



AYLESBURY VALE DISTRICT COUNCIL Democratic Services

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6 August 2019

STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Strategic Development Management Committee** will be held at **1.00 pm** on **Wednesday 14 August 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 24 July 2019 (Copy attached).

- 4. DECLARATION OF INTEREST**

Members to declare any interests.

5. OVERVIEW REPORT - AUGUST 2019 - UPDATED HLS (Pages 5 - 14)

6. 17/04819/AOP AND 19/00619/AOP - WESTONMEAD FARM, ASTON CLINTON ROAD, WESTON TURVILLE (Pages 15 - 54)

Outline application with all matters reserved except for principle means of vehicular access, for up to 157 dwellings, public open space, play area, vehicular access off Aston Clinton Road and associated infrastructure.

Case officer: Sue Pilcher (spilcher@aylesburyvlaedc.gov.uk)

7. HUMAN RIGHTS ACT (Pages 55 - 56)

STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

24 JULY 2019

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

APOLOGIES: Councillors C Adams and L Monger.

1. MINUTES

RESOLVED –

That the Minutes of the meeting held on 3 July 2019 be approved as a correct record.

2. 19/00399/APP - ARLA FOODS LTD, AYLESBURY DAIRY, SAMIAN WAY, ASTON CLINTON

RESOLVED –

That the application be **Deferred and Delegated** for approval by Officers, subject to the completion of a Section 106 agreement as per the Officers report.

NOTE:

1. Councillor Newcombe declared a Personal Interest as a Member of the Chilterns Conservation Board who had made representations on the application. However, Councillor Newcombe had not participated in any discussions, meetings or decisions made by the Board.
2. Councillor Mrs Paternoster declared a Personal Interest as a Member of the Buckland Parish Council who had commented on the application.

3. 19/01241/AOP - LAND OFF WHADDON ROAD, NEWTON LONGVILLE

RESOLVED –

That the application be **Deferred and Delegated** for approval by Officers, subject to the completion of a Section 106 agreement as per the Officers 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 were 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. Further to this AVDC has provided the VALP Inspector with its suggestions for the Modifications to the Plan and he will consider these over the

next few weeks. The Inspector has set out the timetable for the formal publication of the Modifications and the accompanying consultation. He has confirmed that he expects to review the Modifications before the end of August 2019 after which he will recommend to the Council a Schedule of Modifications which should be published for public representations. That publication is likely to happen in mid-September 2019 and representations can be submitted which he then hopes to consider, along with the Council's response to the representations, in November 2019 before his final comments on VALP are made. 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.

Local Supplementary Documents & Guidance

- 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

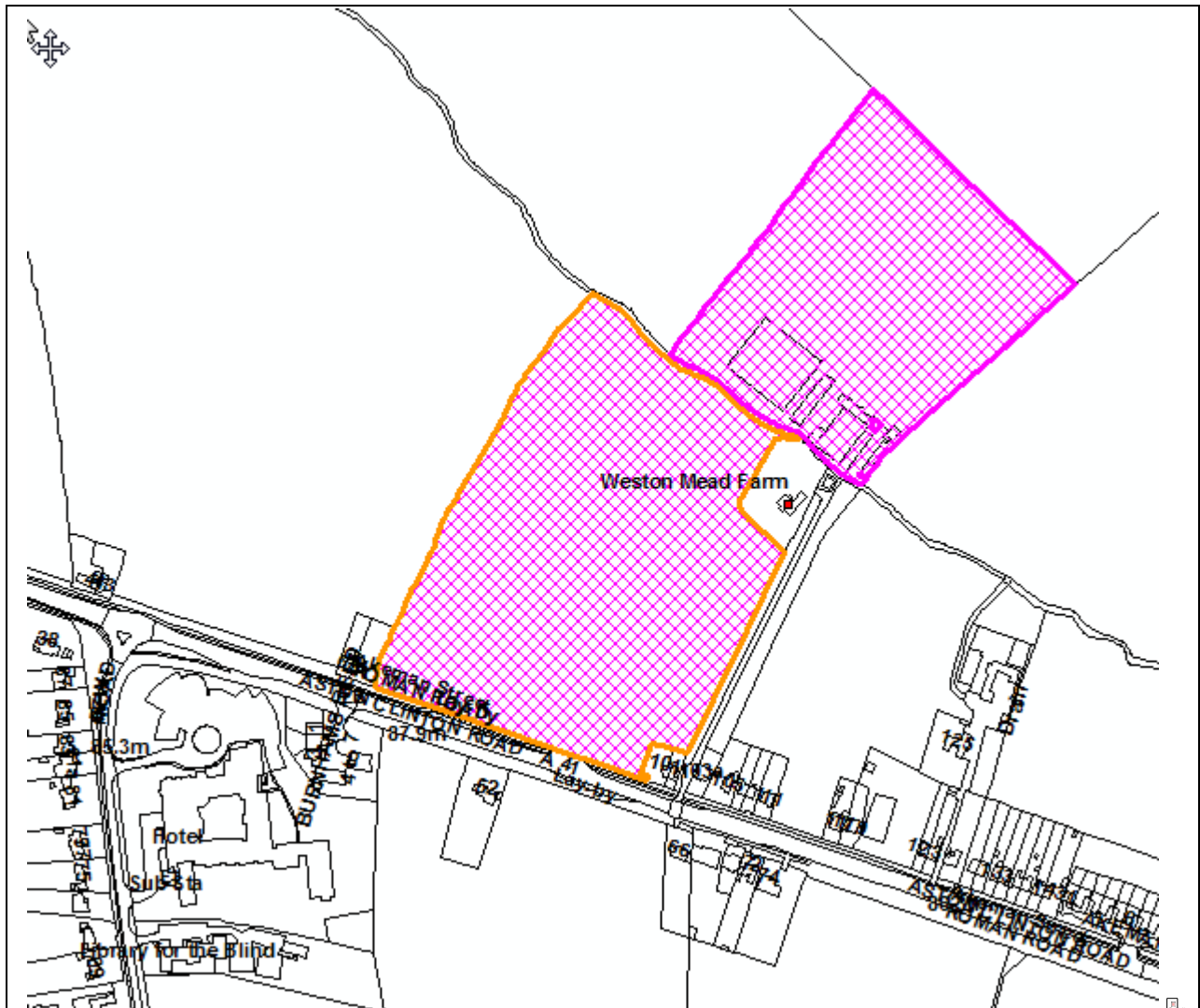
- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

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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17/04819/AOP 19/00619/AOP	
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REFERENCE NO	PARISH/WARD	DATE RECEIVED
(1) 17/04819/AOP (2) 19/00619/AOP	WESTON TURVILLE PARISH	(1) 08/12/17 (2) 20/02/19
OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR PRINCIPLE MEANS OF VEHICULAR ACCESS, FOR UP TO 157 DWELLINGS, PUBLIC OPEN SPACE, PLAY AREA, VEHICULAR ACCESS OFF ASTON CLINTON ROAD AND ASSOCIATED INFRASTRUCTURE	The Local Members for this area are: - Councillor Mrs C Paternoster Councillor Bill Chapple Councillor Mike Collins	
ASTON CLINTON ROAD		
STREET ATLAS PAGE NO. 116		

1.0 The Key Issues in determining this application are:-

- a) The planning policy position and the approach to be taken in the determination of the application.
- b) Whether the proposal would constitute a sustainable form of development:
- Building a strong competitive economy
 - Delivering a sufficient supply of homes
 - Promoting sustainable transport
 - Conserving and enhancing the natural environment
 - Promoting healthy and safe communities
 - Making effective use of land
 - Achieving well designed places
 - 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) Developer contributions

The recommendation is:

In the case of 17/0004819/AOP the recommendation is that the application be deferred and delegated to Officers for approval following the expiry of the consultation period on the amended highway information and on the revised red edge and following the completion of a

legal agreement to secure on site affordable housing, financial contributions towards education, bus stop improvements, and to secure off site highway works, off site leisure and recreation, open space and health contribution(s) if this is found to be CIL compliant. Any permission to be subject to such conditions as are considered appropriate; or if the S106 legal agreement is not satisfactorily agreed, for the application to be refused by officers for reasons considered appropriate.

In the case of 19/00619/AOP the recommendation is that had the Authority been in a position to determine the application on the basis that the applicants are willing to amend the red edge to mirror that provided for 17/04819/AOP the council would not seek to resist the development subject to the satisfactory completion of the legal agreement as set out in above and subject to such conditions as are considered appropriate. In the event this is not before the Inspector that the council would have been minded to refuse the application.

2.0 Conclusion

- 2.1 These applications have been assessed against the objectives that are set out in the NPPF and it has been considered whether the proposals would deliver “sustainable development.” 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 The Weston Turville Neighbourhood Plan (WTNP) is an up to date development plan document, having been “made” in 2018. Policy H1 of the WTNP defines the settlement boundary of the village. The proposal site is located outside of the settlement boundary where development proposals will not be permitted unless they meet certain criteria, however, this policy says this will apply ‘other than for development as part of the growth of Aylesbury as defined in the emerging Vale of Aylesbury Local Plan’. Since this site forms part of an allocated site within the emerging VALP, namely AGT3, it is not considered that there would be a conflict with Policy H1 of the WTNP.
- 2.3 It is acknowledged that the proposals would offer considerable public benefits in terms of its contribution to the Council's housing land supply (both market and affordable), economic benefits as a result of population growth and investment in construction and the local economy/businesses and limited community benefits as a result of the proposed on-site open space and play provision.
- 2.4 Special regard has been given to the statutory test of preserving the setting of listed buildings under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. These proposed outline applications would represent the significant development of the site, however, given the distance between and intervening development and landscaping, it is considered that the setting of the listed buildings would be preserved in accordance with the Act. As such there would not

be a conflict with the NPPF. In terms of archaeology, it is not considered that the development of the site would have significant archaeological implications and no further investigations are required. The moat site to the north-west of the site is a Scheduled Ancient Monument, however, given the distance to this historic asset and the fact that the contribution of the site to the setting is limited to its illustrative value, it is considered that any harm to its setting would be minor and would amount to less than substantial harm and at the lower end of the scale in terms of the NPPF. Paragraph 196 of the NPPF states that where development will lead to less than substantial harm to the significance of the asset this should be weighed against the public benefits of the proposal. Such public benefits of the scheme comprise a contribution to the housing supply for the District including the provision of affordable housing and economic benefits as set out above and these benefits are considered to outweigh the harm. As such there would not be a conflict with the NPPF.

2.5 Compliance with some of the other objectives of the NPPF has been demonstrated or could be achieved (at the reserved matters stage) in terms of the highway impact, biodiversity, flooding, heritage, design, safe and secure neighbourhoods and residential amenities.

2.6 For 17/04819/AOP this assessment identifies that various s106 planning obligations would need to be secured to make the schemes acceptable and mitigate its impact in accordance with relevant Development Plan policy and guidance as well as the NPPF if the council was minded to approve the application. For both applications these obligations would include:

- Financial contribution towards primary and secondary education provision
- Financial contribution for off site sport and leisure provision
- Provision on site of open space and LEAP
- Commuted sum for maintenance of on-site sport and leisure provision
- Affordable Housing (30%) provision on site
- Bucks CC monitoring contribution
- AVDC monitoring contribution
- Sustainable transport improvements and travel plan
- Off-site highways works which are the subject of any separate s278 agreement
- A whole life maintenance scheme for the SuDS to be either through the S106 or by condition
- A health contribution in the event the CCG and/ or Bucks NHS Trust can satisfy the CIL requirements prior to the completion of the S106.
- Provision and maintenance of open space to address the garden town principles

It is considered that the proposed development would not result in a conflict with the settlement boundary policy H1 of the WTNP, or other relevant policies in the Development Plan. There are no other material considerations that indicate a decision other than in accordance with the Development Plan.

