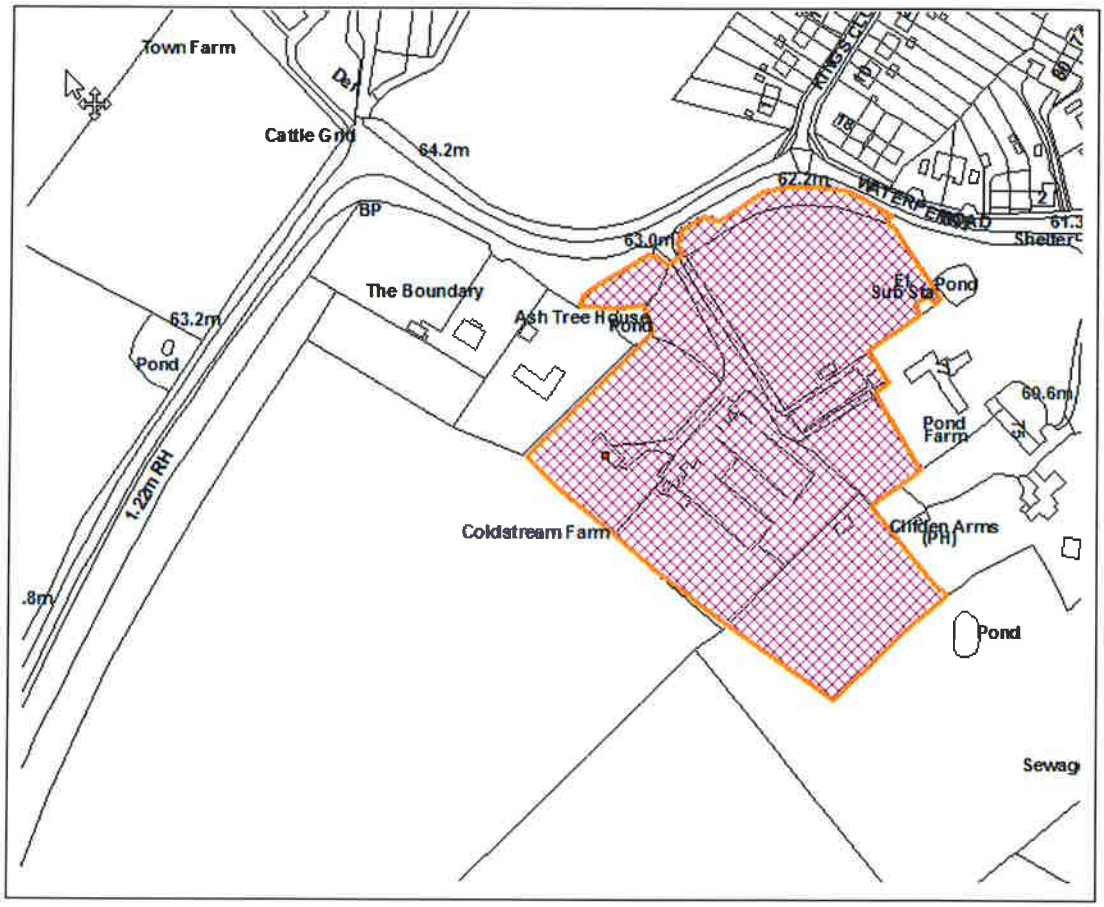
17/04837/AOP



REFERENCE NO	PARISH/WARD	DATE RECEIVED
17/04837/AOP	Worminghall	21/12/17
OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 18 DWELLINGS. COLDSTREAM FARM WATERPERRY ROAD WORMINGHALL COLDSTREAM FARM C/- OPTIMIS CONSULTING STREET ATLAS PAGE NO. 123	The Local Member(s) for this area is/are: - Cllr Michael Rand	

The Key Issues in determining this application are:-

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

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

- **Building a strong competitive economy**
- **Promoting sustainable transport**
- **Delivering a sufficient supply of homes**
- **Achieving well designed places**
- **Making effective use of land**
- **Promoting healthy and safe communities**
- **Conserving and enhancing the natural environment**
- **Conserving and enhancing the historic environment**
- **Meeting the challenge of climate change and flooding**
- **Supporting high quality communications**

c) Impact on existing residential amenity

d) Developer contributions

The recommendation is that the application is DEFERRED AND DELEGATED for approval subject to the completion of a S106 Agreement and subject to conditions as considered appropriate by Officers.

1.0 PLANNING BALANCE AND RECOMMENDATION

1.1 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the objectives of the NPPF and whether the proposals 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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development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.

1.2 In this case the Worminghall Neighbourhood Plan (WNP), which was made on 17.07.2018, and forms part of the development plan together with AVDLP. The WNP identifies the site as within the settlement boundary under policy SB1 and allocates the site for development under NH3 and these are up to date and included as two of the most important policies, together with policies NH1, CR1, CH1 of the WNP and GP35 of AVDLP. Paragraphn11d)I &ii of the NPPF are therefore not engaged.

1.3 It is accepted that the development would make a contribution to the housing land supply which is a significant benefit to be attributed moderate weight in the planning balance, as it is tempered to reflect the scale of development that is proposed proportionate to the size of the village. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which moderate positive weight should be attached. These benefits however need to be weighed against any harmful aspects arising from the development.

1.4 Compliance with the other planning objectives of the NPPF have been demonstrated in terms of making effective use of land, the achievement of well designed places, the impacts on the amenities of neighbouring and future occupiers of the site; ecology, trees and hedges and agricultural land; and sustainable transport, flood risk and supporting high quality communications and healthy communities (subject to the completion of the S106). These matters do not represent benefits to the wider area, but rather demonstrate an absence of harm.

1.5 It is acknowledged that the harm was attributed to the development based on a previous iteration of the parameters plan due to the constraints it proposed on the developed area and there was concern that the resulting development would relate poorly to the existing settlement pattern and the open countryside beyond the site. Harm was also identified in respect of the development's impact on the setting of adjacent heritage assets. The parameters plan has since been amended and officers are now satisfied that the revised parameters plan would accommodate a form of development that would better relate to the existing built form of Worminghall and would bear a better relationship with the adjacent countryside. Furthermore the Heritage Officer has confirmed that the amended scheme would not harm the setting of the adjacent listed buildings. The development proposals are now considered to be in accordance with WNP policies SB1, NH3 and RC1; AVDLP policies GP35 and GP38; and the advice contained in the NPPF.

1.6 In the light of the amended parameters plan, it is considered that the proposals would accord with the AVDLP policies, the WNP policies in addition to the guidance in the NPPF and there are no material considerations that would indicate a decision otherwise. It is considered that the proposal would represent a sustainable form of development that is supported by policies, such that, officers recommend that the **APPROVAL** of this application should be **DEFERRED AND DELEGATED** subject to the completion of a S106 Agreement to secure 30% affordable housing, on-site SUDS provision management and maintenance, on-site LEAP provision and public access to it and via the route between Waterperry Rd and the Clifden Arms car park in perpetuity, public open space maintenance and management, off-site transport contributions , off-site sport/leisure contribution, and off-site education contributions and subject to conditions as considered appropriate by Officers, or if these are not achieved for the application to be refused.

WORKNG WITH THE APPLICANT/AGENT

1.7 In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case detailed discussions have taken place with the applicant in order to respond to the issues raised during the planning application process. The applicant has submitted an amended parameters plan as part of this application which was found to be acceptable and it is recommended that the committee defer and delegate the approval of this application subject to the completion of a S106 as outlined in this report.

2.0 INTRODUCTION

2.1 Members will re-call that this proposal was recently reported to the Strategic Development Management Committee on the 9th January 2019 and Members are referred to their copies of the report and corrigendum attached to this report. Members will recall that the previous report recommended refusal of the application as the applicant had refused to amend the parameter plan and Members requested that officers seek a further time to negotiate with the application to resolve the issues. Members resolved to defer the determination of the application to enable negotiations to take place between the applicant and Officers regarding officer concerns relating to the extent of built development in relation to the open countryside an heritage assets and then for the application to return to committee for presentation.

2.2 A revised parameters plan was provided by the applicant and received by Officers during April 2019. The following sections of this report evaluate the proposal in relation to the amended plan.

3.0 ADDITIONAL CONSULTATION RESPONSES

3.1 AVDC Heritage Officer – No objection – the development would cause no harm to the significance of designated heritage assets

3.2 AVDC Landscape Officer – No objection

3.3 AVDC Parks & Recreation – raises concern regarding surveillance of POS

4.0 EVALUATION

The policy position to be taken in the determination of the application

4.1 Members are referred to the details set out in the previous committee report and corrigendum item that were reported to the SDMC on the 9th January 2019 and the overview report in respect of providing the background information to the Policy Framework to assist in arriving at a decision in respect of this planning application.

Whether the proposals would constitute a sustainable form of development

4.2 The following sections of this report will consider the proposal in relation to the revised plan received since the last committee and against the individual requirements of sustainable development derived from the NPPF to ensure that the revised details comply with the NPPF as a whole.

Promoting Sustainable Transport

4.3 The revised parameters plan has no impact on the sustainability of the site for development from a locational point of view. The site lies within the settlement boundary identified in the WNP and is allocated for housing development comprising up to 18 dwellings. It is therefore considered that the application site is a sustainable location for development of this scale.

