to accord with this policy, as stated above.

Aston Clinton Neighbourhood Plan EN1 - any development in the village will be required to respect local landscape, character and important views into and out of the village and the Chilterns AONB.

Aston Clinton Neighbourhood Plan H1 - this proposal falls outside of the ACNP settlement boundary and is not suitable to a countryside location, as defined in parts I, ii and iii of this policy.

BUCKLAND PARISH COUNCIL

Clerk: Mrs Fiona Lippmann, The Village Hall, Old School Close,
Halton Village, Aylesbury, HP22 5NG
Telephone. 01296 626073. e-mail clerk@bucklandpc.org.uk

Aylesbury Vale District Council
Gatehouse Road
Aylesbury
HP19 8FF



For the attention of Laura Ashton – Development Management

13th March, 2019

Dear Sirs

Re: Application 19/00399/APP – Arla Foods, Samian Way, Aston Clinton

Following the Buckland Parish Council meeting of 11th March, 2019, members voted unanimously to object to the above planning application, based on the phase 3 extension to the current building, as set out in the above, would have a detrimental impact to the landscape, surrounding countryside and Chilterns AONB, as would it's design.

The height and scale of the proposed high bay, chilled storage facility is designed as a solid block, attached to the gable end of the existing building, but extends 15m beyond the current building towards the Lower Buckland Road. This is unacceptable, as an extension should always be subservient to the main buildings and not dominate it. This application proposes an extension which is 11 meters higher than the main building, overlapping the original by 15m. This is not considered a subservient extension.

Section 3.3 of the application, the design and access statement states that 'the layout of the existing dairy complex was careful considered to minimise its visual impact locally and within the wider landscape small/lower profile elements were placed closer to the more sensitive A41 boundary to the south east.' The south eastern elevation is the most sensitive of the whole of this site due to the proximity of the Chilterns AONB and views into the site from the AONB. Despite the above, the applicant is now proposing to add a huge extension, taller and wider than the current building, to that very sensitive south eastern elevation.

The proposal moves the 26m high building 15m closer to the single track, Lower Buckland Road and adjacent countryside. This solid, overpowering mass would present a very hard edge to the whole development at a point where the built development should be stepped down, in landscape terms.

By moving the development 15m closer to Lower Buckland Road, also moves it closer to residential developments. The residential development of Buckland lies very close to the Arla development, on the opposite side of the A41 and not 500m away as the applicant claims within the design and access statement. This proposed, large extension, will have an adverse effect on the residential amenity of these properties, contrary to AVDLP policy GP8.

The Arla site is visible from the Chilterns, not only in views from the Upper Icknield Way and the Tring Hill section of the A41, but in wider views from Coombe Hill. A fact, the applicant has ignored. The original buildings were clad in muted colours in order to blend into the surrounding countryside. Although the applicant refers to the design as 'mimicking' the opposing silos, it cannot 'balance' due to the massing, bulk and height of the block extension, against the narrow cylinders of the original design. There was no analysis of sensitive, long distance views into the site from the AONB, even though this extension will be closer to the AONB than the remainder of the site and very much in the foreground of all views out of the AONB.

BUCKLAND PARISH COUNCIL

Clerk: Mrs Fiona Lippmann, The Village Hall, Old School Close,
Halton Village, Aylesbury, HP22 5NG
Telephone. 01296 626073. e-mail clerk@bucklandpc.org.uk

The Arla site is a gateway site into Aylesbury and the Vale. The proposed high-bay chamber will present a high solid mass, completely out of keeping with the current site.

The Aston Clinton Neighbourhood Plan is quoted, but the applicant has ignored the fact that this extension falls within the Parish and Neighbourhood area of Buckland. The Buckland Neighbourhood Plan has not even been considered, although it forms part of the planning policy for that area. The proposal is contrary to Policy BP3 of the BPC NP which states that 'In all parts of the Parish, new buildings must preserve local distinctiveness through design, use of materials, density, space around buildings and height.' This application fails to do this. The proposed extension is higher than the existing building, creating an effect of massing, not space.

Buckland Parish Council believe that the proposal contravenes the following planning policies:-

NPPF p127 – this states that developments should ensure that they are:-

- (b) visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- (c) sympathetic to local character and history, including the surrounding built environment and landscape setting

The current proposal is contrary to these requirements.

AVDLP GP35 - fails to respect the physical characteristics of the host building and fails to take into account the effect on important public views and skylines

Buckland Neighbourhood Plan BP3 – This application fails to accord with this policy, as stated above.

Aston Clinton Neighbourhood Plan EN1 – any development in the village will be required to respect local landscape, character and important views into and out of the village and the Chilterns AONB.

Aston Clinton Neighbourhood Plan H1 – this proposal falls outside of the ACNP settlement boundary and is not suitable to a countryside location, as defined in parts I, ii and iii of this policy.