2.7 It is therefore recommended that:

- 1) In the case of 17/04819/AOP that the application be deferred and delegated for approval following the expiry of the consultation period on the amended highway information and on the revised red edge and the completion of a legal agreement to secure the above mentioned matters. Any permission to be subject to such conditions as are considered appropriate; or if the S106 legal agreement is not satisfactorily agreed, for the application to be refused by officers for reasons considered appropriate.
- 2) In respect of 19/00619/AOP, which has been appealed against non-determination, whilst the red edge for 17/04819/AOP can be amended as this is still before the Council for determination, in relation to 19/00619/AOP it would be a matter for the Inspector to consider whether the amended red edge be accepted as it is the subject of a non-determination appeal. On the basis that the applicants are willing to amend the red edge to mirror that provided for 17/04819/AOP the council would not seek to resist the development subject to the satisfactory completion of the legal agreement as set out in above and subject to such conditions as are considered appropriate.

In the event of this not being before the Inspector the proposal would fail to provide a comprehensive approach and open space to meet garden town principles and that members defer and delegate to officers to consider and provide an appropriate reason for refusal for the appeal on this basis.

3.0 WORKING WITH THE APPLICANT/AGENT

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

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

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

In this case, AVDC worked with the agent to revise the applications and to consider further details and plans which for 17/04819/AOP were considered to be acceptable overall and the application is supported. In respect of 19/00619/AOP which has been appealed against non-determination, on the basis that the applicants are willing to amend the red edge the Council would not seek to resist the development, however if this were not to be before the Inspector the development would not be supported.

4.0 INTRODUCTION

- 4.1 Responses have been received from Weston Turville Parish Council, Aston Clinton Parish Council and Aylesbury Town Council, all objecting to the development on several grounds, but primarily transport related. Aston Clinton Parish Council and Aylesbury Town Council have confirmed that they wish to speak at Committee.

5.0 SITE LOCATION AND DESCRIPTION

- 5.1 The site is located to east of Aylesbury and is on the northern side of Aston Clinton Road, A41, one of the strategic routes serving the District and there is an existing access point into the site. Surrounding the site is currently largely agricultural land although there are approvals for development on the land to the west as part of the Aston Clinton Road Major Development Area (MDA) and to the north as part of the Woodlands development. To the southern side of Aston Clinton Road, opposite the application site, is the Holiday Inn hotel and conference centre, with its car park, and adjacent to this, to its west and south, are approved residential developments with two residential applications to its east under consideration. There are also residential dwellings on the southern and northern sides of Aston Clinton Road.
- 5.2 The site is broadly rectangular in shape and it currently comprises agricultural grazing land and is 6.6ha in size. The site is bordered by hedgerows with some sparse trees. Outside of the site to the east, along the driveway to Westonmead Farm, are rows of various species of trees which are protected under TPO 17/1990. On the southern side of Aston Clinton Road, Broughton Farm is grade II listed. To the north-east of the site, within the Aston Clinton Road MDA area is a scheduled ancient monument comprising a moated site. The majority of the site is within Flood Zone 1, but the land adjacent to Bear Brook to the northern side of the site, is within Flood Zones 2 and 3.

6.0 PROPOSAL

- 6.1 The two applications are duplicates and both seek outline consent with all matters reserved except for principle means of vehicular access, for up to 157 dwellings, public open space, play area, vehicular access off Aston Clinton Road and associated infrastructure. Discussions have taken place with the applicant in respect of 17/04819/AOP regarding highway matters and the indicative layout of the development and subsequently the amount of development was reduced from up to 177 dwellings to up to 157 dwellings. Furthermore the red edge application site was amended to include vehicular access into the adjacent Aston Clinton Road Major Development Area site such that future occupiers of the Westonmead Farm site could use this signalised junction to turn right out of the site towards Aylesbury as well as left towards Aston Clinton and also to make use of the Broughton Road access point. This is the basis that application 19/00619/AOP was submitted and further revised highway information was submitted for both applications. Since then further negotiations have also taken place with the applicant to address open space matters and a revised red edge plan is to be submitted in respect of 17/04819/AOP.
- 6.2 Means of access into the site is to be considered for both applications. The access is located towards the east side of the frontage and vehicles could enter the site from both the Aylesbury and Aston Clinton directions, utilising the existing ghost right-turn lane. When exiting the site vehicles would only be able to turn left out of the site towards Aston Clinton, however, there would also be a vehicular link into the MDA site to the west and vehicles could exit this site in either direction onto the Aston Clinton Road. In addition the MDA site offers an access onto Broughton Lane.
- 6.3 As submitted, the applications are in outline form although indicative layout and parameter plans have been submitted to illustrative how this quantum of development,

which would include the provision of affordable housing, could be delivered on the site and these are discussed later in the report.

- 6.4 As set out above, application 19/00619/APP has been appealed against non-determination by the Local Planning Authority and the Council have been informed that the appeal will be dealt with by way of an informal hearing on 25th September 2019.

7.0 RELEVANT PLANNING HISTORY

- 7.1 77/00839/AV – Erection of covered cattle yard: Approved
- 7.2 84/01734/AV – Proposed agricultural dwelling: Refused
- 7.3 86/02352/AOP – Conversion and extension of existing buildings to form leisure complex of country club in association with business studied conference centre: Approved
- 7.4 88/01783/APP – Proposed country club: Approved
- 7.5 91/00398/APP – Formation of access and realignment of access road to country club: Approved
- 7.6 91/01826/APP – Conference and business studies centre and associated hotel accommodation: Approved
- 7.7 94/00155/APP – Conversion into five dwellings of the redundant agricultural buildings: Refused and dismissed at appeal due to harm on countryside.
- 7.8 94/01859/APP – Conversion of agricultural buildings into five dwellings: Refused, not capable of conversion, adverse impact on residential amenities.

Adjacent site:

16/01040/AOP Woodlands Site: Outline application with means of access (in part) to be considered for up to 102,800 sq m employment (B1/B2/B8), up to 1,100 dwellings (C3), 60 residential extra care units (C2), mixed-use local centre of up to 4,000 sq m (A1/A2/A5/D1), up to 5,700 sq m hotel and Conference Centre (C1), up to 3,500 sq m Leisure facilities (A1/A3/A4), up to 16 ha for sports village and pitches, Athletes Accommodation (10 x 8 bed apartments), and up to 2 ha for a primary school (D1), with a strategic link road connecting with the ELR (N) and the A41 Aston Clinton Road, transport infrastructure, landscape, open space, flood mitigation and drainage – This application has a resolution to grant subject to the completion of a S106 agreement.

8.0 PARISH/TOWN COUNCIL COMMENTS

- 8.1 **Weston Turville Parish Council** – Oppose: The A41 Aston Clinton Road is already extremely busy and subject to congestion regularly. A number of other developments in this area have already been approved and the Parish Council is of the opinion that the Aston Clinton Road/Tring Road artery will be overburdened to an unacceptable degree if all the planning applications are approved. Concerns were also raised about access to/from the site particularly if right turns are permitted on this extremely busy stretch of road.

The existing infrastructure is insufficient to meet the demands of this development. Schools and GP surgeries are already under pressure and although new facilities are proposed by the Hampden Fields development and the adjoining Woodlands development, they will not be open for a number of years.

This current green field site will be surrounded by new development and the council believe this will be an over development of the land which will encourage further development in adjacent fields.

The air quality and noise/disturbance for existing residents along this stretch of road should also be considered before approving yet more housing in this area, which is already subject to a number of major developments.

If AVDC are minded to approve this application, the Parish Council was pleased to note 80% were proposed to be 1-3 bed properties to encourage young families to move into the parish in accordance with the Weston Turville Neighbourhood Plan.

- 8.2 Maintains objections on amended plans. The reduction in housing numbers does not reduce the impact of the development on this area. In addition to our original objection, the site is within the area covered by the newly made Weston Turville Neighbourhood Plan and is outside the defined settlement boundary. The WTNP policy H1 states that no development will be permitted on land outside the settlement boundaries.

- 8.3 **Aston Clinton Parish Council** – Object and will speak at committee.

1. Although this land has been allocated for development under the HEDNA the continuing huge expansion of housing along the Aston Clinton Rd has not been taken into account by the traffic statement. The TRICS data that is being used has been found flawed in the Hampden Fields application and the independent survey carried out by this Parish council established that a 50% plus increase in traffic on the figure quoted for flows after the completion of 629 homes, has already occurred after only circa 100 completions. Although this is flow through the village centre it illustrates the fundamentally incorrect projections that are accepted by Bucks CC Traffic dept. This road will not be able to cope with the increased traffic without the additional movements that will occur as the Eastern link road is completed.

2. These large applications that are not big enough to trigger the provision of either a school or surgery, are compounding the problem of school place provision and increasing pressure on the existing medical provision. This has been pointed out by the Chiltern CCG and BCC education dept. This lack of provision and subsequent increased car use makes the application unsustainable as defined by the NPPF. If this application is approved we would expect the development to contribute to the traffic mitigation proposals for Aston Clinton as supported by BCC traffic dept. This should go as far as to enable funding up to and including zone 5.

- 8.4 Maintains objections on amended plans as although they show a slight reduction in dwelling numbers, there are no improved proposals for the mitigation of the people who will be using the CCG and schooling in the area. Neither has there been any signs of likely contribution towards traffic mitigation and specifically traffic calming through Aston Clinton - the development will inevitably lead to heightened traffic through the village which is already being used as a rat run, particularly at peak times, due to people avoiding queuing traffic on the A41 bypass. Also wish to add support to Weston Turville Parish Council's comments regarding their neighbourhood plan and this application being contrary to policies within that plan.

- 8.5 **Aylesbury Town Council** – Object and confirm that they wish to speak at committee.

Infrastructure and amenities - This application will directly impact on the health and education services as well as the transport network, there is in the vicinity Bedgrove surgery, but given the sheer numbers of developments taking place in this area and the time lag in providing expanded services for new residents this development will damage

access for local residents to those same services, local schools are under similar pressures, until the developments around this application open their schools and GP surgeries then this application will only be a burden on the current facilities.

Transport - The road network in this area of the town has seen significant investment in traffic lights, but is at times extremely congested and lacks resilience if an incident takes place, potentially there are new roads to be built as part of other large developments in the area, but these new roads are some way off and in one significant case planning permission has not yet been granted, the town council is also concerned with the access arrangements to this site, the A41 Tring Road must be allowed to flow better, we fear that a badly arranged access arrangement will further damage the flow into/away from Aylesbury.

Anti social behavior - The housing density in places seems too high, particularly in the centre of the development around the leap looks particularly troublesome, given that this will be a gathering point for the children resident on this development it could become an area of antisocial behavior.

Flooding - The development's location next to the brook is also troubling, given the new Woodlands development adjoining this site which is located on known flood land this development could add to the potential for enhancing flood risk, not just on this site but on other parts of the brook that are so far unaffected by flooding, the section on flooding completely misses this point being entirely focused on flooding risk during construction.