4.4 The application is in outline form with access to be considered. The amended parameters plan does not materially impact the proposed access arrangements. Bucks County Highways have confirmed that the proposed access is acceptable and that matters relating to the layout of the development including parking, turning and pedestrian routes, and measures to promote the use of sustainable modes of transport can reasonably be dealt with in the context of a future reserved matters application and contributions as set out in the previous report be secured by S106. . On this basis the proposals are considered to accord with WNP policies NH3 and TT1 and the NPPF in respect of highway safety and convenience.

Delivering a wide choice of high quality homes

4.3 Local planning authorities are charged with delivering a wide choice of high quality homes and to boost significantly the supply of housing by identifying sites for development and maintaining a deliverable supply of sites.

4.4 The amended parameters plan does not alter the mix of housing as proposed. At least nine of the dwellings will continue to be provided in the form of 2-3 bedroom homes, as required by policy NH3 of the WNP and a policy compliant contribution to affordable housing need will need to be secured through a S106 Agreement which is in the process of being drafted.

4.5 The delivery of housing is a significant benefit in the planning balance but the amount of weight attached to this is tempered to reflect the number of units proposed. The delivery of housing a subsequently held in moderate weight and accords with WNP policies NH2 and NH3, AVDLP policy GP2 and the advice contained in the NPPF.

Building a strong, competitive economy

4.6 The government is committed to securing and supporting sustainable economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development.

4.7 It is considered that there would be economic benefits in terms of the short term benefit in the construction of the development itself and in the long term the resultant increase in population contributing to the local economy, in accordance with the NPPF which is considered to amount to a moderate benefit.

Conserving and enhancing the natural environment

4.8 Regard must be had 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, as required by the NPPF.

Landscape

4.9 Several WNP policies contain requirements relevant to the consideration of landscape, namely:

- Policy SB1 Settlement Boundary states amongst other things that within the Settlement Boundary, defined on the Policies Map, proposals for new buildings will be supported which are appropriate in scale, design and character to the

village of Worminghall; and contribute to its local distinctiveness

- Policy NH3 Coldstream Farm/Rear Of The Clifden Arms states amongst other things that development must allow retention of existing trees and hedgerows where appropriate, enhance the natural boundaries of the countryside with native species planting, respect the setting of the adjacent listed buildings
- Policy RC1: Rural Character states amongst other things that The rural character of the village and its surroundings should be respected through new development by ensuring that the resulting form and layout of development is appropriate to the surroundings; boundary treatment and landscaping schemes should be carefully designed so as to prevent undue urbanisation of the location; proposals should seek to conserve and enhance mature vegetation.

4.10 AVDLP Policy GP35 requires new development to respects 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.

4.11 Policy GP38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible.

4.12 In landscape terms the site currently consists of a paddock area in the northern part of the site that abuts the Waterperry Road, farm buildings and associated bungalow on the western portion of the site and a further small field at the south-western extent of the site. Whilst broadly level, the site is largely divided/defined by existing hedgerows (and associated trees)- although in places these have become gappy and in need of restoration/management. Open countryside continues to the south and west of the site. This landscape lies with the 'Ickford Pastoral Vale'(LCA 8.12) an area of landscape that is assessed as being in *"very good condition"* and having *"moderate sensitivity"*. The area is characterised by being *"predominantly flat"*, with *"no woodland"* but with *"the tree cover ... being strongest close to settlements and watercourses"* and where *"the villages of Ickford and Worminghall have retained a strong historic character' and where 'the greatest visual interest tends to exist close to the settlement or watercourses"*. To the east of the site the two adjacent properties Pond Farm and the Clifden Arms, are both grade II listed.

4.13 The WNP has allocated the site as being a site suitable for development and for the provision of "up to 18 dwellings" and this is specifically provided for by WNP policy NH3. The policy states that *"the development must allow retention of existing trees and hedgerows where appropriate, enhance the natural boundaries of the countryside with native species planting, respect the setting of the adjacent listed buildings and ensure that there is no unacceptable impact on the amenities of nearby occupiers'. The policy also requires that the proposed development should also provide 'a footpath through the site linking the play area/green space with the back of the Clifden Arms car park' and 'a pedestrian crossing across Clifden Road"*.

4.14 In addition to the site specific policy NH3, the Neighbourhood Plan also sets out a policy relating to the preservation of the rural character of the village at NP Policy RC1. Policy RC1 requires that *"the rural character of the village and its surroundings should be respected through new development by ensuring that: new buildings and extensions to existing buildings reflect and enhance the street scene, by way of their scale, height and massing; the resulting form and layout of development is appropriate to the surroundings; boundary treatment and landscaping schemes should be carefully designed so as to prevent undue urbanisation of the location; proposals should seek to conserve and enhance mature vegetation; development proposals must provide appropriate green infrastructure which aims to result in a net gain in biodiversity, species richness and/or abundance and provides or enhances connectivity between green spaces"*.

4.15 The application being considered is in outline form and proposes "residential development of up to 18 dwellings' with all matters except access reserved. The application is accompanied by a revised indicative Parameters Plan which seeks to demonstrate that a satisfactory form of proposed development can be achieved. The earlier version of the Parameters Plan that was presented to the committee, is attached as an appendix for Members reference and this, showed three 'Development Parcels' (A,B & C) of varying size and shape within the site and what is described as an 'indicative route through the site' that links the three 'development parcels' to the site access from the Waterperry Road. It also showed an 'indicative play space location' adjacent to a proposed footpath that joins a proposed 'footpath link' from the Waterperry Road to a 'potential link to [the] public house' at the Clifden Arms. Three 'potential attenuation basins' were also identified as well as an area of 'open space'.

4.16 The proposed development occupies a site allocated for development in the 'made' Neighbourhood Plan and whilst there was no fundamental objection to the principle of development on the site for up to 18 dwellings, there was a concern that the three development parcels would constrain the future development of the site and would cause problems at the detailed design stage. The concern arose from the fact that it appeared unlikely that the open space would have adequate surveillance and that the plot sizes would be constrained to an extent whereby they would not respect the established pattern of development within the locality. There was also concern about the proximity of two of the development parcels to the existing hedgerows and the open countryside which would have led to an intrusive form of development when considering its relationship with the countryside and would have compromised the existing vegetation.

4.17 Since this application was reported to committee, the applicant has submitted a revised parameters plan, drawing 14089 (B) 108 Rev D, seeking to address Officers' concerns. Rather than three constrained development parcels, the plan now shows one general area for development. An increased buffer, which will be kept free of development other than single storey development permitted by Schedule 2, Part 1, Class A of the 2015 GPDO as amended, is shown on the south-west boundary and will better reflect the nominal building line formed by the existing extent of built development that denotes the edge of the village. It is considered that this area should be kept free from buildings to respect the extent of built form in this area notwithstanding the annotation on the plan, and should be secured by condition. The development area is now of a depth that would allow for sufficient flexibility to accommodate the minimum allowances for buffer planting to the boundary edge; a carriageway and footpath; and 6m front gardens and most importantly accommodate a layout that is reflective of the existing pattern of built form within the village and is respectful of this edge of countryside location.

4.18 The amended parameters plan is considered to enable a form of development that comply with the policies within the NPPF, AVDLP and WNP in particular AVDLP policy GP35 and WNP policies NH3 and RC1.

Trees & Hedgerows

4.19 WNP Policy NH1 states that amongst other things new houses to be built as infill in Worminghall will ensure that development seeks to conserve and enhance mature vegetation. Policy NH3 states that proposals amongst other things must allow retention of existing trees and hedgerows where appropriate, enhance the natural boundaries of the countryside with native species planting. Policy RC1 states amongst other things that proposals should seek to conserve and enhance mature vegetation. Policies GP.39 and GP.40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.

4.20 The amended parameters plan does not alter the proposals impact on trees and hedgerows as with the previous assessment subject to conditions requiring further information and consideration at reserved matters, the proposals are considered capable of protecting existing trees worthy of retention, as well as accommodating sufficient compensatory and additional

planting in accordance with the above mentioned policies and the NPPF.

Biodiversity

4.21 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity. WNP Policy RC1 states amongst other things that proposals must provide appropriate green infrastructure which aims amongst other things to result in a net gain in biodiversity, species richness and/or abundance.

4.22 The revised parameters do not alter the previous assessment of the development's impact on biodiversity. The proposed development is likely to have a negative impact upon biodiversity if unmitigated. An ecological impact assessment has been submitted in support of this application which details the species and habitats currently found on the proposed development site. It is considered that this report acts as an accurate account of these features at the time of the assessment.

4.23 A number of enhancement provisions are proposed but insufficient detail has been provided to fully assess the measures at this stage. A site wide Landscape and Ecology Management Plan and a Construction Environmental Management Plane should be provided at reserved matters stage and this can be dealt with by an appropriate condition. With the use of such a condition it is possible for the proposals to demonstrate how it minimises, conserves, enhances and achieves net gains in biodiversity in accordance with the abovementioned policies and the NPPF.

Contamination

4.24 The revised parameters plan has no impact on the previous assessment in respect of contamination which concluded that there is no requirements for any contamination conditions to be imposed if Members are minded to approve the application and that the disposal of any hazardous material can be dealt with by an informative.

Agricultural Land

4.25 The revised parameters plan has no impact on the conclusion that the development proposals would not amount to the loss of best and most versatile agricultural land. The development proposals are subsequently considered to accord with the NPPF in this regard.