Buckland Parish Council would be grateful if you would take the above comments into account when deciding this application.

Yours faithfully



Fiona Lippmann

Clerk to Buckland Parish Council

AYLESBURY VALE DISTRICT COUNCIL

Councillor Mrs Carole Paternoster

Aston Clinton Ward

Telephone: (01296) 630710

Email: cpaternoster@aylesburyvaledc.gov.uk



4th March 2019

Laura Ashton
Development Management
Aylesbury Vale District Council
Gatehouse Road
AYLESBURY
HP19 8FF

Dear Laura Ashton

Re Application Number 19/00399/APP Arla Foods, Samian Way, Aston Clinton

I object to the phase 3 extension to the current building as set out in the above planning application on the grounds of design and its consequential impact on the landscape, surrounding countryside, and the Chilterns AONB.

The proposed high-bay chilled storage facility in the form of a 45m by 60m by 26m in height (internal dimensions) solid block attached to the gable end of the existing building (according to the applicant's planning statement para 1.15) but extending 15m beyond the current building towards the Lower Buckland road is unacceptable. The height of the current building is given by the applicant as 14.645m above ground level. The storage facility will be 11m higher than the current building to which it is attached. An extension should always be subservient to the main building and not dominate it. However, the applicant is proposing an extension which is 11 metres higher than the main building and overlaps the original by 15m. This is not a subservient extension.

At section 3.3 the applicant's design and access statement states that 'the layout of the existing dairy complex was carefully considered to minimise its visual impact locally and within the wider landscape. small/lower profile elements were placed closer to the more sensitive A41 boundary to the south east.' The south eastern elevation is the most sensitive of the whole of this site due to the proximity of the Chilterns AONB and views into the site from the AONB. Despite the fine words in the design and access statement the applicant is now proposing adding a huge extension, taller and wider than the current building, to that very sensitive south eastern elevation.

The proposal moves the 26m high building 15m closer to the single track Lower Buckland road and the adjacent open countryside. This overpowering solid mass presents a very hard edge to the whole development at a point where the built development should be stepped down in landscape terms.



INVESTOR IN PEOPLE

Dene House, Buckland, Aylesbury,
Buckinghamshire HP22 5HY

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Moving the development 15m closer to Lower Buckland road also moves it closer to residential development. In section 2.2 of the design and access statement the applicant states that the villages of Aston Clinton and Buckland are approximately 500m south east of the A41. The residential development of Buckland lies very close to the Arla development, on the opposite side of the A41, not 500m away as the applicant claims. Therefore this proposed large extension will also have an adverse effect on the residential amenity of these properties, contrary to AVDLP policy GP8.

The applicant ignores views into the site from the Chilterns AONB. The Arla site is very visible from the Chilterns, not only in views from the Upper Icknield Way and the Tring Hill section of the A41, but in wider views from Coombe Hill. This is why the buildings have been clad in muted colours, so that they blend into the surrounding countryside. In para 3.5 of the design and access statement the applicant states that 'the proposed high-bay chamber element counterbalancing the height and vertical emphasis of the existing/proposed silos. The high-bay elevations will be designed to 'mimic' the vertical emphasis of the opposing silos by use of corresponding cladding colours in a vertically arranged colour pattern similar to the silos themselves.' The extension building is 26m in height, the existing and future silos will be a maximum of 23.9m in height. Therefore the high-bay chamber will always dominate, in near and far views. It cannot 'balance' due to its massing, bulk and height. The silos are narrow cylinders with space between, not a solid block. I disagree with the planning statement which says at para 3.4 'Whilst the warehouse extension element is taller than the host building it is no higher than the existing/approved milk silos and from most viewpoints, this element will be seen in the context of the silos and the existing large dairy building.' Where is the analysis of sensitive long distance views into the site from the AONB? This high-bay extension will be closer to the AONB than the remainder of the site, and therefore will be very much in the foreground of all views out of the AONB.

Para 3.5 of the planning statement states that 'The design of the proposed extension is an appropriate scale in terms of the overall building and the revised scheme has a cleaner, simpler end (south) elevation than the 2011 approved scheme.' This is definitely not the case. The Arla site is a gateway site into Aylesbury and the Vale. The proposed high-bay chamber will present a high solid mass, completely out of keeping with the current site.

Although the Aston Clinton Neighbourhood Plan is quoted, the applicant has ignored the fact that the high-bay chamber extension falls within the Parish and Neighbourhood Area of Buckland. The Buckland Neighbourhood Plan has not even been considered although it forms part of the planning policy for that area. The proposal is contrary to Policy BP3 of the Buckland Neighbourhood Plan which states that 'In all parts of the Parish new buildings must preserve local distinctiveness thorough design, use of materials, density, space around buildings and height'. This application by Arla fails to do this. The proposed extension is higher than the existing building, creating an effect of massing, not space.