Social Housing - The Town Council fully supports the AVDC housing requirement of 30% of homes available for "affordable housing", these should be truly affordable and not just to purchase but for rent through a suitable housing association, we would also like to endorse the availability for physically disabled people to access these homes.

This application will add yet more homes along this already congested artery for Aylesbury, the application takes no account of its impact on the local services available in the area. This application adds to the burden onto already overstretched services, provides no investment into those services, it takes no account on its effect to the local landscape and its potential to increase flood risk, it is piggybacking onto other developments while providing nothing for the current and future residents.

Support the comment from the AVDC Parks and Recreation regarding ensuring the LEAP must adhere to the AVDC requirements.

9.0 CONSULTATION RESPONSES

9.1 **BCC Highways:** (These comments are based on the information received to date) A total of 4 pedestrian and cycle access points are proposed, including two western access points that link the site to the MDA. A 3m wide footway/cycleway will be located within the site and connect with the footway / cycleway in the MDA site and a 3m wide footway/cycleway across the site frontage on the northern side of the A41 would be provided which will provide a further incremental benefit to footway/cycleway provision in the town.

As part of the development it is proposed to relocate the westbound bus stop and the eastbound stop will remain in its current location. Although some of the dwellings are not within 400 metres walking distance from the eastbound bus stop, the vast majority are, and all dwellings are within 400 metres of the westbound bus stop. The distances to the bus stops are therefore considered acceptable on balance.

The site access is restricted to left out only, but allows all movements in, with a right turn out movement prevented by a central splitter island. This is necessary given the difficulty

that the applicants have had in achieving acceptable junction operation with an all movements junction in this location. Right turning development traffic out of the site will need to travel through the adjacent MDA site to the MDA / New Road / A41 signalised junction. There will need to be a condition or S106 obligation that requires the access through the MDA site to be provided before the commencement of any development on site.

The proposed development is expected to generate in the region of 90 two-way vehicle movements during the AM peak period and 101 two-way vehicle movements during the PM peak period. This is an increase in traffic of 2.9% on the A41 in the vicinity of the site in the AM peak hour and 3.2% in the PM peak hour. Of these 90 two-way movements in the AM peak hour, a total of 42 two-way movements will travel towards the town centre through the Bedgrove junction, which represents a percentage increase along the A41 of 1.3% based on the 2034 strategic model data. In the PM peak hour, 47 two-way movements will travel through the Bedgrove junction, which represents a percentage increase of only 1.5% based on 2034 strategic model data.

The A41 Linked Signal Controlled Junctions with Bedgrove, Broughton Lane, New Road and the MDA site have been modelled using the proposed Hampden Fields improvements in the Do Cumulative Scenarios. Based on the modelling provided, BCC were satisfied over most of the junction links that the impact of the proposed development was small in terms of changes to traffic volume and queueing. BCC were concerned, however, about the proposed increase in queuing on the A41 eastbound arm at the New Road junction in the AM peak hour (24 PCUs) and it was explained that mitigation would be required at the merge. Revised plans have been received showing the widening of the A41 on both the eastbound and westbound carriageways to provide an extended section of dual carriageway in both directions across the full site frontage to connect to the two lane approach to and exit from the traffic signal junction of the A41 with New Road and showing that a sufficient distance is provided to ensure the new merge does not affect the A41 / New Road / MDA junction and encourage the use of both lanes at the junction, reducing congestion and delay. Appropriate signage will be available to make motorists aware of the road layout. It is therefore considered that the proposed layout is adequate and not likely to lead to an increased risk of rear-shunt type collisions.

In terms of funding the works could be initially funded in full by the proposed development but if the Cala Homes scheme, located opposite the development site south of the A41, is granted consent and implemented before the works are implemented, then a contribution to the works could be made. If the Cala Homes scheme is not granted consent or is not implemented before the works are implemented, then a contribution could still be made as a "clawback" provision towards the works. BCC consider this an adequate financial arrangement.

Mindful of the above, BCC have no objection to the proposed development subject to conditions/Informatives and S106 Obligations being included on any planning consent. S106 Obligations to include:

- A Full Travel Plan and Travel Plan review
- Offsite works subject to a highway works delivery programme, that includes the extended section of A41 dual carriageway and the provision of an extended Footway/Cycleway on the northern side of the A41, along with a relocated bus stop
- Bus Stop RTP1 provision contribution

- A restriction on commencement of development until the access connection between the site and the A41 signals through the adjacent MDA site has been laid out and constructed in accordance with details to be first approved in writing.
- 9.2 **Landscape Officer** - Having considered the submitted LVIA the Landscape Officer concludes that there is broad agreement with level of harm to the landscape. However it is disagreed that the proposed development would give rise to only 'Moderate' effects on the site itself since the proposed development would permanently and irrevocably change the site to the extent that these effects would more reasonably be described as being 'Major adverse' to the site itself. Nonetheless the LVIA acknowledges that the effect on the site would be significantly adverse in any case. On this basis, it is agreed that the conclusions set out in the LVIA represent a reasonable basis upon which to reach conclusions.
- 9.3 **Parks and Recreation** – Sufficient open space is being provided on site. The LEAP should adhere to standards and buffer distances to dwellings and should achieve a Good RoSPA rating.
- 9.4 **Recycling and Waste** – Guidance should be sought from AVDC Officers and website.
- 9.5 **Historic England** – Following submission of a supplementary statement covering the scheduled monument (moated site) 400m from the application site it is advised that the harm to the monument will be minor, rather than negligible as stated in the revised assessment. Historic England are satisfied that cultivation earthworks do not extend into the setting in such a way that they contribute to the setting of the monument. The contribution of the site to the setting is therefore limited to its illustrative value. Historic England does not object to this development on heritage grounds.
- 9.6 **BCC Archaeology** - The proposed development is unlikely to have significant archaeological implications and no further archaeological work on this site will be required.
- 9.7 **Heritage** – The principle of development on this site would not cause harm and would preserve the setting of the listed buildings. Therefore the proposal would accord with section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the heritage aspects of the NPPF.
- 9.8 **BCC SUDS** - Surface water flood risk: Three dwellings lie in an area at low risk of surface water flooding. The FRA (Flood Risk Assessment) proposes that finished floor levels for these dwellings will be raised 150mm above the surface water flood level. In relation to the surface water flood risk associated with the attenuation basin in the open space area, the FRA shows that this has been re-located outside of the area shown as medium surface water flood risk (meaning that each year this area has a chance of flooding of between 3.3% and 1%).
- Drainage strategy: The revised FRA proposes to use an impermeable liner to prevent groundwater ingress to the basin. Currently, all infiltration devices have been removed from the drainage scheme. The FRA indicates that infiltration may be possible in the southern area of the site subject to further testing and monitoring and BCC agree that this approach should be explored.

Calculations: In relation to the attenuation calculations, the drainage scheme is using permeable paving, attenuation basin and oversized pipes, which equates to the required attenuation storage suggested within the FRA.

Water quality assessment: This shows that where runoff from the development passes through both the permeable paving and the basin there is adequate treatment. To provide additional treatment where the runoff flows through the basin only, this feature will incorporate a treatment channel which will be planted with reed beds. In addition, there may be opportunities to incorporate additional sustainable drainage components such as a swale and/or bio-retention system prior to runoff discharging into the basin.

BCC SuDS have confirmed no objections subject to conditions to secure approval of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development and a whole life maintenance scheme for the SuDS scheme.

- 9.9 **Clinical Commissioning Group** - The Westongrove Partnership will have to contend with considerable housing growth from other developments in the area which collectively, will pose a real challenge to this practice in terms of infrastructure (capacity versus demand for appointments, car parking and infrastructure such as more consulting space and larger/additional waiting areas). The impact of smaller developments is harder to evidence in terms of healthcare provision particularly as development often takes place piecemeal. However, the effects can be significant, particularly on a practice that is used to catering for small village communities. It is unlikely that any of these smaller scale developments would be large enough to generate a new build and therefore it is anticipated that there might be a requirement for modification to existing infrastructure and a contribution from the developer towards these additional costs would be expected.
- 9.10 **BCC Education** - A financial contribution to expand primary and secondary schools in the planning area to accommodate the above development would be required. Secondary schools are currently at capacity and estimated pupil growth from over 8000 homes with outstanding permission is projected to put significant increased pressure on secondary schools, with a significant deficit of places projected. Primary schools are also at capacity and there are plans to expand existing schools in the area to accommodate increased demand from additional housing growth.
- 9.11 **Biodiversity** – With regard to 17/04819/AOP there were objections as there were conflicts between information in the ecological assessment and the illustrative plans and no details of proposed dimensions or ecological management for the buffer zones had been provided. A coordinated draft Landscape and Ecological Management Plan for the site to provide confidence that a net gain for ecology can be delivered was considered to be required. These comments were provided prior to the revision of the NPPF and as part of the discussions on 19/00619/AOP further information was provided. Biodiversity Officers advised that evidence that the development provides a net gain to biodiversity is still required and this should be done using a Biodiversity Impact Assessment calculator. The Habitat Impact Assessment (HIA) undertaken shows that the scheme presents a loss of 10.10 biodiversity units equating to a 48.75% biodiversity loss and the applicant will therefore need to demonstrate how the development provides the net gains in biodiversity.
- 9.12 **Housing** - In order to be policy compliant schemes of 25 units or over (or 1ha or more) are currently required to have a minimum of 30% affordable housing unless the

Neighbourhood Plan indicates a greater percentage. The units should be reflective of the overall housing mix whilst also taking in to account the local needs of the district. A tenure mix of 75% rented and 25% shared ownership should be secured. The latest Bucks Housing & Economic Development Needs Assessment shows a need for more affordable units to be accessible and adaptable and unit sizes should also be broadly in line with the Nationally Described Space Standards. The affordable units should be indistinguishable from market housing and well distributed throughout the whole site.

9.13 **Bucks NHS Trust** have requested a contribution towards hospital services. The Trust has identified the following:-

A development of 157 dwellings equates to 394 new residents. Using existing 2017/18 demographic data as detailed in the calculations in Appendix 2 will generate 537 acute interventions over the period of 12 months This comprises additional interventions by point of delivery for:

- 96 A&E attendances based on 24.28% of the population requiring an attendance
- 4 Elective inpatient admissions based on 1.13% of the population requiring an admission
- 37 Day-case admissions based on 9.42% of the population requiring an admission
- 46 Emergency admissions based on 11.79% of the population requiring an admission
- 353 Outpatient admissions based on 0.8969% of admissions per head of population
- 469 Community episodes based on the average number of Community episodes per head of population Support services (Radiology inc Diagnostic Imaging and Pathology services) and other healthcare services (breast and cervical screening, Cancer MDTs, Palliative Care, MSK, patient transport, homecare drugs, community midwifery) are based on average cost per head of the population of providing these services.

Total admissions: For the total acute admissions, representing 1.36 average acute admission per population of the residents. For the total community admissions, representing 1.19 average community admission per population of the residents.

Formula: Development Population x % Development Activity Rate per head of Population x Cost per Activity = Developer Contribution 29.

As a consequence of the above and due to the payment mechanisms and constitutional and regulatory requirements the Trust is subject to, it is necessary that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development. The Trust will not receive the full funding required to meet the healthcare demand due to the way contracts are negotiated based on previous year's performance and there is no mechanism for the Trust to recover these costs retrospectively in subsequent years as explained.

Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area. Therefore the contribution required for this proposed development of 157 dwellings is £295,926.00. This contribution will be used directly to provide additional health care services to meet patient demand. The contribution requested is based on these formulae/calculations, and by that means ensures that the request for the relevant landowner or developer to contribute towards the cost of health care provision is directly related to the development proposals and is

fairly and reasonably related in scale and kind. Without the contribution being paid the development would not be acceptable in planning terms because the consequence would be inadequate healthcare services available to support it, also it would adversely impact on the delivery of healthcare not only for the development but for others in the Trust's area.

10.0 REPRESENTATIONS

10.1 17/04819/AOP - 38 objections/comments received:

- Coalescence with Aston Clinton
- Unsustainable site
- Loss of agricultural land
- Dwellings should be carbon neutral
- Increase air pollution and negative impact on air quality
- Adverse impact on residential amenity: overshadowing, overlooking, overbearing
- Unacceptable traffic generation and highway safety,
- There should be direct link to Woodlands development to north. The lack of connection to the ELR and delivery of the ELR
- Suggested realignment of the ELR as an alternative route to have a lower impact on flood zone 3 and opportunity for a development at this site to have another ingress/egress.
- inadequate highway assessment and residual severe impact on an already congested A41.
- Inadequate access arrangements
- No safe cycle routes and reliance on car for access to nearest train station
- BCC have failed to manage and resolve construction traffic issues and development will make this worse
- Road will be gridlocked, highway solutions will not alleviate problems
- Rat running through Broughton Lane and surrounding roads
- Reduction in numbers does not overcome concerns, the density higher than the HELAA
- Contrary to development plan and emerging VALP
- Concern about future development of field to north
- Impact on heritage assets
- Level of land should be reduced
- Insufficient amenities and facilities to serve development: schools hospitals, doctors, shops, parking, jobs
- Cumulative impacts of development and requirement for an individual site of 700+ requires a school and surgery.
- In the absence of the S106 for HF and W infrastructure should not be assumed to be in place to provide relief. Can't rely on Woodlands and Hampden Fields coming forward
- Already have sufficient housing
- Increased vibrations to property and construction would make this worse
- Further traffic will make it unsafe to cycle into Aylesbury
- Increased flood risk. Flood risk is inadequately addresses and mitigated.
- Loss of greenfield site
- Adverse impact on countryside
- Adverse impact on wildlife and habitats, net biodiversity loss
- Overdevelopment of site

- Need to look at development for whole of area

- 10.2 19/00619/AOP – 3 objections received:
- Adverse impact on residential amenity
 - Unacceptable increased traffic generation
 - Road system will not cope
 - Unacceptable density

11.0 EVALUATION

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

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

Neighbourhood Plan

- 11.1 On 8th August 2018 it was agreed to ‘make’ the Weston Turville Neighbourhood Plan (WTNP), following a referendum where more than half of those voting voted in favour of the Plan. The WTNP covers the period 2013-2033 and is now part of the Development Plan.
- 11.2 Policy H1 of the WTNP designates the settlement boundary for the three areas of Weston Turville (Aston Clinton Road, Wendover Road and Hampden Hall and lastly Weston Turville Village) for the purpose of enabling development within the boundary and directing the physical growth of the settlements over the plan period. Policy H1 states that development proposals for small scale development of up to 12 houses within the defined settlement boundaries of Weston Turville will be supported, provided the proposals meet the other policies of this Neighbourhood Plan and Aylesbury Vale Local Plan. Development proposals (other than for rural housing exception schemes, or development as part of the growth of Aylesbury as defined in the emerging Vale of Aylesbury Local Plan), will not be permitted on land outside the Settlement Boundaries unless a number of criteria are met.
- 11.3 Other relevant WTNP policies include Policy H2: Development Design in the Neighbourhood Area, Policy H4: Housing Mix and Tenure (inc 25% affordable), Policy T1: Improvements to road safety and ease traffic congestion, Policy T2: Strategy for improving pedestrian and cycle connections within the Parish and to surrounding area, Policy T3: Encourage better planning of public transport, Policy E3: Biodiversity (inc net gain), Policy HE1: Improvements to Health facilities by contributions from developers of new housing or employment schemes and Policy HE2: Access to Education provision.

Aylesbury Vale District Local Plan (AVDLP)

- 11.4 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. As these are related to infill and rounding off of a settlement they are not regarded as relevant in this instance.

- 11.5 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, 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.
- 11.6 The western half of the application site lies within a larger site allocated as AY15 in AVDLP which also includes the remainder of the Aston Clinton Road MDA site. Policy AY15 states that proposals for development at Aston Clinton Road (as defined on the Proposals Map) will only be permitted where it conforms with a comprehensive scheme for the site as required by AY.12 which relates to planning briefs. The Aylesbury Development Brief (January 2008) is also referenced under Policy AY12 of the adopted Local Plan. No development should extend beyond the MDA boundary. Policy AY15 requires development of the site to include a number of principles which have been secured under the outline permission including within the conditions and the completed S106 Agreement. Whilst the application site for 17/04819/AOP and 19/00619/AOP extends beyond the MDA site allocated under Policy AY.15, it is not considered that this would or has frustrated the development of the MDA allocation, since the outline approval has already been granted and reserved matters are under consideration, and indeed the larger site has been allocated within the emerging local plan as discussed below.

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

- 11.7 The overview report sets out the current position with regards to VALP.
- 11.8 In terms of the part of the AGT3 allocation comprising Westonmead Farm, as part of the suggested Modifications the Council have amended the quantum of development up from 60 dwellings to 157 dwellings. This modification was made as a result of:
- The submission of the planning applications on this site which demonstrate that in principle for the purposes of the VALP, that this level of housing on the site could be adequately accommodated without adversely affecting the character of the area or representing an overdevelopment of the site, subject to the full assessment of all of the material considerations for the planning applications;
 - Also a changed context in the land to the north of Westonmead Farm which will (following the resolution to grant planning permission for the 'Woodlands' development) in the future be more urban rather than the present open countryside;
 - Consideration that the site at 157 homes could still comply with the VALP site allocation and wider policy requirements for the site;
 - The council is confident, with increasing the housing numbers on the site that it is still possible to contain the site and not expand built development over the northern parcel which needs to be retained on landscape grounds and to add to the Aylesbury Linear Park;

- There are also no major concerns to 157 homes on highways grounds with the access configuration to include access/egress from the Aston Clinton Road MDA site and with traffic increases are kept to acceptable levels with links operating within capacity for the higher housing figure.

11.9 The allocation for AGT3, Aylesbury North of A41 includes Woodlands, Manor Farm, Westonmead Farm and College Farm and following the suggested modifications it anticipates 1757 dwellings on the 11.5ha site of Westonmead Farm. The key development and land use requirements set out in Policy AGT3 are now as follows:

- Around 102,800 sqm of employment land (B1 (25,600sqm), B2 (44,400 sqm) and B8 (32,800 sqm))
- Around 1,757 dwellings (including custom and self build units)
- 60 residential extra care units (Use Class C2)
- Mixed use local centre of around 4,000 sqm (Use Classes A1, A2, A5 and D1)
- Strategic link road connecting with the ELR (N) and the A41 Aston Clinton Road within five years of the development commencing
- Strategic flood defences
- Around 5,000 sqm hotel and conference centre (Use Class C1)
- A local centre
- Around 16ha for sports village and pitches
- Athletes' accommodation
- Around 2ha for a two-form entry primary school (D1)
- Open space totalling 0.2ha play areas, 74.2ha informal open spaces, 16.7ha formal open spaces, 1.2ha allotments/community orchards, and 5.5ha woodland area
- Landscape buffers and ecological mitigation
- Flood mitigation and drainage including sustainable drainage systems (SuDS)
- Cycling and walking link

11.10 For Members information, the application site is identified within the HELAA, a background document to the emerging VALP, as WTV017 which has a site area of 11.5ha indicated and with a capacity of 120 dwellings or 500Sq m economic development. The site assessment notes that the site is part suitable, the southern part is suitable for housing or employment uses provided it comes forward as part of a comprehensive scheme linked with WTV016, the Aston Clinton Road MDA site. It goes on to say that the site is suitable for a park and ride facility and that it is comprised of semi-improved grassland starting to scrub over with a hedge on the boundary which should be retained for biodiversity value.

Principle of development

- 11.11 Policy H1 of the WTNP, as discussed above, designates a settlement boundary and that for development proposals (other than for rural housing exception schemes, or development as part of the growth of Aylesbury as defined in the emerging Vale of Aylesbury Local Plan), will not be permitted on land outside the settlement boundaries unless a number of criteria are met. In this instance, the proposed development would be outside of the settlement boundary for Aston Clinton Road but it does lie within an allocated site, AGT3: Aylesbury north of A41, within the emerging VALP. As such there would not be a conflict with the Neighbourhood Plan, in terms of the principle of development
- 11.12 Furthermore, AVDC is able to demonstrate an up to date housing land supply figure in excess of 5 years. Policy H1 of the WTNP (as well as others discussed later in the report), is up to date and aligns with the NPPF, thus this policy is afforded full weight.
- 11.13 It is considered that there is not a fundamental principle objection to the development of this site and the following sections of the report go on to discuss sustainable development and whether there are any material considerations which would justify a decision other than in accordance with the Development Plan, including an assessment against other relevant WTNP policies.

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

- 11.14 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.
- ***Sustainable location***
- 11.15 In respect of the location of the site and transport sustainability, the site is located on one of the strategic highway networks serving the District and there is access to nearby bus stops with bus routes serving Aylesbury, Wendover, Tring, Ivinghoe, Cheddington, Winslow and Buckingham. The train station is 3.5km from the site. Several other developments have been supported in the locality and it is considered that this site is also sustainably located having regard to these. Furthermore the site is recognised in VALP (part), the WTNP and the emerging VALP as being a sustainable location for development.
- 11.16 Aylesbury was given "Garden Town" status in January 2017 as the focus of the majority of the growth for the Vale. The vision for Aylesbury Garden Town builds on the principles of sustainable development with the delivery of high quality new homes, new jobs, new transport improvements, and community infrastructure, open space and recreation.
- 11.17 The vision for Aylesbury Garden Town (AGT) is set around the principles of being a flourishing settlement that offers the best of town and country living, where growth in housing and jobs go hand in hand and create opportunities for the small and medium size builders and custom build developers to create an offering that meets the needs of our growing community. By 2033, the AGT will have grown significantly by reusing

previously-developed sites and by developing a well designed, connected, safe and integrated series of urban extensions (including this site), creating a well connected network of thriving, vibrant communities. It would be an inclusive, innovative and forward looking modern county town that meets the needs and aspirations of existing and new residents, businesses and visitors. Aylesbury will be a key hub, a place to visit, with public transport and interchange offering a diverse choice of travel modes, and a recognised centre for investment and growth providing new jobs and opportunities for all.

11.18 As set out later in the report the County Highway Authority are requesting that the S106 includes a full travel plan, extended footway and cycleway on the northern side of the A41, to relocate the westbound bus stop and make financial contributions towards upgrading the bus stops in the vicinity of the site. It is considered that these measures would enhance the existing locational sustainability of the site further.

- ***Build a strong competitive economy***

11.19 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.

11.20 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 represent a significant benefit.

- ***Delivering a sufficient supply of homes***

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

11.22 Based on the findings of the HEDNA, the housing land supply document shows Aylesbury Vale District Council to currently have a 5.64 year supply.