Promoting healthy and safe communities

4.26 WNP Policies NH3 seeks an equipped play area and accessible green space on the site as well as a footpath through the site linking the play area/green space with the back of the Clifden Arms car park.

4.27 Policies GP86-88 and GP94 of the AVDLP 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.

4.28 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.

4.29 In respect of open space, playspace and recreation, the revised parameter plan indicates that the provision of a play area on site would be capable of being provided in accordance with the WNP policy. In addition to the on site provision , a financial contribution would also be required towards off-site provision, which can be secured through a S106 pursuant to AVDLP policy GP86-88, SPD and Ready Reckoner. At reserved matters when the detailed design and

layout is known, further consideration will be made to securing adequate quantum and design of the POS provision. Similarly, notwithstanding the concerns raised by the Parks & Recreation Officer in respect of the POS, safety would be further considered at reserved matters stage when the detailed design and layout is known. The overlooking/surveillance issues raised as per AVDLP Policy GP45 have the potential to be addressed at the detailed design stage.

4.30 The parameter plans shows a indicative links to improve connectivity and access to the equipped play area, pursuant to the WNP policy although the precise route will be considered in a future reserved matters application.

4.31 In respect of education, a financial contribution towards provision of primary and secondary school provision to accommodate the need arising from the scheme, noting that facilities are already at capacity, would be sought if the council was minded to approve the application and secured through a S106..

4.32 In respect of healthcare provision, although the CCG have identified that small schemes such as the subject application to place pressure on service provision, that they are not seeking a financial contribution towards existing facilities.

4.33 Subject to the on-site provision of play area, POS and connectivity at reserved matters as well as a s106 contributions towards sport and leisure and education, and further consideration of the detailed design and layout at reserved matters, the scheme would have the potential to promote healthy and safe communities in accordance with the abovementioned policies and the NPPF. These matters are considered to have a neutral impact.

Making effective use of land

4.34 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.

4.35 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should taking into account of the importance the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

4.36 The development proposals would amount to an increased density of residential development. The proposals can thus been seen as supporting the Government's objective to make effective use of land. The need to consider the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places is dealt with in other section(s) of the report.

Achieving well designed places

4.37 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.

4.38 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).

4.39 Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides. The overview report sets out Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.

4.40 Policy GP35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site.

4.41 As noted in the assessment of the previous parameters plan, the detailed design including layout, scale, appearance and landscaping are for consideration at reserved matters. At this stage having regard to the revised parameter plan there is no reason to consider that the scheme is not capable of being designed to a high standard that accords with AVDLP policies GP35 and GP45 and the advice contained in the NPPF.

Conserving and Enhancing the Historic Environment

4.42 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving the Listed Building, its setting and any features of special architectural or historic interest in which is possesses. In addition to paying attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

4.43 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification. Paragraph 189 extends this provision to non-designated heritage assets with an archaeological interest. Where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, paragraph 196 requires this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

4.44 WNP Policy CH1 requires applications to explain how a proposal might affect the historic character and appearance of the area, which necessarily includes listed buildings.

4.45 The Heritage assets that require consideration are The Clifden Arms public house which is Grade II listed, located to the east of the application site, and the Grade II listed Pond Farm also located to the east of the application site. It was concluded that the previously considered parameters plan, due to the lack of appropriate buffer or landscape mitigation between the Heritage assets and development parcel c, would have resulted in development that would be inappropriate to the location and would result in less than substantial harm to the setting of the Heritage assets which weighed against the development proposals in the overall assessment.

4.46 The Heritage Officer has been re-consulted following receipt of the revised parameters plan

and has confirmed that the revised proposals address the previous concerns raised and would cause no harm to the significance of the heritage assets.

4.47 Special regard and attention has been given to the statutory tests under S66 and S72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted as a higher duty. The parameter plan will cause no harm to the setting of the nearby Listed Buildings in accordance with the special duty of the Act, the abovementioned policies and the NPPF. The development proposals are subsequently considered to be acceptable when considering their impact on the historic environment.

Archaeology

4.48 The revised parameters plan has no impact on the conclusion that the development proposals would cause no harm to any archaeological deposits and that there is no requirement for any conditions in this respect.

Meeting the challenge of climate change and flood risk

4.49 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.

4.50 The revised parameters plan has had no impact on the assessment of issues surrounding climate change. The scheme is not considered to result in any increased flood risk on site or elsewhere, subject to conditions including the approval of the detailed surface water drainage proposals at reserved matters stage and separate details and agreement with the Thames Water for the foul drainage, and S106 relating to SUDs provision and maintenance. The proposals therefore accord with the WNP policy NH3 and the NPPF.

Supporting High Quality Communications

4.51 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services. As with the previous parameters plan there is no reason to consider that the development would result in any adverse interference with any nearby broadcast and electronic communications services.

c) Impact on residential amenities

4.52 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.

4.53 WNP policy NH1 New Houses states amongst other things that New houses to be built as infill in Worminghall will be modest in scale and sensitive to the rural character of the village, ensuring that development does not result in the loss of amenity to existing residents, including loss of privacy, loss of daylight, or visual intrusion by a building structure.

4.54 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.

4.55 The revised parameters plan does not alter the previous assessment in respect of amenity. This concluded that a CEMP could appropriately be secured by condition and that issues surrounding amenity would be assessed in more detail at the reserved matters stage. Based on the information available, however, it is considered that the development has the potential to maintain appropriate amenity standards for neighbouring residents and to ensure a high standard of amenity for future occupants of the site in accordance with WNP policy NH1, AVDLP policy GP8 and the advice contained in the NPPF.

d) Developer contributions

4.56 As in the context of the previous assessment, the planning obligations applicable to the development are as follows:

- Affordable Housing
- On-site SUDS provision, management and maintenance
- On-site LEAP provision and public access to it and via the route between Waterperry Rd and the Clifden Arms car park in perpetuity
- POS maintenance and management
- Off-site transport contributions
- Off-site sport/leisure contribution,
- Off-site education contributions.

4.57 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.

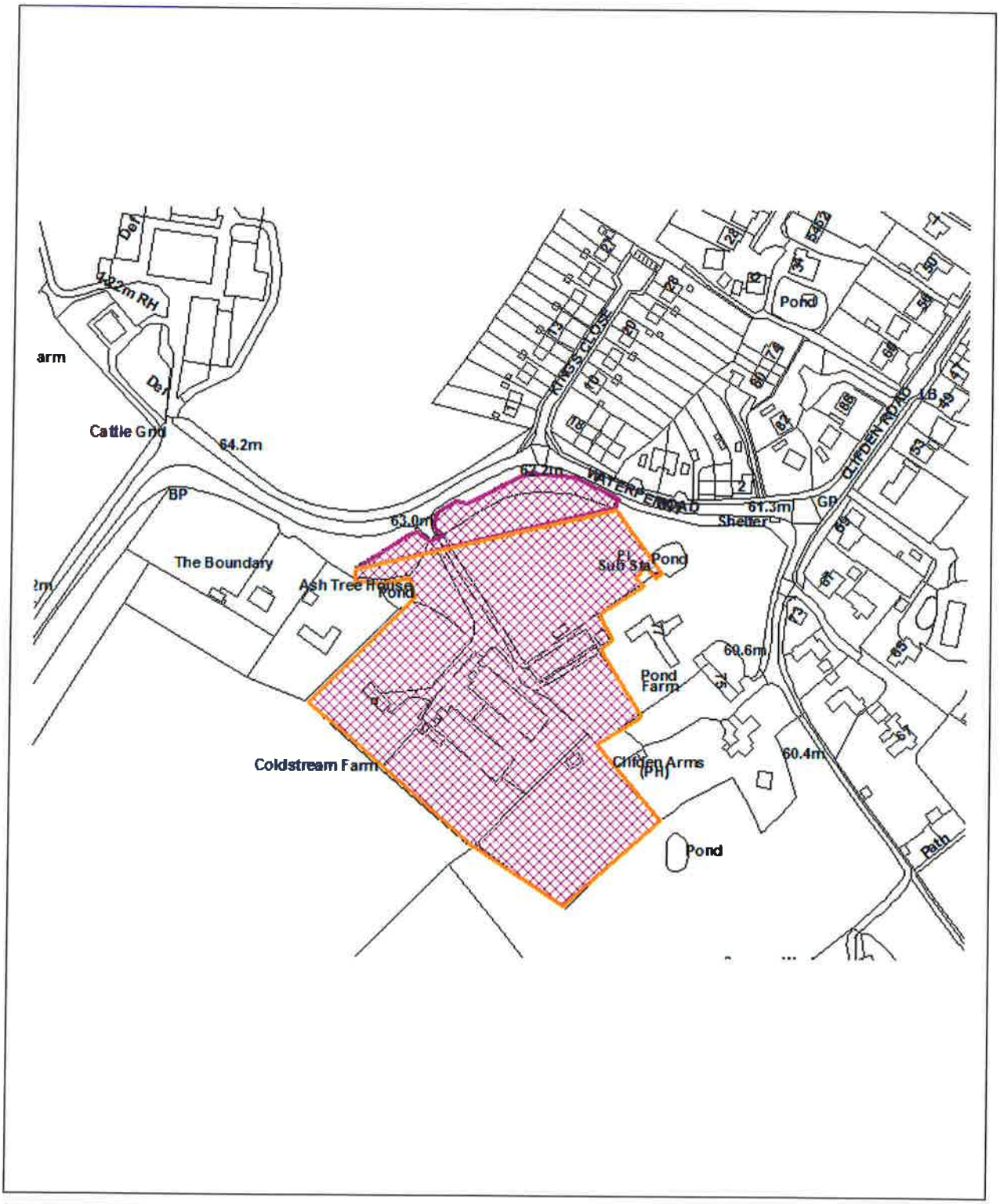
4.58 In the context of this application the development is in a category to which the regulations apply. The listed obligations are necessary and proportionate and are considered to comply with the tests set by Regulation 122 for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related to the scale and kind of development. Specific projects will 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.