This application contravenes the following planning design policies:

NPPF para 127 (b) 'are visually attractive as a result of good architecture, layout and appropriate and effective landscaping' and (c) 'are sympathetic to local character . . including the surrounding built environment and landscape setting.' The current proposal is contrary to these requirements.

AVDLP GP35: fails to respect the physical characteristics of the host building, and fails to take into account the effect on important public views and skylines.

Buckland Neighbourhood Plan BP3: This application fails to accord with this policy.

Aston Clinton Neighbourhood Plan policies EN1 and H1: fails to respect views out of the Chilterns AONB; unsuitable in a countryside location.

There are two solutions which would make this proposed extensions acceptable:

- Lower the height to that of the existing building by sinking the new building into the ground
- Locate the extension to the north or west elevation, within the site, where its height will seem less incongruous than on the sensitive south eastern elevation.

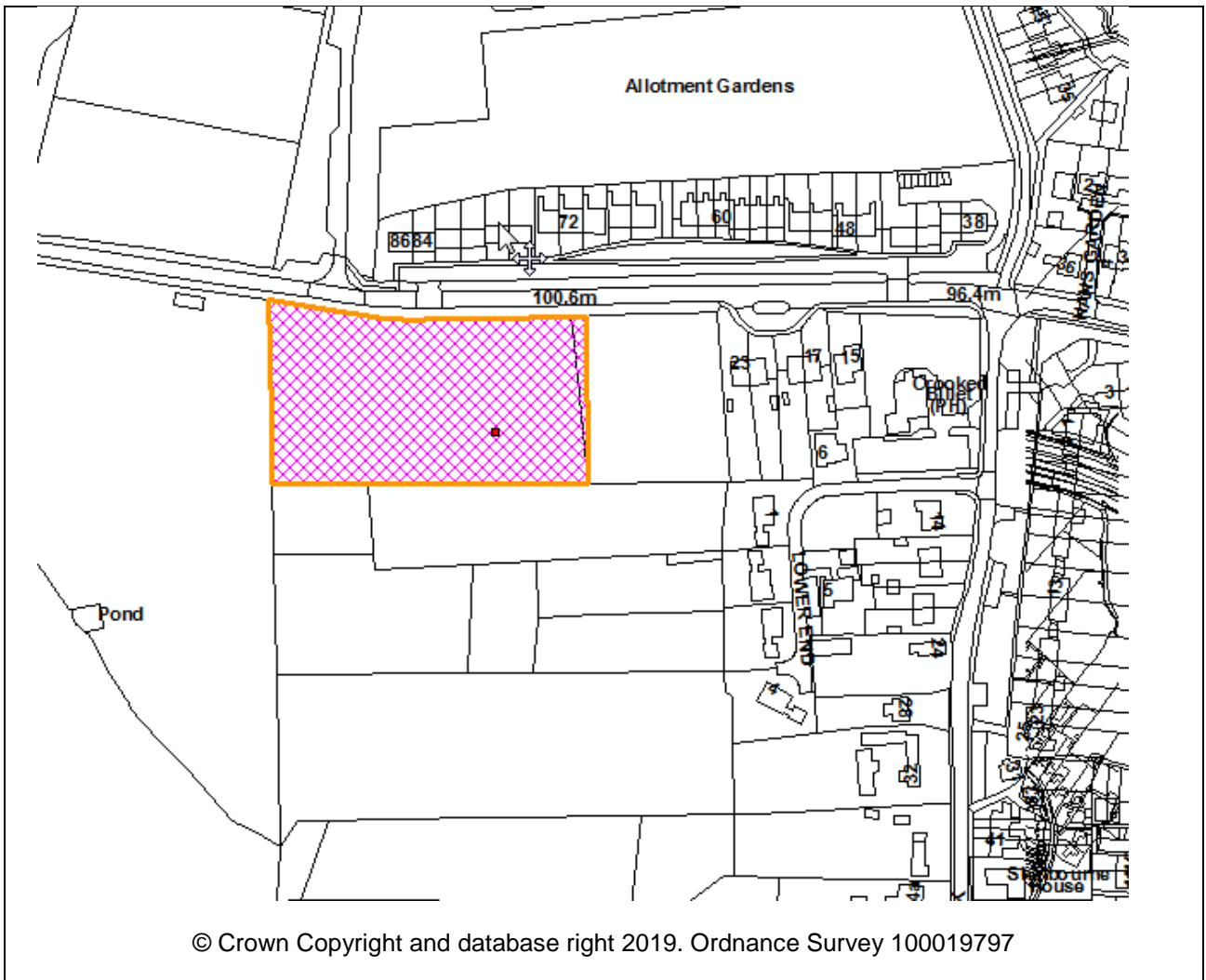
I would be grateful if you would please take the above comments into account when deciding this application.

Yours sincerely,



Carole Paternoster
AVDC Aston Clinton Ward

19/01241/AOP



| 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

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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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