- 11.23 This site could assist towards providing a range of sizes, types and tenure of housing and the application indicates that a range of one to five bedroom properties would form part of the development and that these would be catered for in a mix of detached, semi-detached and terraced properties and also three-storey apartments.
- 11.24 In terms of affordable housing, the application does not specify an amount but states that it will be considered as part of comprehensive discussions relevant to the S106 contributions. Policy H4 of the WTNP seeks the provision of 25% affordable homes or in line with ADVC policy whichever is the greater. The Authority would normally look to secure 30% affordable housing in line with the position statement on affordable housing and Officers would look to achieve this in any S106 negotiations. The Council's Affordable Housing Officer has advised that the units should be reflective of the overall housing mix whilst also taking into account the local needs of the District where there is currently a greater need for 2 bed 4 person and 3 bed 5 and 6 person houses, slightly less for 1 bed 2 person and 4 bed 7 to 8 person houses. Policy H4 of the WTNP also requires that the affordable housing is integrated with the whole development and reflective of the most up to date assessment of housing needs. Furthermore some of the units should be designed to be accessible to those with limited mobility. The Council's Affordable Housing Officer has also stated that the HEDNA shows a need for more affordable units to be accessible and adaptable. In addition the affordable homes should be indistinguishable from the market housing and they should be spread throughout the site and not unduly clustered, providing a tenure mix of 75% rented and 25% shared ownership. These matters would be negotiated and secured as part of the S106 and on this basis the development would accord with the Development Plan policy and the NPPF in this regard.
- 11.25 There is no reason that the site could not be delivered within the next five year period making a contribution to housing land supply, including a contribution to affordable housing, which would both represent a significant public benefit.

- ***Promoting sustainable transport***

- 11.26 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.
- 11.27 WTNP Policy T1 states that development proposals should demonstrate that they can deliver appropriate site access and traffic mitigation through agreement with the Highways and Planning Authorities to minimise adverse effects on the local traffic network. Development contributions will be sought to pay for highway mitigation. Policy

T2: Strategy for improving pedestrian and cycle connections within the Parish and to surrounding area, states that proposals must demonstrate how existing sustainable transport links can be accessed on the site and where necessary secure improvements to ensure safe access for pedestrians and cyclists. Policy T3: Encourage better planning of public transport, of the WTNP states that where proposals are likely to have a significant impact on the local highway network a sustainable transport strategy will be required and developments must secure improvements to ensure sustainable transport connections are incorporated into the scheme. Furthermore new developments should be proximate to a bus stop and linked to that stop by a footpath.

Sustainable access

- 11.28 A total of four pedestrian and cycle access points are proposed, including two western access points that link the site to the MDA. A 3m wide footway/cycleway will be located within the site and connect with the footway / cycleway in the MDA site. A 3m wide footway/cycleway is proposed across the site frontage on the northern side of the A41, extending from the MDA site frontage to the west and along the Weston mead Farm frontage terminating outside 105 Aston Clinton Road. This footway/cycleway improvement provides a further incremental benefit to footway/cycleway provision in the town.

Public transport

- 11.29 As part of the development it is proposed to relocate the westbound bus stop further to the east of the junction of New Road/Aston Clinton Road access. The eastbound stop will remain in its current location, approximately 300m to the west of the site (around 3-4 minute walk). The westbound bus stop is 420m (around a 5 minute walk) with pedestrians accessing this by the controlled crossing that forms part of the traffic signalled controlled access to the MDA site. Although some of the dwellings are not within 400 metres walking distance from the eastbound bus stop, the vast majority are, and all dwellings are within 400 metres of the westbound bus stop. Moving the bus stop further east would disadvantage the residents from the proposed MDA site. The distances to the bus stops are therefore considered acceptable.

Site Access

- 11.30 The access into the site is a matter for determination as part of these outline applications. The site access is restricted to left out only but allows all movements in, with a right turn out movement prevented by a central splitter island. This is necessary given the difficulty that the applicants have had in achieving acceptable junction operation with an all movements junction in this location. Right turning development traffic out of the site will need to travel through the adjacent MDA site to the MDA / New Road / A41 signalised junction. A copy of the Deed of Grant, which seeks to secure a vehicular right of way over the MDA site for the Weston mead development has been provided and considered by both the County and District Council's. This is fundamental to the acceptability of the development and there will need to be a condition that requires the access through the MDA site to be provided before the commencement of any development on site.

Traffic Generation

- 11.31 The proposed development is expected to generate in the region of 90 two-way vehicle movements during the AM peak period and 101 two-way vehicle movements during the PM peak period. This is an increase in traffic of 2.9% on the A41 in the vicinity of the site in the AM peak hour and 3.2% in the PM peak hour. Of these 90 two-way movements in the AM peak hour, a total of 42 two-way movements will travel towards the town centre through the Bedgrove junction, which represents a percentage increase along the A41 of 1.3% based on the 2034 strategic model data. In the PM peak hour, 47 two-way movements will travel through the Bedgrove junction, which represents a percentage increase of only 1.5% based on 2034 strategic model data.

Bedgrove Junction

- 11.32 The A41 Linked Signal Controlled Junctions with Bedgrove, Broughton Lane, New Road and the MDA site have been modelled using the proposed Hampden Fields improvements in the Do Cumulative Scenarios, this includes the diversion of Tring Road (service road) arm of the junction from A41 to Broughton Lane. Based on the modelling provided, BCC were satisfied over most of the junction links that the impact of the proposed development was small in terms of changes to traffic volume and queueing. BCC were concerned, however, about the proposed increase in queuing on the A41 eastbound arm at the New Road junction in the AM peak hour (24 passenger car units (PCUs)). It is their view that the eastbound queueing is influenced by the short merge, located 100 metres east of the junction, which forms a bottleneck for vehicles exiting the junction. This is confirmed by the VISSIM model prepared for the area for planning application 18/02495/APP, Land South of Aston Clinton Road. The VISSIM model shows a bottleneck at the merge which affects the eastbound queueing at busy times and also affects lane usage, as demonstrated by the unequal queues in the nearside and offside eastbound ahead lanes. The offside lane in the AM peak experiences an increase in queueing of 24 PCUs but the nearside lane experiences a reduction in queueing. Overall, queueing levels in these two lanes are 12.5 and 33.7 PCUs in the AM which clearly shows unequal usage. BCC therefore explained that mitigation would be required at the merge. The two lane exit could be extended along the site frontage, thereby moving the merge further away from the junction and reducing the bottleneck effect on the exit from the junction which has an impact on lane usage. A response provided by the Applicant's highway consultants, Vectos, includes a new drawing showing the widening of the A41 on both the eastbound and westbound carriageways to provide an extended section of dual carriageway in both directions across the full site frontage to connect to the two lane approach to and exit from the traffic signal junction of the A41 with New Road. The location of the new merge is adjacent to 101 Aston Clinton Road, approximately 320m east of the existing merge. This would provide a sufficient distance to ensure the merge does not affect the A41 / New Road / MDA junction and encourage the use of both lanes at the junction, reducing congestion and delay.
- 11.33 A Stage 1 Road Safety Audit was conducted on the proposed layout. There was one major comment on the proposed layout; this related to the proximity of the site access junction to the merging traffic lane to the east of the site access. The RSA states "Two lanes of eastbound traffic merge into one lane to the east of the site access junction. This could result in rear-shunt type collisions for vehicles egressing the priority junction and not anticipating vehicles braking ahead of them as they merge into one lane." The Vectos response explained that moving the merge further to the east would mean that it

would be in a location where there is direct frontage access to the houses on the A41 and would be adjacent to the parallel parking bay. This could increase the potential for collisions, as there would be vehicles making a variety of movements in the same location as the merge. The nearside lane in to which development traffic would enter will be designed as the priority ahead lane and traffic would need to merge in from the offside lane. Appropriate signage will be available to make motorists aware of the road layout. It is therefore considered that the proposed layout is adequate and not likely to lead to an increased risk of rear-shunt type collisions.

11.34 The Vectos response further explains how the proposed layout could be financed. The works could be initially funded in full by the proposed development. If the Cala Homes scheme, located opposite the development site south of the A41, is granted consent and implemented before the works are implemented, then a contribution to the works could be made. If the Cala Homes scheme is not granted consent or is not implemented before the works are implemented, then a contribution could still be made as a "clawback" provision towards the works. BCC consider this an adequate financial arrangement although the exact mechanism for the clawback will need further consideration and would need securing in a S106.

11.35 In response to representations received there are a number of specific points to address:

- **Rat running** :Members have previously been made aware of provisions in the draft S106 Agreements for Hampden Fields and Woodlands that provides for a review of the use of Broughton Lane once the Eastern Link Road (S) (Woodlands) and Southern Link Road (Hampden Fields) have been open to traffic. The purpose of the review is to carry out a study of the use of Broughton Lane and if rat running continues to be an issue to design and implement measures to further discourage its use. Such measures include additional traffic calming or severance.

It is anticipated that once the Eastern Link Road and Southern Link Road are open that they will provide a more suitable and more attractive route for traffic than Broughton Lane.

There is no evidence that significant issues with rat running through Aston Clinton would occur.

- **Delivery of the link roads and other improvements and reliance on other developments:** The Council is still seeking to ensure that the Link Roads are delivered by the end of 2021 and this as drafted in to the S106 Agreements for Hampden Fields and Woodlands. Construction of the Eastern link Road North through Kingsbrook is programmed to commence this summer.

The Hampden Fields package of improvements includes a new A41 Linked Signal Controlled Junctions with Bedgrove, Broughton Lane, New Road and the MDA. It has been made clear during the consultation with the applicant's transport consultant that any junction mitigation works to the Bedgrove /Broughton Lane junction should be consistent with the mitigation measures agreed with Hampden Fields and Woodlands. The assessment of the proposed development includes the consideration of these improvements and the results demonstrate that the additional trips from the proposed development would not have a severe impact on these junctions.

The applicant proposed that the development makes a contribution to the works in line with its impacts at this junction. The traffic associated with Weston Mead Farm is 21% of the consented MDA in the AM peak and 22% in the PM peak. Using 22% as the higher figure, the contribution associated with the proposed development of Weston Mead Farm on a pro rata basis using traffic impacts would be £82,500 (22% of £370,000). This contribution is considered acceptable and has been included in the S106 obligation.

It is proposed to investigate and implement as appropriate additional measures to discourage the use of Broughton Lane, once an alternative route is available via the Link Road network. This infrastructure is provided by Hampden Fields and Woodlands and as such it would not be appropriate to require Westonmead Farm to be implement such measures without the link roads.

- **Cumulative effect on the A41: the following table sets out the trips:**

	AM Peak			PM Peak		
	In	Out	Combined	In	Out	Combined
Trip Rate	0.145	0.428	0.573	0.414	0.232	0.646
Trips	26	76	101	73	41	114

- 57% Eastbound via the Weston Mead Road site access; and
- 43% Westbound via the Aston Clinton Road signalised junction.

The A41 Linked Signal Controlled Junctions of Bedgrove, Broughton Lane, New Road and the MDA were modelled. The site access junction itself was also modelled. A percentage impact was calculated on the A41/ Aylesbury Road junction. Based on the development trips and the peak hour flows on the A41, there would be an increase of 2% in eastbound traffic through to the Woodlands roundabout in the AM peak hour and 1% westbound towards the town centre. In the PM peak hour, the additional development traffic would increase traffic by 2.5% eastbound towards the Woodlands Roundabout and 1.3% westbound. It was concluded that, based on these small percentage increases, modelling of this junction was not required.