4.59 The Council's solicitors have been instructed in respect of the drafting of a S106 Agreement to secure the relevant obligations should Members be minded to grant planning permission. With the obligations being secured through a legal agreement the development is considered to accord with the NPPF and AVDLP policies GP2, GP86-88, and GP94.

APPENDIX 1- Latest Parameters Plan

APPENDIX 2 – Previously Considered Parameters Plan

17/04837/AOP



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STREET ATLAS PAGE NO. 123		

1.0 **The Key Issues in determining this application are:-**

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

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

- **Building a strong competitive economy**
- **Promoting sustainable transport**
- **Delivering a sufficient supply of homes**
- **Achieving well designed places**
- **Making effective use of land**
- **Promoting healthy and safe communities**
- **Conserving and enhancing the natural environment**
- **Conserving and enhancing the historic environment**
- **Meeting the challenge of climate change and flooding**
- **Supporting high quality communications**

c) Impact on existing residential amenity

d) Developer contributions

e) Other Matters

The recommendation is that permission be REFUSED.

1.0 PLANNING BALANCE AND RECOMMENDATION

1.1 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the objectives of the NPPF and whether the

proposals 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 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.

1.2 In this case the Worminghall Neighbourhood Plan (WNP), which was made on 17.07.2018, and forms part of the development plan together with AVDLP. The WNP identifies the site as within the settlement boundary under policy SB1 and allocates the site for development under NH3 and these are up to date and included as two of the most important policies, together with policies NH1, CR1, CH1 of the WNP and GP35 of AVDLP. Paragraphn11d)I &ii of the NPPF are therefore not engaged.

1.3 The proposed development is considered not to fully accord with Policy SB1 Settlement Boundary given the landscape harm to the settlement character and to the setting of the Clifden Arms public house which forms part of Worminghall. In regards to other policies:

- The proposal accords with policy NH1 New Houses insofar as there are no impacts to existing residents amenity, the scheme is capable of preserving and enhancing vegetation and no public right so way are affected. However, it does not comply insofar as an LVIA has not been provided to consider the impacts to the settlement, countryside and receptors therein.
- Whilst it is acknowledged that the layout is not a matter for consideration at this stage, the number of dwellings and specific information provided in the DAS and parameter plan as to how they would be laid out must be fundamental to assessing the impact that development of this site would have upon the character and appearance of the area, and as such it is considered that the information provided does not demonstrate that a contextually appropriate layout could be satisfactorily achieved contrary to NH1 and NH3
- Policy NH2 Housing Mix will be further considered at reserved matters
- The proposal does not accord with Policy NH3 Coldstream Farm / Rear of Clifden Arms, insofar as it will not enhance natural boundaries in relation to the countryside and will also harm the setting of the Clifden Arms.
- For such reason the scheme is also contrary to Policy RC1 Rural Character and CH1 Heritage
- The proposal accords with Policy CFR2 Recreation, subject to the on site LEAP provision and subject to the off-site contribution, both of which would be secured in the s106 planning agreement if the council was minded to approve the application

1.4 In respect of conserving and enhancing built environment, the development has been considered in the context of the setting of the listed public house, a heritage asset. The report identifies that the archaeological interests are preserved, however the proposal would result in a harmful impact on the setting of the listed building, a designated heritage asset. Under paragraph 134 of the NPPF a balance must struck between this less than substantial harm to the setting of the listed building – which is to be given considerable importance and weight and amounts to a strong presumption against development - and the public benefits of the proposal.

1.5 The development would make a contribution to the housing land supply which is a benefit to the proposal, although this benefit would be tempered given the small number of units, and therefore amount to moderate weight in the overall balance. There would also be economic benefits in terms of the construction of the development, its operation and those associated with the resultant increase in local population to which moderate weight is attached. In respect of conserving and enhancing the natural environment, the proposal

provides mitigation and provision can be made at the reserved matters stage to provide net gain in biodiversity terms which represents an absence of harm. It is not therefore considered that the significant harm to the setting of the listed building, albeit less than substantial, is outweighed by the benefits.

1.6 In this instance, whilst the principle of residential development is acceptable on this site, and proposes various public benefits (HLS and economic) and an absence of harm anticipated in some respects (Transport, loss of BMV Ag land, Trees and hedgerows, Biodiversity, contamination, climate change and flooding, supporting high quality communications, neighbour amenity) and subject to further details at reserved matters (achieving well designed places, future occupier amenity) the proposal would nonetheless result in adverse harm to the settlement character, the adjacent open countryside and to the setting of the adjacent listed public house, the Clifden Arms, contrary to WNP policies SB1, NH1, NH3, RC1 and CH1, AVLDP Policy GP35 and the NPPF. It is noted that regard has been had to the considerable importance and weight to be attached to the harm identified to listed building in accordance with the statutory duty.

1.6 Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the WNP and AVDLP and supplementary planning documents and guidance, the proposal would conflict with WNP policies and AVDLP and there are no material considerations to indicate a decision other than in accordance with the development plan.

RECOMMENDATION:

It is therefore recommended that permission be **REFUSED** for the following reasons:

1. The proposed development of this site as indicated on the parameter plan submitted would fail to respect the prevailing building line in relation to the countryside edge, resulting in an intrusive form of development that would have a significant adverse impact on the landscape and the relationship and character of the existing settlement. It would result in a development that does not respect or compliment the physical characteristics of the site and surroundings, the building tradition, ordering, the natural qualities and features of the area and the effect to important views, including those from the public footpaths in the adjacent countryside. It would fail to comply with the NPPF objectives to recognise the intrinsic character and beauty of the countryside, and to conserve and enhance the natural environment. Furthermore in relation to historic setting, the proposed development zones would fail to maintain satisfactory separation with the listed building and would result in harm to the setting of the listed Clifden Arms public house, which is not outweighed by public benefits. The proposal is therefore contrary to Worminghall Neighbourhood Plan policies SB1, NH3, RC1 and CH1, Aylesbury Vale Local Plan Policy GP35 and the NPPF.

2. Had the above reason for refusal not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a Section 106 Agreement to secure on site affordable housing, on-site SUDS provision, management and maintenance, on-site LEAP provision and public access to it and via the route between Waterperry Rd and the Clifden Arms car park in perpetuity, POS and management, off-site transport contributions, off-site sport/leisure contribution, off-site education contributions. In the absence of such provisions, the proposal is contrary to the requirements of WNP Policies NH3 and RC1, AVDLP policies GP86, 87, 88, and GP94 and the NPPF.

INFORMATIVES:

1. Had reason for refusal not applied the council would have sought further consideration and negotiation regarding the necessity and feasibility of a pedestrian crossing across Clifden Road in accordance with WNP policy NH3

2.0 WORKING WITH THE APPLICANT

2.1 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. Given the issues encountered in the assessment it has been concluded that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole and the scheme has been refused accordingly.

3.0 INTRODUCTION

3.1 The application has been brought to committee as the parish is supporting the application and requests to speak at committee.

4.0 SITE LOCATION AND DESCRIPTION

4.1 This application relates to Coldstream Farm, a chicken farm on Waterperry Road on the south western edge of the settlement of Worminghall. The farm comprises a dwelling, various buildings and structures including the hen sheds as well as a field which the Planning and DAS states is used for grazing horses. The site is located in Flood Zone 1 (low level of flood risk) and an archaeological notification area and within an aero safeguarding zone.

4.2 Most site borders have considerable mature planting. Adjacent the site and within the settlement is an area of woodland identified in the WNP. To the south and west of the application site is open countryside and public Footpaths which have views of the site and village. To the eats of the site is the grade II listed public house, the Chiltern Arms. To the north and across Waterperry Road is residential development.

5.0 PROPOSAL

5.1 The outline application is for consideration of means of access for up to 18 dwellings. In addition to details of the point of access a parameter plan identifying 3 developments zones provides an indication of the areas of development and area of open space and curtilage.

Scheme amendments

5.2 There have been discussions in the course of the application and several iterations to the indicative parameter plan as follows:

- Amendments to the development zones
- Amendments to the SUDS

Supporting application documents

5.3 Along with the application drawings, the following documents support the application:

- Heritage Impact Assessment
- FRA & Surface Water Drainage Strategy
- Ecological Assessment Report
- Transport Statement
- Arboricultural Feasibility Report

6.0 RELEVANT PLANNING HISTORY

6.1 15/03403/AOP - Outline planning application with access to be considered and all other matters reserved for the construction of 5 dwellings, utilising the existing access off Waterperry Road – Refused 07.12.2015 for the following reasons:-

1. The proposed development, by reason of its layout and scale, would result in an unsatisfactory form of development, which would detract from the rural amenities of the locality and the existing morphology of this part of Worminghall. As such the development is contrary to policy GP35 of the Aylesbury Vale District Local Plan and to guidance contained within the NPPF.
2. Had the aforementioned reason not applied the Council would have sought a further ecological and tree survey, together with mitigation measures, to establish the likelihood of protected species within the site, details of proposed surface water disposal, a historic evaluation and geophysical survey of the site to establish evidence of archaeological remains, and the securing of a financial contribution towards off site leisure provision through a Section 106 agreement.

6.2 The subsequent appeal (Ref 16/00053/REF) was dismissed. The Inspector had regard to the following in the judgement:

"7. Although appearance, landscaping, layout and scale of the scheme would fall to be assessed in greater detail at a later stage, the overall quantum would be fixed and in trying to achieve an appropriate scheme at the reserved matters stage, there are a limited number of ways in which the appeal site could be developed for five, large detached dwellings.

8. The introduction of such development, the likely associated garaging, hard surfacing and future domestic paraphernalia and outbuildings would markedly change the character and appearance of the appeal site. Development would be uncharacteristically clustered around the centre of the site and close together with maximum ridge heights of 9m1. In my judgement, the proposal would result in a significant encroachment of overly dominant and compact built form that would set itself apart from adjoining development and not integrate well with it. In its context it would amount to overdevelopment to the detriment of the character and appearance of the appeal site and area and I do not consider that the current landscaping or future ecological and landscape improvements suggested by the appellant would mitigate this harm.

9. For these reasons, the development would cause significant harm to the character and appearance of the area and would conflict with Policy GP.35 of the Aylesbury Vale District Local Plan ('AVDLP') which, amongst other things seeks to ensure that the design of new development respects and complements the natural qualities and features of an area and the physical characteristics of the site and surroundings. I find this approach is consistent with the National Planning Policy Framework ('the Framework') insofar as the need to promote and reinforce local distinctiveness and that good design is indivisible from good planning. The proposal would therefore also conflict with the Framework."

6.3 16/02941/AOP - Outline application with access to be considered and all other matters reserved for the construction of 3 dwellings utilising the existing access off Waterperry Road – Approved 12.12.2016

6.4 It should be noted that condition 2 of the decision required "*Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission".* The consent has expired as no reserved matters have been submitted within the timescale specified.

7.0 **PARISH/TOWN COUNCIL COMMENTS**

7.1 Feb 2018:

"Councillors agreed to support this application with conditions regarding Road Safety on an awkward stretch of road.

The Councillors would like to see more than a 'tactile crossing' (as suggested by Highways) to slow traffic near the entrance to this proposed development. There will be wheelchair users, children and parents/grandparents with push chairs crossing to and from the proposed play area.

A submission in support of the outline application has been sent to AVDC from the NP Committee."

"Representation (Support) to Planning Application no. 17/04837/AOP, Outline application for a residential development of up to 18 dwellings. Coldstream Farm, Waterperry Road, Worminghall Buckinghamshire HP18 9JN

On behalf of Worminghall Parish Council/Worminghall Neighbourhood Planning Steering Group - Councillors agreed to attend a Committee hearing if necessary.

Summary of Support with conditions to address road safety concerns.

- *The outline proposal for 18 dwellings at a site at Coldstream Farm, Worminghall is in accordance with the Worminghall Neighbourhood Plan*
- *The proposal includes the provision for a much needed recreation area and would extend the footpath network in the village*
- *Development of the site would result in the removal of a working chicken farm which is an unneighbourly use and allow for reinforcement of boundaries to the open countryside.*
- *Councillors added (Ref: 1.13) The proposed crossing (over Waterperry Road), would be at the slimmest part of the s bend in the village where cars travel too fast and the pavements are narrow and slippery. This could cause harm to pedestrians or wheelchair users who cross the road to the bus stop or children crossing the road to access the play area. Councillors thought this to be inadequate and that It would be better to put a zebra crossing in instead of a 'tactile crossing' as suggested by BCC Highways."*
- *Parcel C has been used for recreational shooting of clay pigeons for over 20 years and may be contaminated with lead shot."*

Neighbourhood Planning Background

1.1. A Neighbourhood Plan for Worminghall has been in preparation since the Parish was designated a neighbourhood planning area by AVDC in September 2016. The draft Neighbourhood Plan was published in September 2017 (Pre-submission version), and accompanying background documents for 6 weeks in accordance with regulation 14 of the Neighbourhood Planning (General) Regulations 2012 and the SEA directive.

1.2. The Worminghall Neighbourhood Plan and its accompanying documents have recently been submitted formally to AVOC under Regulation 16 and have been published by AVOC. The documents can be found here. https:/lwww.aylesburyvaledc.gov.uklworminghall-neighbourhood-plan. The policies therein will need to be accorded weight in development

control decisions as set out in Planning Practice Guidance Paragraph: 007 Reference 10: 41-007-20170728.

1.3. The process for considering sites for allocation in the Neighbourhood Plan has been thorough and detailed and is set out in the accompanying Site Assessment Report (https:/lwww.aylesburyvaledc.gov. uklsites/defau ltlfi les/page _down loads/Worm inghall%20S ite%20Assessment%20Report.pdf). The map is reproduced at Annex 1 to this report. As part of the assessment of alternatives, the Neighbourhood Plan Steering Group asked the 3 developers who were actively promoting their sites to present their proposals to the Group for consideration on Saturday 28th May 2017. The 3 schemes were:

- *Proposal at The Avenue: Rectory Homes presented a scheme similar to the one being currently proposed under reference 17/04268/APP to include houses and an equipped play area (Site 1 on the map at Annex 1)"*
- *Proposal at Coldstream Farm: A scheme for mixed housing and a play area on Coldstream Farm and adjacent site, similar to the application submitted by Optimis Consulting reference 17/04837/AOP (Site 10/11 on the map at Annex 1)*
- *Proposal off Clifden Road (opposite Coldstream Farm) for a scheme of around 10 houses together with a separate offsite piece of land which could be used as a play area at the rear of Silvermead, owned by the same landowner. (Site 12 on the map at Annex 1)*

1.4. These sites (as well as those which could provide alternatives) were assessed. All potential sites were displayed in the village to allow public comments.

1.5. The selected site to be allocated in the Neighbourhood Plan was the proposal at Coldstream Farm at the southern end of the village for the following reasons:*

- *The site is suitable according to the site assessment matrix and is not unpopular with the village.*
- *Part of the site already has outline planning permission for 3 houses, but is not yet developed.*
- *Some of the site is built on with a bungalow and chicken sheds and associated hard surfaces.*
- *The site is in part occupied by working chicken sheds, an un-neighbourly use which would be removed if the site were to be developed*
- *There is sufficient space for a fully equipped play area*
- *A footpath link could be provided through the site to the back of the Clifden Arms*

*(*extract from Site Assessment Report December 2017 version)*

1.6. The Draft Neighbourhood Plan was subject to formal consultation in September and October 2016. Out of the 40 representations, over 20 of the representations submitted supported the Neighbourhood Plan in general which includes the housing allocation at Coldstream Farm. Only 2 objected to the allocation at Coldstream Farm specifically, (including Rectory Homes who have a current planning application at the other end of the village) although a few representors felt that no development should be allocated in the village up to 2033. Full details of the consultations are set out in the Consultation Statement accompanying the Neighbourhood Plan.

1.7 It can therefore be seen that the Neighbourhood Plan has already been subject to extensive consultation and therefore should be taken into account and accorded weight when determining this planning application. This site is the preferred site for the village.

Comments on the planning application

1.8. The site (outlined in red) is shown as lying within the Settlement Boundary as set out in Policy SB1 and shown on the Policies Map of the Neighbourhood Plan. This settlement

boundary was drawn taking account of existing built development within the village plus the site that has been selected for allocation.

1.9. It is acknowledged that the current application is outline with all reserved matters except access. The expectations of the village for this site are set out in Policy NH3 of the Neighbourhood Plan are: Policy NH3: Coldstream Farm/Rear of the Clifden Arms"

7.2 Feb 2018 cont.

"Representation (Support) to Planning Application no. 17/04837/AOP, Outline application for a residential development of up to 18 dwellings. Coldstream Farm, Waterperry Road, Worminghall Buckinghamshire HP18 9JN
On behalf of Worminghall Parish Council/Worminghall Neighbourhood Planning Steering Group – Councillors agreed to attend a Committee hearing if necessary.
Summary of Support with conditions to address road safety concerns.