The percentage impact on the A41 west of the site was even less, 1.3% in the AM peak hour compared to 2034 flows and 1.5% in the PM peak hour. It was therefore considered that further modelling beyond the Broughton Lane junction could not be insisted on.

All committed development has been taken into account in the consideration of this development.

- **Speed on the A41 when link roads are in place:** The speed limit on the A41 between the A41/ Aylesbury Road junction and the New Road junction is 40mph. Direct access and egress onto a road with a 40mph speed limit is a common situation. If speeds exceed 40mph this will be an enforcement issue and is not a

planning reason for refusing planning consent. The presence of the signal controlled junction also has an influence on vehicle speed.

- **Access adequate:** The ghost island at the site access is designed to cope with traffic turning into the site. The right turning queue is shown to be small in the capacity analysis. This ghost island is 58m long and can accommodate 9 cars which is shown to be significantly greater than any queue. A left out only access is proposed so development does not have to find gaps in eastbound and westbound traffic simultaneously.
- **Links to the ELR:** The ELR is outside the application boundary and is separated from the ELR by a field beyond which is the proposed Woodlands development which indicates separation by open space, sports facilities and flood mitigation area within the Woodlands development. The reconfiguration of the ELR is not a matter for consideration in this application.
- **Contribution to traffic mitigation proposals for Aston Clinton:** The site is located within walking distance of primary school and other facilities and the neighbouring land of the MDA site will include a local centre.

11.36 Mindful of the above, BCC have no objection to the proposed development subject to conditions/Informatives and S106 Obligations being included on any planning consent. The S106 Obligations to include:

- A Full Travel Plan and Travel Plan review
- Offsite works subject to a highway works delivery programme, that includes the extended section of A41 dual carriageway and the provision of an extended Footway/Cycleway on the northern side of the A41, along with a relocated bus stop all as shown in principal on drawing 162556/A/10 Rev C.
- Bus Stop RTPI provision contribution
- A restriction on commencement of development until the access connection between the site and the A41 signals through the adjacent MDA site has been laid out and constructed in accordance with details to be first approved in writing.

Parking provision

11.37 In respect of car parking provision, Policy H2:Development Design in the Neighbourhood Area of the WTNP requires that provision is made for off-street parking in accordance with the adopted standards unless a clear case can be made for why fewer spaces would be required. Furthermore any car parking spaces should be finished in permeable surfacing to allow for rainwater absorption and to maintain a rural character to the street scene. Policy GP24 of the AVDLP requires car parking provision to be available in accordance with the SPG on Car Parking Guidelines.

11.38 As discussed above, this is considered to be a sustainable location for development and future occupiers will have access to public transport and walking/cycling links. Layout is not a matter for consideration at this stage, however at the detailed stage it will be important to ensure that sufficient on-site car parking provision is made to ensure that adherence is had to the requirements of the WTNP and AVDLP in this regard. In addition the provision of secure cycle stores and ability for the development to have electric vehicle charging points will be considered.

Transport conclusions

11.39 Overall it is considered that the development would accord with the aims of Policies T1, T2, T3 and H2 of the WTNP, the SPG on car parking, Policy GP24 of the AVDLP and with the NPPF and that it could be implemented without harm to highway safety and convenience and that it would not have a severe impact on the operation of junctions and that sufficient parking can be provided.

- **Conserving and enhancing the natural environment**

Landscape

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

11.41 Policy H2: Development Design in the Neighbourhood Area of the WTNP requires development to reflect the character and scale of surrounding buildings and distinctive local landscape features. It should retain and enhance natural boundaries, including hedgerow and water courses which contribute to visual amenity or are important for their ecological value and a net biodiversity gain should be gained for the Parish. Policy T2: Strategy for improving pedestrian and cycle connections within the Parish and to surrounding area of the WTNP, states that proposals must demonstrate how existing sustainable transport links can be accessed on the site and where necessary secure improvements to ensure safe access for pedestrians and cyclists. Policy C3: Public rights of way of the WTNP requires proposals to provide and enhance existing networks of footpaths, cycle paths and bridleways and to enhance public access to rural open spaces.

11.42 Within the AVDLP, Policy GP.35 requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. Policy GP.38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible. Policy GP.84 states that for development affecting a public right of way the Council will have regard to the convenience, amenity and public enjoyment of the route and the desirability of its retention or improvement for users, including people with disabilities. The following sections of the report consider the proposal in terms of impact on rights of way, landscape, agricultural land, trees and hedgerows and biodiversity and contamination.

11.43 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) (dated November 2017) as part of the Environmental Statement which has been carried out in accordance with the relevant guidance (GLVIA3 2013). This concludes that the

development proposed would result in locally 'Moderate adverse' landscape character impacts (which would diminish with distance) and 'Major adverse' visual impacts on residents adjacent to the site and 'Moderate adverse' visual effects on walkers and residents within the wider area upon completion of the proposed development. After the proposed planting has matured the LVIA concludes that the proposed landscape character impacts would remain essentially unchanged on the site and its immediate setting, whilst the visual impacts would reduce to no worse than 'Moderate adverse' in the vicinity of the site.

- 11.44 The eastern parts of the MDA have outline consent for up to 400 dwellings, whilst to the north and south the major development areas of Hampden Fields and Woodlands have resolution to grant approval (subject to section 106) for 2400 and 1100 dwellings respectively. Other sites to the immediate south have consent for varying numbers of dwellings that will largely fill the gap between the proposed development here and the proposed MDA at Hampden Fields. It is in this context that the LVIA has considered the potential cumulative impacts of the proposed development and concludes that, in the worst case, residents bordering the site would experience 'Major adverse' cumulative impacts but that beyond this the effects would diminish to 'Moderate adverse' in the wider local context.
- 11.45 On the basis of this assessment, the LVIA concludes that the proposed development would give rise to 'locally significant adverse impacts' to the 'rural/semi-rural character of the site and its surroundings' both during the construction phase and immediately following completion and that 'the visual amenity of the sites neighbours would be significantly affected during the schemes construction and throughout its operation, as would users of the Round Aylesbury Walk'. In the context of the other neighbouring developments that whilst the impacts on the site would remain unchanged, the impacts on the local landscape would no longer be significant due to the change in the context of the site.
- 11.46 Having considered the submitted LVIA the Landscape Officer concludes that there is broad agreement with level of harm to the landscape. However it is disagreed that the proposed development would give rise to only 'Moderate' effects on the site itself since the proposed development would permanently and irrevocably change the site to the extent that these effects would more reasonably be described as being 'Major adverse' to the site itself. Nonetheless the LVIA acknowledges that the effect on the site would be significantly adverse in any case.
- 11.47 With regard to the impact on the wider and more local landscape, the context of the site must be taken into account as outlined above. It is in this context that it is acknowledged that whilst there would be some harm to the wider and more local landscape, these impacts could not be considered to be significant. The existing site is a greenfield site and therefore the level of significant harm from its development must also be acknowledged. However, given in particular the approval subject to the completion of a S106 for Woodlands, Hampden Fields and the approvals for land adjacent to Aston Clinton Road and to its north, it is not considered that a reason for refusal on harm to the landscape could be sustained.
- 11.48 On this basis and in looking at the context of the site and subject to securing a suitable detailed scheme at the reserved matters stage, it is considered that the development

would accord with the Development Plan comprising the WTNP and the AVDLP and with the NPPF in terms of the impact on the landscape.

Agricultural land

- 11.49 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 (including the wider site) falls below this threshold.
- 11.50 The applicants have advised that the agricultural grading of the land is 3b and therefore this proposal would not represent the loss of any best and most versatile land. On this basis, whilst there would be loss of grazing land, given the size of the site and the grading of the land it is not considered that there would be a conflict with the NPPF in this regard.

Impact on Public Rights of Way

- 11.51 There are no public rights of way through the site. As part of the package of highway measures the Highway Authority are looking to secure contributions towards extending the footway and cycleway on the northern side of the A41. In addition the illustrative plans show how links through to the adjacent MDA site to the west could be achieved which would allow access to the public right of way through this site. As such it is considered that this matter would accord with Policies T2 and C3 of the WTNP and Policy GP84 of the AVDLP and with the NPPF.

Trees and hedgerows

- 11.52 The proposed development seeks to retain existing boundary hedging and trees with a buffer area, save for where the access points would create a gap through to the adjacent MDA site to the west. Planning conditions could ensure that suitable tree/hedge protection is on site for the duration of the development and to ensure that construction is carried out without harm to those trees and hedges sought to be retained. A suitable landscape planting scheme incorporating native trees could be secured by condition. On this basis it is considered that the development would accord with Policy H2 of the WTNP and with policies GP.39 and GP.40 of the AVDLP and with the NPPF.

Biodiversity/Ecology

- 11.53 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity. Policy E3: Biodiversity of the WTNP states that proposals will be expected to conserve and enhance biodiversity and wildlife and that regard must be had to a number of measures, including providing net gains to biodiversity.

- 11.54 The application has been accompanied by a suite of ecological surveys which have informed the Ecology Chapter of the ES submitted. The report concludes that the site itself does not contain any suitable habitats to support breeding populations of amphibians and the closest pond is 280m to the north east. On this basis great crested newts are unlikely to be present on site and the development should not result in the loss or fragmentation of potential habitats. Badgers have been recorded within 2km of the site, including along Bear Brook and the western side of the site. Important species of birds were identified in adjacent fields to the site but the site itself was not identified as offering optimal habitats for these species. An Ecological Features Plan and Ecological Mitigation Plan have been submitted which detail the important features and how ecology on the site can be protected.
- 11.55 With regard to 17/04819/AOP the Council's Biodiversity Officer originally objected as there were conflicts between information in the ecological assessment and the illustrative plans; for example how the future residents would be prevented from accessing wildlife areas. No details of proposed dimensions or ecological management for the buffer zones had been provided. A coordinated draft Landscape and Ecological Management Plan for the site to provide confidence that a net gain for ecology could be delivered would be required to detail habitats and their purpose, protection of the Bear Brook corridor, quiet areas for wildlife and hedgehog friendly garden fencing for example. These comments were provided prior to the revision of the NPPF and as part of the discussions on 19/00619/AOP further information and comments were provided. Biodiversity Officers advised that evidence that the development provides a net gain to biodiversity is still required and this should be done using a Biodiversity Impact Assessment calculator. Looking at the Habitat Impact Assessment (HIA) undertaken the scheme presents a loss of 10.10 biodiversity units equating to a 48.75% biodiversity loss. The applicant will therefore need to demonstrate how the development minimises impacts on biodiversity to provide the net gains in biodiversity now required in accordance with the planning framework. This can be achieved either by provision of on-site compensation or off-site compensation within the immediate vicinity of the site (e.g. applicants land ownership to the north), and/or a financial contribution as agreed with the Local Planning Authority to a specified project to improve biodiversity in the wider landscape. The applicants have advised that the land to the north is unlikely to be able to provide a suitable site for compensation and therefore alternative sites would have to be looked at.
- 11.56 It is considered that these are important considerations but the detail required could be secured by condition or within the S106 such that due consideration is given to biodiversity and the need to secure net gains. Having regard to the above and the ability to secure net gains, it is considered that the proposal would accord with Policy E3 of the WTNP and with the NPPF.