- *The outline proposal for 18 dwellings at a site at Coldstream Farm, Worminghall is in accordance with the Worminghall Neighbourhood Plan*
- *The proposal includes the provision for a much needed recreation area and would extend the footpath network in the village*
- *Development of the site would result in the removal of a working chicken farm which is an unneighbourly use and allow for reinforcement of boundaries to the open countryside.*
- *Councillors added (Ref: 1.13) The proposed crossing (over Waterperry Road), would be at the slimmest part of the s bend in the village where cars travel too fast and the pavements are narrow and slippery. This could cause harm to pedestrians or wheelchair users who cross the road to the bus stop or children crossing the road to access the play area. Councillors thought this to be inadequate and that It would be better to put a zebra crossing in instead of a 'tactile crossing' as suggested by BCC Highways.*
- *Parcel C has been used for recreational shooting of clay pigeons for over 20 years and may be contaminated with lead shot.*

Neighbourhood Planning Background- repeating the above

Comments on the planning application

1.1. *The site (outlined in red) is shown as lying within the Settlement Boundary as set out in Policy SB1 and shown on the Policies Map of the Neighbourhood Plan. This settlement boundary was drawn taking account of existing built development within the village plus the site that has been selected for allocation.*

1.2. *It is acknowledged that the current application is outline with all reserved matters except access. The expectations of the village for this site are set out in Policy NH3 of the Neighbourhood Plan are:*
Policy NH3: Coldstream Farm/Rear of the Clifden Arms
The site is allocated for up to a total of 18 dwellings. The development should comprise a mix of units including both larger (family) and more affordable houses. At least 9 of the dwellings should be low cost market housing, these should comprise 2 and 3 bedroom homes. The development must allow retention of existing trees and hedgerows where appropriate, enhance the natural boundaries of the countryside with native species planting, respect the setting of the adjacent listed buildings and ensure that there is no unacceptable impact on the amenities of nearby properties.
The site will also provide: an equipped play area and accessible green space on the site; a footpath through the site linking the play area/green space with the back of the Clifden Arms car park; a pedestrian crossing across Clifden Road.

1.3. *Affordable Housing: The village has a reasonable amount of affordable housing already and it is understood that there are very few on the waiting list currently who are from the Parish or surrounding Parishes. Under these circumstances, the Parish Council do not consider that this should be a requirement of the planning application. In order to increase the supply of market houses which are lower in cost, the Parish Council and Neighbourhood Plan Steering Group have negotiated with the applicants to provide half the units to be smaller 2 and 3 bedroom homes and this is indicated in policy NH3.*

1.4. *Impact on the surroundings: The site already is bounded by trees and it would be appropriate to retain as many trees and hedgerows on the site as possible and reinforce the boundaries of the site, in particular with the open countryside. The adjacent listed building and its setting must be respected, as should the amenities of the nearby residential properties. The site is of sufficient size to allow the design and layout of the built development to take account of these issues and constraints. A carefully designed scheme would enhance the site and its surroundings, given that the working chicken farm use would be removed. The current outline application seems to address these issues and it is hoped that the future reserved matters application will carry these issues forward and will give further detail.*

1.5. *Provision of Play Area: One of the main objectives of the Neighbourhood Plan was to facilitate the provision of a play area for the village and new residents. Worminghall has no play and public open space at all in the Parish. The applicant has agreed to provide an appropriate formal equipped play area and open space within the site and the Parish Council are in support of this proposal.*

1.6. *Footpath and pedestrian crossing: Worminghall village is a compact village and residents use the footpath network to reach the limited services in the village; the pub, village hall and church. Provision of a footpath for new residents to easily access the pub from the back of the site would potentially increase the custom in the pub and extend the existing footpath network. The provision of a pedestrian crossing would allow existing residents to reach the new play area easily and safely and is also likely to slow down the traffic on Clifden Road at the southern end of the village.*

1.7. *Working with the local community: The applicants have worked closely with the Parish Council and Neighbourhood Plan Steering Group to develop this planning application to provide an attractive housing scheme with all the elements suggested by the village. More detailed consultation with the community is anticipated and we look forward to developing the proposals further in the subsequent reserved matters planning application."*

7.3 *The PC reconfirmed that it would like to speak at the committee hearing.*

8.0 CONSULTATION RESPONSES

8.1 BCC Highways: No objection subject to conditions

8.2 BCC SUDS: March 2018 update – Remove their Jan 2018 objection subject to conditions, based on the further information provided

8.3 Education: Require a financial contribution to expand existing primary and secondary schools in the planning area to accommodate the need arising from the development, it being noted that both primary and secondary schools are already at capacity.

8.4 Landscape: Objection – Impacts on countryside and settlement character, necessitating amendment to the parameter plan. He has raised concerns over the development zones indicated which would limit potential layouts, character and relationship with countryside and settlement.

8.5 Heritage: Inadequate information has been supplied to provide a convincing case that a suitably designed Reserved Matter scheme could be designed such that the significance of the designated heritage asset Clifden Arms Public House would be preserved. Unless this information is supplied at outline stage and fully assessed it is likely that harm would be caused to this designated heritage asset which could not be supported. The application does not comply with the relevant heritage policies and therefore unless there are sufficient planning reasons, it should be refused for this reason.

8.6 Housing: Min 30% affordable housing to be secured, the mix should reflect the overall mix and also take account of local need, and a 75/25 split between rent and shared ownership if required. Further consideration of adaptability and clustering of not more than 3 dwellings. Affordable housing details will be required at reserved matters stage

8.7 Trees: Recommend conditions requiring details at reserved matters stage

8.8 Biodiversity: Further information will be required to enable this application to be compliant with NPPF in respect ecological enhancement measures. This needs to be submitted as part of any reserved matters.

- Proof that this development provides net gains to biodiversity so as to be compliant with NPPF and NERC Act 2006.
- Details of model, location and position of integrated bat and bird boxes incorporated into fabric of buildings bordering open space in accordance with NPPF and Aylesbury Vale Green Infrastructure Strategy.
- Details of landscaping proposals including habitats to be created, establishment and management regimes and species including the wetland area comprising the Suds.
- Production of a site wide Landscape and Ecology Management Plan and a Construction Environmental Management Plan.

8.9 Parks & Recreation:

- In addition to the onsite provision, the development will place demand on other local facilities and to mitigate this a sport/leisure contribution of (exact amount dependant upon final approved bedroom per dwelling mix) is required having regard to the SPG and Ready Reckoner, together with aa bond, and additional commuted sum towards the open space schemes future maintenance, should the open space scheme be transferred to the Parish Council.
- Following amended plans the LEAP now meets the minimum 400sqm in area, minimum 10m buffer distance from residential boundaries, minimum 20m buffer distance from residential dwellings and appears to provide sufficient distance between the potential attenuation basin and LEAP locations for users and maintenance vehicles to pass safely.

8.10 CCG: There will likely be an increase in population of approximately 43 new patients as a result of this housing growth which will have an effect on Trinity Health and Wellington House Practice. It is unlikely 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 using CIL contributions. Further clarification provided that the CCG would not be making a s106 request for healthcare contributions

from this development.

8.11 Sport England: No comments to make as the scheme does not fall within their statutory remit

8.12 Natural England (NE): No comments to make on the application

8.13 Buckingham and River Ouzel Internal Drainage Board: No comments to make on the application

8.14 Thames Water (TW):

- Waste Water: No objection and further comments as follows:
  - There are public sewers either nearby or crossing the site and any works must minimise the risk of any damage and also not reduce capacity or inhibit maintenance, repair and service provision
  - Discharge to public sewer to be minimised and separate permit required
  - No objection provided the developer follows the sequential approach to surface water disposal
- Water comments: No objection having regard to network and treatment capacity and recommend an informative regarding the water pressure to be taken into account in the development design

8.15 Archaeology: No objection to the proposed development and further do not consider it necessary to apply a condition to safeguard archaeological interest.

8.16 Ministry of Defence (MOD): not safeguarding objections

8.17 Other: No comments were received from CPDA, Environment Agency (EA), Anglican Water (AW), Ministry of Defence (MOD) safeguarding, Waste.

9.0 REPRESENTATIONS

9.1 5 objections were received raising issues summarised as follows:

- No notification [Subsequent acknowledgment that a site notice was posted at the site]
- Storage of cars on the site
- Traffic and safety concerns re the access, the road and for pedestrians and cumulative impact with other developments
- Proposal is inappropriate use of farmland in green belt and outside the village boundary
- Incomplete application form
- Querying if public roads, diversion/extinguishing/creation of rights of way
- Lack of amenities, no sidewalks, no shops, no services, no public transport
- Drainage and Flooding
- Green belt land behind the property will be compromised
- Reference to previous refusals and great crested Newts in the adjacent pond

- Questioning why this housing is being considered given other [unspecified] refusals
- References to the WNP in relation to policy TT1 and road network impacts
- Concerned that homes will be unaffordable 'executive' properties
- 18 dwellings too large and exceeds the requirement for the village
- Questioning the sewer plans and that the existing system is struggling to cope
- Out of character with the village
- Reference to other proposals in the village and possible alternative opportunities for redevelopment
- Reference to the financial motivation for proposals and the previous approval for 3 homes
- Light pollution and noise
- Damage to the environment [The details of the damage is not specified by the objector]
- Damage to countryside

9.2 1 comment was received:

- Not aware of nay notification signs being posted at the site

10.0 **EVALUATION**

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

10.1 Members are referred to the Overview Report before them in respect of providing the background information to the Policy. 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

Neighbourhood Plan

10.2

10.3 Worminghall Neighbourhood Plan (WNP) was made on 17 July 2018. The application site lies within the Settlement Boundary of Worminghall as designated by the Worminghall Neighbourhood Plan (WNP) and is an allocated site. Policy SB1 (Settlement Boundary) states amongst other things that *"within the Settlement Boundary, defined on the Policies*

Map, proposals for new buildings will be supported which are appropriate in scale, design and character to the village of Worminghall; contribute to its local distinctiveness; and are not harmful to the amenity or living conditions of neighbouring occupiers".

10.4 Other relevant policies are as follows.

10.5 Policy NH1 "New Houses" states that new houses to be built as infill in Worminghall will be modest in scale and sensitive to the rural character of the village, ensuring that development does not result in the loss of amenity to existing residents, including loss of privacy, loss of daylight, or visual intrusion by a building structure; a landscape and visual impact assessment is provided with the application for development; the proposals seeks to conserve and enhance mature vegetation, with new planting to screen the site and/or maintain the rural character of the locality; and the proposal conserves existing public rights of way.

10.6 Policy NH2 "Housing Mix" states that new development shall comprise a mix of housing, including affordable housing in line with the District Council's policies and/or low-cost market housing, where feasible and viable. Support will be given to housing schemes which include two/three bed terraced or semi-detached accommodation.

10.7 Policy NH3 "Coldstream Farm / Rear Of The Clifden Arms" states that *"the site is allocated for up to a total of 18 dwellings. The development should comprise a mix of units including both larger (family) and smaller 2 and 3 bedroom homes. At least 9 of the dwellings should be affordable or low cost market housing, unless it can be demonstrated that this would not be practicable or viable. The development must allow retention of existing trees and hedgerows where appropriate, enhance the natural boundaries of the countryside with native species planting, respect the setting of the adjacent listed buildings and ensure that there is no unacceptable impact on the amenities of nearby occupiers. New development should use Sustainable Drainage Systems (SUDS) to reduce the risk of flooding. The site will also provide: an equipped play area and accessible green space on the site; a footpath through the site linking the play area/green space with the back of the Clifden Arms car park; a pedestrian crossing across Clifden Road."*

10.8 Policy CFR2 "Recreation" states that all new housing development should make on site provision or a financial contribution for the provision of play and recreational space. Developer contributions will be sought where onsite provision cannot be made for the inclusion of play and recreational space in line with s106 planning obligations requirements or CIL Regulations.

10.9 Policy CH1 "Heritage" states that all new development should preserve and where possible, enhance Worminghall's listed buildings and their settings. Applications will explain how the design of proposals might affect the historic character and appearance of the area, including any features of archaeological importance or undesignated heritage assets, and how proposals have sought to retain or enhance positive features of the area. Views of particular importance as defined on the Policies map should be preserved and not be obstructed by new development. Construction materials and finishes should reflect the surrounding area and the character and heritage of the immediate environment. Modern replacement and/or new build materials should visually compliment the immediate environment.

10.10 Further policy TT1 deals with parking and traffic.

Aylesbury Vale District Local Plan (AVDLP).

10.11 The policy position and current housing land supply figures are addressed with the overview report that is to be read in conjunction with this Committee Report. What is of relevance however is that given the status and relevance of the Neighbourhood Plan, a weighted balance approach is not appropriate in this instance.

10.12 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. They all seek to ensure that development meets the three dimensions of sustainable development. These policies can be relied upon provided that they are consistent with NPPF guidance. These include AVDLP policies GP2, GP8, GP24, GP35, GP38, GP39, GP40, GP45, GP59, GP86, GP87, GP88, GP91, GP95. Issues relevant to the consideration of the proposal in the light of this and other applicable policies are addressed in more detail below.

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

10.13 As set out in the overview report, the draft Vale of Aylesbury Local Plan. This Plan was published and subject to public consultation in summer 2016. Following consideration of the consultation responses, and further work undertaken changes have been made to the draft plan. A report has been considered by the VALP Scrutiny Committee on 26 September and Cabinet on 10 October 2017 on the proposed submission plan. The Cabinet's recommendations were considered by Council on 18 October 2017. The examination hearing ran from Tuesday 10 July 2018 to Friday 20 July 2018. The adoption of the Vale of Aylesbury Local Plan is planned to be in early 2019.

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

a) Whether the proposal would constitute a sustainable form of development having regard to:

- ***Sustainable location***

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

10.16 It is only if a development is sustainable when assessed against the NPPF as a whole that it would benefit from the presumption in paragraph 11 of the NPPF. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.

10.17 AVDLP identifies Worminghall as set out in Appendix 4 as a settlement where policies

RA.13 and RA.14 would apply limited infilling or rounding off would be appropriate, these policies are out of date as outlined within the Overview Report and only have very limited weight.

10.18 Worminghall is identified in the Settlement Hierarchy Assessment for the submission Plan (September 2017) as a Smaller Village. 'Smaller villages' are settlements defined as typically having a population of between around 200 and 700 and have between 2 – 5 of the key criteria (within 4 miles of a service centre, employment of 20 units or more, food store, pub, post office, GP, village hall, recreation facilities, primary school, hourly or more bus service and train station). The Settlement Hierarchy states that smaller settlements are not sufficiently sustainable to accommodate further significant development because of the limited or no services or facilities. However a small level of development is unlikely to lead to any environmental harm as there is already built form and will contribute towards providing locally needed homes for families to remain in the same communities and contribute to vitality.

10.19 The site lies within the settlement boundary identified in the WNP and is allocated for housing development comprising up to 18 dwellings. It is therefore considered that this is a sustainable location for development of this scale.

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

10.20 The Government is committed to securing and supporting sustainable economic growth and productivity but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

10.21 It is considered that there would be economic benefits in terms of the short term benefit in the construction of the development itself and in the long term the resultant increase in population contributing to the local economy, in accordance with the NPPF, which is a moderate benefit.

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

10.22 Local planning authorities are charged with delivering a wide choice of sufficient amount of and variety of land and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development. In supporting the Government's objective of significantly boosting the supply of homes, paragraph 61 states that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes. NPPF para 64 seeks at least 10% of homes are to be available for affordable home ownership subject to certain exceptions.

10.23 WNP Policy NH2 states that new development shall comprise a mix of housing including affordable housing line with district council policy where feasible and viable and support will be given for schemes where 2/3 bed terraces or semi detached accommodation is included. NH3 requires that at least 9 of the dwellings should be affordable or low cost market housing, unless it can be demonstrated that this would not be practicable or viable.

10.24 In respect of affordable housing, GP2 of the AVDLP requires 30% affordable housing to be

provided on site for schemes providing 25 dwellings or more or a site area of 1 ha or more. The scheme is over 1Ha and affordable housing provision is therefore required. The NPPF requires that where there is a conflict between the local plan and a NP the most up to date policy will take precedent, in this case this is WNP policy NH3. The councils HEDNA (evidence base to the emerging VALP) which has weight in decision-making sets out the following mix for housing to the identified need in the district:

Market Housing		
Flats	1 bedroom	4%
	2 bedrooms	4%
Houses	2 bedrooms	13%
	3 bedrooms	52%
	4 bedrooms	21%
	5+ bedrooms	6.5%
Affordable Housing		
Flats	1 bedroom	9%
	2 bedrooms	6%
Houses	2 bedrooms	38%
	3 bedrooms	38%
	4 bedrooms	9%

**NB percentages may not equal 100% due to rounding*

10.25 The Planning and DAS states at para 5.2 that at least nine of the dwellings *will* be 2-3 bedrooms. Regarding affordable housing provision, there is no clear indication as yet of what is proposed other than para 6.28 stating that the scheme includes 50% *"more affordable"* housing it being noted there is no elaboration on what this means. Whilst the mix is not specified at this outline stage, it is considered that this could be achieved through a reserved matters submission.

10.26 The council's Housing officer notes the following requirements and suggestions regarding a detailed proposals:

- The affordable housing split should be 75%/25% between affordable and shared ownership tenures
- The affordable units should be reflective of the overall housing mix whilst also taking in to account the local needs of the district, noting that 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.
- The HEDNA shows a need for more affordable units to be accessible and adaptable, recommending that they meet Category 2 (accessible and adaptable) of Approved document M of the Building Regulations 2010 with a proportion of those (15%) to meet category 3 (wheelchair user) of the same document. Therefore, Housing would therefore ask that this need be reflected where possible.
- In terms of overall design details, build quality and materials the affordable units should be indistinguishable from market housing.
- Affordable housing should be well distributed throughout the whole site, suggesting clusters of no more than 3 affordable units noting that a road or garden boundary does not separate clusters.
- The applicant will need to supply an affordable housing plan at reserved matters stage showing the location, tenures, sizes and mix of affordable units that will be

supplied taking in to account the points above.

10.27 A s106 obligation would be necessary to secure affordable housing in accordance with WNP Policy NH2, AVDLP policy GPP2 and the NPPF. The contribution to housing supply and affordable housing is considered a moderate benefit.

- ***Promoting sustainable transport***

10.28 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.

10.29 WNP Policy NH3 seeks amongst other things, a footpath through the site linking the play area/green space with the back of the Clifden Arms car park; a pedestrian crossing across Clifden Road.

10.30 WNP Policy TT1 Parking And Traffic states that all development should provide adequate off-street car parking to meet the standards set out in the adopted Local Plan and any subsequent updates. Until the emerging Plan is adopted, there should be 1 parking space within the plot for 1 bedroom homes, at least 2 spaces for 2 or 3 bedroom homes, and at least 3 spaces for 4 bedroom homes. This latter point reflects GP24 of the AVDLP, which requires that new development accords with published parking guidelines. SPG 1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development.

10.31 It should be noted that as this is an outline application the detailed design and layout would be considered as part of any reserved matters and adequate circulation, servicing (including servicing for larger refuse vehicles) and parking should be capable of being accommodated..