Contamination

- 11.57 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.

- 11.58 The existing land use of the site is for grazing in association with an agricultural use and whilst it is not therefore expected that there would be any significant contamination on site, representations received advise that the land levels have been altered in the past and therefore the Authority must be satisfied that any contamination is addressed. A phase 1 Environmental Site Assessment has been carried out which concludes that the site is considered to pose a low to moderate risk to sensitive receptors. The Geo-Environmental Site Appraisal confirms that overall, no significant contamination has been identified that will require large scale remedial works although additional investigation is recommended to ensure site coverage and a verification plan is also recommended during construction. Whilst it is likely that based on these findings mitigation measure could be put in place to ensure no adverse impacts would occur in terms of contamination, the comments of the Council's Contaminated Land Officer have been sought and will be reported to Members.
- 11.59 In respect of air quality, an Air Quality Assessment has been carried out which outlines that the greatest potential for dust nuisance problems to occur will generally be within 200m of the construction site perimeter with more limited instances beyond this distance. However, with suitable mitigation it is advised that the residual impacts would be negligible. In addition the report identifies that the development of the site should not introduce any sensitive receptors into a location of poor air quality and therefore no mitigation is required in this respect. Again, the comments of the Council's Contaminated Land Officer who also deals with air quality have been sought in this regard to ensure the mitigation measures for dust nuisance are acceptable and that air quality from traffic on the A41 would not result in an unacceptable impact on future occupiers and comments will be reported to Members.
- 11.60 Having regard to the above and subject to the agreement of the Council's Contaminated Land Officer to the mitigation measures proposed, it is considered that contaminated land and air quality could be adequately addressed and as such the development would accord with the NPPF.

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

- 11.61 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.
- 11.62 Policy HE2 of the WTNP states that developer contributions will be sought in relation to residential development towards the funding of new school places to expand the capacity at existing schools or provision of new education facilities. Policy HE1 of the WTNP states that developer contributions will be sought in relation to residential development to fund improvements to service capacity for health facilities where the Clinical Commissioning Group has demonstrated that the development will create pressure on service provision and a requirement can be justified. 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.
- 11.63 With regards to education, a financial contribution to expand primary and secondary schools in the planning area to accommodate the above development would be required. Secondary schools are currently at capacity and estimated pupil growth from over 8000 homes with outstanding permission is projected to put significant increased pressure on secondary schools, with a significant deficit of places projected. Primary schools are also at capacity and there are plans to expand existing schools in the area to accommodate increased demand from additional housing growth.
- 11.64 In terms of primary care, the Clinical Commissioning Group have responded stating that access to GP appointments is a national issue and they are working to promote different ways of offering consultations to cope with the increase in demand. Nationally primary care providers will need to look at new models of care, using the skillsets of different types of clinical professions to offset the demand from increased patient numbers. Additionally there needs to be a focus on patient education to understand the correct use of GP appointments as there has been an increase in inappropriate use of GP time. The CCG acknowledge that they have been consulted by AVDC on the longer term local plans and have submitted a response stating their commitment to the provision of adequate and appropriate primary care facilities to meet the needs of the local population. They comment that the Westongrove Partnership will also have to contend with considerable housing growth from other developments in the area which collectively, will pose a real challenge to this practice in terms of infrastructure (capacity versus demand for appointments, car parking and infrastructure such as more consulting space and larger/additional waiting areas). They consider that the impact of smaller developments is harder to evidence in terms of healthcare provision particularly as development often takes place piecemeal. However, the effects can be significant, particularly on a practice that is used to catering for small village communities. The CCG conclude by saying that it is unlikely that any of these smaller scale developments would be large enough to generate a new build and therefore the CCG anticipate that there might be a requirement for modification to existing infrastructure and as such would expect a contribution from the developer towards these additional costs.
- 11.65 Notwithstanding that the applicant has advised that capacity exists within the local GP practice (Bedgrove Surgery), insufficient information or policy justification has been given for the need for a financial contribution by the CCG at the time of writing the report nor has a project been specified to deliver the infrastructure for which contributions are requested at this stage to satisfy the requirements under the CIL regulations. Officers are of the opinion that since the provision of health facilities is normally within the remit of the NHS, and that the request has not satisfied the CIL regulations test it is not considered that it would be appropriate to seek to secure contributions at this stage. In the event that additional evidence is submitted to satisfy this requirement as necessary, prior to the completion of the S106 that this could be secured in the S106 agreement.
- 11.66 In terms of secondary (hospital) health provision, the Bucks NHS Trust are licensed to deliver free at point of delivery services. The Bucks NHS Trust have recently submitted a request for financial contributions towards hospital services (detailed above). The representations made by the Bucks NHS Trust do in general constitute a material consideration that must be considered in the decision making process, as does the CCG representation. Although the Trust have provided a “compliance statement” in the context of CIL, it is considered that this falls short of demonstrating that the contributions sought truly meet the CIL tests. The reasons given for the contributions do not seem to

demonstrably arise from the developments in question. There are concerns over the assumptions made and methodology for calculation of the contributions requested and which, on the basis of the information provided to date, do not demonstrate the need for the contributions to directly relate to the development and to relate fairly and reasonably to the scale and kind of the development. Therefore the request is not evidenced so as to be directly related to the development or fairly and reasonably related in scale and kind to the development. In the absence of a clear justification it cannot be concluded safely that they are necessary to make the development acceptable in planning terms contrary to the CIL regulations 122.

- 11.67 In the event that further information is provided to satisfy either of these requirements prior to the completion of any legal agreement, members are asked that the decision on inclusion of any such contribution be delegated to officers to determine at the appropriate time.
- 11.68 In respect of open space, the illustrative masterplan and land use parameter plan indicate areas of open space to the western and northern areas of the site, with some further open space indicated behind the retained frontage hedging to Aston Clinton Road. Based on the current policy requirements the Council's Park's and Recreation Officer has commented that the amount of open space required for the future occupiers of the development in accordance with the Council's adopted requirements can just be met and further comments that the LEAP should adhere to standards and buffer distances to dwellings and should achieve Good RoSPA rating. These are matters which would be secured as part of the S106 agreement. Whilst the masterplan is indicative there was some concern that the lack of certainty for a comprehensive approach to the development of this proposed allocation and amount of open space which would not be reflective of the Garden Town principles which would anticipate the provision of 50% green space. The provision of this level of open space, has been secured through recent development at Kingsbrook, and those with resolutions to grant permission at Woodlands and Hampden Fields. This would be consistent with the Inspectors comments that the northern half of Westonmead Farm should be replaced by an indication of the requirement for the Aylesbury Linear Park, and that the northern part remain open.
- 11.69 Discussions have therefore taken place with applicant in respect of the blue-edge land previously shown to the north of the development site. It is proposed to amend the red edge plan to include a significant proportion of this land for the provision of open space. This would be a significant improvement and would provide the amount of open space required to address the garden town principles as set out in VALP. Further publicity would be required for this amended site area.
- 11.70 Having regard to the above, in respect of 17/04819/AOP, 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.
- 11.71 Whilst the red edge for 17/04819/AOP can be amended as this is still before the Council for determination, that relating to 19/00619/AOP would be a matter for the Inspector to consider as to whether the amended red edge could be accepted as it is the subject of a non-determination appeal, without which the lack of adequate open space to address VALP must form a reason for refusal, such that the proposed development would fail to

address safe and healthy communities in accordance with the guidance set out in the NPPF and in the emerging VALP D1 and AGT3 policies.

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

- 11.72 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.
- 11.73 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should take into account the importance of the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 11.74 Policy H2: Development Design in the Neighbourhood Area of the WTNP states that developments will be supported where their density, amongst other things, is reflective of the character and scale of surrounding buildings.
- 11.75 This development proposes up to 157 dwellings on a site measuring 6.6ha. When considering just the developable area, the Planning Statement suggests that to give a varied character there will be areas at up to 30 dwellings per hectare (dph) and others at up to 48 dph with the higher density areas being positioned along the central spine. Having regard to the location of the site and schemes permitted nearby it is considered that this level of density would be appropriate but that further details would have to be considered at the detailed stage. For comparison one of the detailed schemes for part of the Aston Clinton Road MDA site, ref: 18/01277/ADP (146 dwellings), to the west of the site has a density of 38dph. The Woodlands development (16/1040/AOP) proposes to the north of the site having a lower density along the edges of the development of 20-30 dph rising to a medium density of 30-40dph across the body of the site and a higher density generally within the centre of the development of 40-50 dph. For the site adjacent to Aston Clinton Road, to the south-west of the site, ref: 16/01254/ADP (135 dwellings), the details provided propose a medium to high density range of 25-45 dph within the central and northern areas of the site with a lower density range of 20-30 dph around the perimeter of the site.
- 11.76 It is considered that the proposed density offers an optimum use of land in a sustainable location on the edge of Aylesbury that is consistent with the Garden Town principles. Consideration, as set out below, is given to the impact on the natural environment, living conditions and character of the area as well as securing a well-designed development. Overall it is considered that the development would make effective use of the land such that it would accord with the NPPF on this basis.

- ***Achieving well designed places***

- 11.77 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.

- 11.78 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).
- 11.79 Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.
- 11.80 Policy H2: Development Design in the Neighbourhood Area of the WTNP sets out a number of criteria that would be expected to be met if proposals for development are to be supported. These include matters such as scale, density, height, massing, landscape design, layout and materials, reflecting the character and scale of the surrounding buildings and of distinctive local landscape features, retention and enhancement of natural boundaries, ensuring any car parking spaces, where required, use permeable surfaces to allow for rainwater absorption and to maintain a rural character to the street scene. Furthermore new and innovative architectural design will be strongly supported, provided that they are sympathetically integrated into the existing street scene.
- 11.81 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.
- 11.82 This is an outline application with only means of access to be determined at this time. Matters of external appearance, landscape, scale and layout are reserved for future determination. The Design and Access Statement (DAS) accompanying the application states that legibility and sense of direction within the layout will be created through careful attention to the pattern of roads, designs of views and the visual journey through the site. The illustrative layout indicates the use of perimeter blocks and areas of open space and amenity land; buildings forming focal points can provide a sense of place and there would be enclosed backs and active frontages. The DAS goes on to explain that green corridors would be established with an east-west spine following the path of Bear Brook to retain an open character along the route. The proposed building scale and size would comprise two storey development (up to 9m) with larger three storey dwellings (up to 12m) near the centre of the site. A similar height and scale of development is proposed at the Aston Clinton Road MDA site. In terms of building materials and colour the DAS states that the buildings would be reflective of nearby traditional houses, being a mixture of brick with some render and grey or red roof tiles as the primary building materials. Housing design would complement the local surroundings.

- 11.83 In terms of boundary treatment, the DAS advises that this would include fencing, low brick walls and hedgerows to replicate the character of the area. Where rear garden boundaries back onto the public realm, bricks walls will be used.
- 11.84 The DAS discusses the illustrative layout and the proposal to incorporate three different 'places' namely, Fringe Character, Spine Road Character and Central Character areas to help with place making and a sense of place. The Fringe Character Area would be found at the edges of the site and would be sensitive to the adjacent land and hedgerows incorporating areas of open space and lower density housing. Built form would be generally detached with discrete on plot parking with frontages set back. The Spine Road Character would be of a more formal nature within the site with mainly two storey development, but some three-storey dwellings and linked properties facing on to the primary entrance road. Formal tree planting could delineate and define the access road and create an attractive movement corridor. Overall this area would have a higher density and corner buildings would define corners and provide active interfaces on both sides. The Central Character Area would reflect a suburban arrangement of buildings with built form being predominantly semi-detached or linked at two-storey height, but at a higher density than the Fringe areas. Frontages would generally be set back with street trees.
- 11.85 Designing out crime is a matter which can be incorporated at the Reserved Matters stage to ensure that the development would be designed in accordance with Secured by Design principles such that houses will be back to back or abut each other, front doors will be overlooked, parking will be provided close to the dwelling it serves and predominantly within the curtilage of the dwellings. The DAS states that crime prevention and community safety will be prime considerations in the layout. It is considered that crime prevention design features could be appropriately secured in any future reserved matters detailed application in order to adhere with policy GP45 of the AVDLP.
- 11.86 The detailed design of the proposal is a reserved matter for later consideration and it is therefore not possible to assess this aspect fully at this stage. However, subject to appropriate conditions on any outline approval (to agree the specific details of materials, boundary treatments, landscaping, slab levels and lighting), it is considered that the matters set out in the DAS could achieve good design and further that this issue could be addressed through conditions and the consideration of any subsequent reserved matters applications and that the proposal would not represent the overdevelopment of the site. In addition the provision of the open space to the north of the developed area of the site would ensure that the living environment for future occupiers is improved and that potential pedestrian and cycle links to the Woodlands development would ensure improved connectivity. Overall it is considered that the development would represent good design which would accord with the policies in the WTNP, the AVDLP and with the NPPF.

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

- 11.87 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.

- 11.88 Special regard has been given to the statutory test of preserving the setting of listed buildings under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted as a higher duty. The Council's HBO had commented that in terms of the impact of the proposed access, this would be located on the opposite side of the road and away from the listed Broughton Barn and as such it would preserve and cause no harm to its setting. The access point is also existing, albeit with little use. In the case of the impact of the proposed development on the setting of this listed building, the site is not considered integral to the setting of this listed building, mainly because of the busy road which separates the two, but also because the setting of this listed building, due to adjacent development (namely the hotel), has already changed so that it no longer has a rural setting. Furthermore, the listed building is screened from the site by the wall and hedge which forms its boundary and would be further screened from the development by the proposed landscaping along the road edge. Therefore the principle of development on this site would not cause harm and would preserve the setting of this listed building.
- 11.89 In the case of Manor Farm, the setting of both the farmhouse and the barn is quite enclosed and private, principally arising from screening. Given this and the immediate setting arising from the adjacent cattle farm, it is considered that the proposed development especially given the distances involved would not be harmful to their setting. Therefore the proposal would accord with section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the heritage aspects of the NPPF.
- 11.90 There is a scheduled ancient monument comprising the moated site, 400m from the application site to the north-west. Following submission of a supplementary statement covering the scheduled monument Historic England advised that the harm to the monument would be minor, rather than negligible as stated in the revised assessment. Historic England are satisfied that cultivation earthworks do not extend into the setting in such a way that they contribute to the setting of the monument since the contribution of the site to the setting is limited to its illustrative value, ie it illustrates the rural nature of the surroundings of the moated site in the medieval period and later. The NPPF (para. 196) requires any less than substantial harm to be balanced against public benefit by the Local Planning Authority and this has been undertaken in the conclusions above. Historic England does not object to this development on heritage grounds.
- 11.91 With regards to archaeology, given the archaeological potential of the site, the proposed development area was evaluated by Cotswold Archaeology in April 2018. The evaluation trenches were mostly blank, apart from a couple of ditches/gullies containing prehistoric pottery and flint. The adjacent field to the west is currently under archaeological excavation and numerous prehistoric and Roman ditches and pits have been recorded. It appears that the archaeological features do not continue into this area at the same density, suggesting that the remains on this site are isolated and marginal to the main area of settlement. It is concluded by BCC Archaeology that the proposed development is unlikely to have significant archaeological implications and no further archaeological work on this site will be required and it is not necessary to recommend a condition to safeguard archaeological interest on this occasion.
- 11.92 In summary there is not considered to be a conflict with the NPPF in respect of heritage assets and the development would accord with the aims of Policy H2: Development

Design in the Neighbourhood Area of the WTNP.

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

- 11.93 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.
- 11.94 The majority of the site is within Flood Zone 1 with a very small proportion adjacent to Bear Brook being within Flood Zones 2 and 3. A site specific Flood Risk Assessment has accompanied the applications. Since all built development (on the illustrative plan) is proposed within Flood Zone 1 the development satisfies the Sequential Test by directing all development to areas of least flood risk and no Exception Test is therefore required. In terms of surface water flood risk, BCC as the Local Lead Flood Authority have commented that three dwellings lie in an area at low risk of surface water flooding, meaning that each year this area has a chance of flooding of between 1% and 0.1%. The FRA (6.0) proposes that finished floor levels for these dwellings will be raised 150mm above the surface water flood level. In relation to the surface water flood risk associated with the attenuation basin in the open space area, the FRA shows that this has been re-located outside of the area shown as medium surface water flood risk (meaning that each year this area has a chance of flooding of between 3.3% and 1%).
- 11.95 With regards to the drainage strategy it was understood that the basin may be able to partially infiltrate, however, groundwater monitoring has indicated that groundwater lies at a depth of 0.65m below the ground in the proposed location of the basin. The revised FRA proposes to use an impermeable liner to prevent groundwater ingress. Currently, all infiltration devices have been removed from the drainage scheme. The FRA indicates that infiltration may be possible in the southern area of the site subject to further testing and monitoring and BCC agree that this approach should be explored. However, if a 1 metre freeboard exists between the base of the infiltration device and the water table, infiltration as a means of surface water disposal is not feasible. Groundwater monitoring should be completed over the winter months (October to February) when groundwater is at its highest.
- 11.96 The calculations that have been provided by the applicants in relation to the attenuation calculations, indicate that the drainage scheme is providing 1615.45m³ using permeable paving (765.45m³) and the attenuation basin (850m³) and oversized pipes (274m³), which equates to the 1,888m³ required attenuation storage suggested within the FRA. BCC have advised that the applicant may wish to include additional sustainable drainage components such as swales or rain gardens within the open space areas. The calculations have been amended to include a 10% allowance for urban creep.
- 11.97 In respect of a water quality assessment this shows that where runoff from the development passes through both the permeable paving and the basin there is adequate treatment. To provide additional treatment where the runoff flows through the basin only, this feature will incorporate a treatment channel which will be planted with reed beds. In

addition, there may be opportunities to incorporate additional sustainable drainage components such as a swale and/or bio-retention system prior to runoff discharging into the basin.

- 11.98 BCC have confirmed that they have no objections subject to conditions to secure approval of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development and a whole life maintenance scheme for the SuDS scheme by conditions or S106 whichever is appropriate,.
- 11.99 In respect of foul drainage, a condition could be imposed to ensure that appropriate details of a foul drainage scheme are submitted for approval and implemented prior to occupation of the development.
- 11.100 With regards to the representations suggesting realignment of the ELR in relation to the flood zone, this is outside the application site and is not a matter for consideration in this application.
- 11.101 Having regard to the above matters, it is considered that the development could be appropriately flood resilient and that surface water drainage and foul drainage has been accounted for and as such the development could accord with Policy H2 of the WTNP and with the NPPF.

- ***Supporting high quality communications***

- 11.102 Paragraph 114 of the NPPF requires Local Planning Authorities' to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services. Given the nature and location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development.
- 11.103 Policy B3: Improvements to broadband and other fibre optic connections of the WTNP states (amongst other things) that the Neighbourhood Plan will support the provision of improvements to broadband and other fibre optic connections to both residential and business properties in the Parish. Proposals should include the pre-requisite infrastructure required for broadband connectivity and implementation in the sites development at the earliest stage to ensure that they can be connected to the superfast broadband network at the earliest opportunity and have the capacity to "future proof" infrastructure/apparatus to industry standards. It is therefore considered a condition requiring details of broadband and other fibre optic connections to be submitted for approval would satisfactorily address the requirements of this policy. Overall it is considered that the proposal would accord with Policy B3 of the WTNP and with the guidance set out in the NPPF in this regard.

a) Impact on residential amenities.

- 11.104 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.
- 11.105 At this stage, the matters of the detailed appearance, layout and scale of the proposed development are reserved for approval at a later date and it is therefore not possible to make detailed assessments relating to the direct impacts the new houses would have on existing neighbours or one another. The application has been supported by an illustrative plan showing development of up to 12m high in the spine road area of the site reducing down to the fringe areas and no more than 9m high. The indicative layout provides for spacing between existing neighbouring properties and the proposed new houses and retention of boundary hedging. Further landscape features including tree planting are shown indicatively in the DAS in between the existing properties adjacent to site and the development site.
- 11.106 A combination of these measures illustrates that the development could be designed to minimise and mitigate overlooking between facing existing and proposed dwellings and how a reasonable degree of privacy could be maintained, noting that the development would reduce the sense of privacy to existing occupiers who currently enjoy a more open view of the agricultural land (and agricultural buildings beyond the application site) beyond, albeit impeded by existing hedgerows. Whilst it is apparent that the proposed development would alter views from properties neighbouring the site, private views such as this are not a material planning consideration. It is considered that the illustrative masterplan adequately demonstrates that a scheme can be brought forward which would avoid unneighbourly relationships between dwellings.
- 11.107 Subject to an appropriate layout and scale, it is considered that any impact upon existing residents would not be significant or severe to amount to unreasonable harm to the residential amenities of residents and it is not considered the proposed development would unduly impose on the outlook from or result in any significant overshadowing or loss of privacy to neighbouring properties. The siting of the proposed LEAP would need to be carefully designed to ensure natural surveillance to discourage antisocial behaviour whilst also maintaining an adequate buffer between it and nearby residential properties. Furthermore consideration would have to be given to the provision of adequate private amenity space for future occupiers.
- 11.108 At this stage, it is not envisaged that the proposed development would unduly harm the residential amenities of nearby properties in terms of their light, outlook or privacy. Although there will be some impact from construction traffic a condition can require the submission of a Construction Traffic Management Plan to ensure that construction storage within the site is appropriately controlled along with deliveries. In terms of air quality, this is dealt with above. It is considered the proposed development would ensure an adequate level of residential amenity for existing and future occupiers in accordance with Policy H2 of the WTNP, Policy GP8 of the AVDLP and NPPF advice.

d) Developer contributions

- 11.109 As noted above, there are a number of requirements which would need to be secured in a Planning Obligation Agreement to secure their delivery, namely financial contributions towards education provision (primary and secondary), bus stop improvements, off-site sport and leisure provision, on-site provision of affordable housing, public open space and play areas, and sustainable transport measures and off site highway works, SUDs maintenance, if appropriate, and a health contribution(s) if this is found to be CIL compliant. Specific projects are also to be identified for the financial contributions to ensure compliance with latest Government Guidance in consultation with the Parish Council and County Council.
- 11.110 It is considered that such requirements would accord with 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.
- 11.111 In the context of this application the development is in a category to which the regulations apply. The requirement for all of the above named measures, if the proposals were to be supported, would need 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. Specific projects are to be identified within the Section 106 in accordance with the pooling limitations set forth in CIL Regulation 123 to ensure that the five obligations limit for pooled contributions is not exceeded.

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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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