10.32 In additional to the proposed access and the development zones and indicative access route, the parameter plans indicate a pedestrian route through the site, between Waterperry Road via the proposed play-space to the rear of the adjacent public house. It should be noted that access to and through the adjacent public house land is subject to a separate private agreement. The detailed design of the route would also be subject further consideration as part of the detailed design and layout at reserved matters.

10.33 In respect of the current outline for consideration of means of access, BCC Transport advise that the proposed access is identical to that which was considered acceptable and approved under planning permission ref. 16/04291/AOP. Although the current application would generate a greater number of vehicle movements, BCC remain satisfied that the access arrangements proposed are acceptable. It is further noted by BCC that, as the application in outline with only the access to be considered at this time, further details relating to access and parking of the detailed therefore these details can be dealt with at reserved matters application, including the following detailed aspects:

- Provision of the 2m footway is provided along the carriageway edge as was sought as part of the previous proposal 16/04291/AOP to link the site with Waterperry Road, it being noted that the current scheme is larger and therefore subject to a greater level of pedestrian movements which need to be accommodated. BCC consider that there is adequate room to accommodate the footway as part of the layout at reserved matters stage and request this is secured by condition if the council is minded to approve the application
- Tactile crossings should be installed at any pedestrian crossing points, including a point on Kings Close previously agreed to maximise the intervisibility between vehicles and pedestrians.
- The layout should provide adequate room for vehicles to park clear of the highway, manoeuvre and exit the site in a forward gear. There should also be room for larger service vehicles to manoeuvre, which will need to be demonstrated with the submission of a swept path analysis showing an 11m+ refuse vehicle serving the site.
- Conditions securing visibility splays, the means of access, the footway as well as a scheme of parking/garaging/manoeuvring, as well as layout out of turning area.

10.34 At this stage, the development is considered to comply with the WNP policies NH3 and TT1 and NPPF regarding highway safety and function and is regarded as having a neutral impact.

- **Conserving and enhancing the natural environment**

10.35 In terms of consideration of impact on the landscape, NPPF para 170 states that proposals should amongst other things protect and enhance valued landscapes, recognise the intrinsic character and beauty of the countryside, minimising impacts on and contributing to net gains in biodiversity, preventing new development contributing to or being at risk of unacceptable soil, are, water or noise pollution and land instability and remediating despoiled, degraded, derelict, contaminated or unstable land where appropriate.

Landscape

10.36 Several WNP policies contain requirements relevant to the consideration of landscape, namely:

- Policy SB1 Settlement Boundary states amongst other things that within the Settlement Boundary, defined on the Policies Map, proposals for new buildings will be supported which are appropriate in scale, design and character to the village of Worminghall; and contribute to its local distinctiveness
-
- Policy NH3 Coldstream Farm/Rear Of The Clifden Arms states amongst other things that development must allow retention of existing trees and hedgerows where appropriate, enhance the natural boundaries of the countryside with native species planting, respect the setting of the adjacent listed buildings
- Policy RC1: Rural Character states amongst other things that The rural character of the village and its surroundings should be respected through new development by ensuring that the resulting form and layout of development is appropriate to the surroundings; boundary treatment and landscaping schemes should be carefully

designed so as to prevent undue urbanisation of the location; proposals should seek to conserve and enhance mature vegetation.

10.37 AVDLP Policy GP35 requires new development to respects 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.

10.38 Policy GP38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible.

10.39 In landscape terms the site currently consists of a paddock area in the northern part of the site that abuts the Waterperry Road, farm buildings and associated bungalow on the western portion of the site and a further small field at the south-western extent of the site.

10.40 Whilst broadly level, the site is largely divided/defined by existing hedgerows (and associated trees)-although in places these have become gappy and in need of restoration/management.

10.41 Open countryside continues to the south and west of the site. This landscape lies with the 'Ickford Pastoral Vale'(LCA 8.12) an area of landscape that is assessed as being in *"very good condition"* and having *"moderate sensitivity"*. The area is characterised by being *"predominantly flat"*, with *"no woodland"* but with *"the tree cover ... being strongest close to settlements and watercourses"* and where *"the villages of Ickford and Worminghall have retained a strong historic character' and where 'the greatest visual interest tends to exist close to the settlement or watercourses"*.

10.42 To the east of the site the two adjacent properties Pond Farm and the Clifden Arms, are both grade II listed.

10.43 The WNP has allocated the site as being a site suitable for development and for the provision of "up to 18 dwellings" and this is specifically provided for by WNP policy NH3. The policy states that *"the development must allow retention of existing trees and hedgerows where appropriate, enhance the natural boundaries of the countryside with native species planting, respect the setting of the adjacent listed buildings and ensure that there is no unacceptable impact on the amenities of nearby occupiers'. The policy also requires that the proposed development should also provide 'a footpath through the site linking the play area/green space with the back of the Clifden Arms car park' and 'a pedestrian crossing across Clifden Road"*.

10.44 In addition to the site specific policy NH3, the Neighbourhood Plan also sets out a policy relating to the preservation of the rural character of the village at NP Policy RC1.

10.45 Policy RC1requires that *"the rural character of the village and its surroundings should be respected through new development by ensuring that: new buildings and extensions to existing buildings reflect and enhance the street scene, by way of their scale, height and massing; the resulting form and layout of development is appropriate to the surroundings; boundary treatment and landscaping schemes should be carefully designed so as to prevent undue urbanisation of the location; proposals should seek to conserve and enhance mature vegetation; development proposals must provide appropriate green infrastructure which aims to result in a net gain in biodiversity, species richness and/or abundance and provides or enhances connectivity between green spaces"*.

10.46 The applicant has submitted an 'outline application for a residential development of up to 18 dwellings' with all matters except access reserved and this application has been accompanied by a 'Parameter Plan' (drwg. ref. 14089 (B) 108 Rev R)which identifies the basis upon which the applicant is seeking to demonstrate that a satisfactory form of proposed development can be achieved

10.47 The Parameter Plan thus forms the basis upon which the proposed development has been assessed. The Parameter Plan identifies three 'Development Parcels' (A,B & C) of varying

size and shape within the site and what is described as an 'indicative route through the site' that links the three 'development parcels' to the site access from the Waterperry Road. It also identifies an 'indicative play space location' adjacent to a proposed footpath that joins a proposed 'footpath link' from the Waterperry Road to a 'potential link to [the] public house' at the Clifden Arms. Three 'potential attenuation basins' are also identified as well as an area of 'open-space'.

10.48 The proposed development occupies a site allocated for development in the 'made' Neighbourhood Plan and as such there is no fundamental objection to the principle of development on the site for up to 18 dwellings. The applicant has however submitted a 'Parameter Plan' and it is thus necessary to judge whether the layout so indicated would be capable of complying with the policy requirements of the neighbourhood plan, the saved policies of the AVDLP and the policies of the NPPF.As explained above, the three identified 'development parcels' are clearly and specifically defined and, whilst they are of apparently irregular shape, they will shape the form that development can take when more detailed layouts are brought forward and several of the issues that flow from these constraints would cause fundamental problems for future detailed proposals.

10.49 Firstly, it is apparent from a consideration of the 'development parcels' (which together total 0.91ha) that the proposed development will be coming forward at a density of 19.8 dph (based on the net developable area). The development parcels will leave little room for variation in layout within the proposed defined 'development parcels', indee are constrained in extent and it is highly likely that the proposed development will have plot sizes somewhat smaller than many existing plots in the immediate context of the site. This is explained in more detail below. This means that the layout will essentially be restricted and so will the relationship of the proposed dwellings with their surroundings.

10.50 For example, due the limited depth of 'Parcel A' it is inevitable that dwellings in this area will have extensive sections of side and rear boundaries backing onto the continuous area of open space that extends around it, this would mean that much of this open space (and the footpath within it) would not be overlooked by 'active frontages' and correspondingly nor would the rear/side boundaries benefit from active surveillance. This approach would be contrary to good design practice as required by the NPPF (being contrary to basic 'Secured by Design' principles and planning practice guidance)and would also be contrary to AVDLP policy GP35 and the identified WNP policies. Furthermore there are limited depths shown in parts of parcels A and C which would constrain the size of plots and space around which would not respect the pattern of development in the area..

10.51 Secondly, it is also apparent that the shape of the proposed development parcels B and C would inevitably mean that development would be brought forward in extremely close proximity to existing hedgerows and the adjacent open countryside. In this context it is particularly noteworthy that the immediately neighbouring properties to the north (as well as the existing bungalow on the site) are set back some 25+m from the rural boundary. Whilst such an arrangement would be possible within the overall site (as appears to have been anticipated by the WNP policies) it would not be possible within the very specifically defined development parcels without a very significant drop in the number of proposed dwellings caused by a set back of a context appropriate dimension. Built form up to or in close proximity to this boundary would result in an intrusive form of development and would thus inevitable threaten the long term retention of the existing vegetation (again contrary to the identified policies). This would also result in a relationship with the adjacent countryside that would result in unacceptable landscape and visual impacts and would be noticeably at odds with the existing settlement pattern at this edge of the settlement. Whilst it is acknowledged that the layout is not a matter for consideration at this stage, the number of dwellings and specific information provided in the DAS and parameter plan as to how they would be laid out must be fundamental to assessing the impact that development of this site would have upon the character and appearance of the area, and as such it is considered that the information provided does not demonstrate that a contextually appropriate layout could be satisfactorily achieved. This was raised with the applicant on

several occasions who has declined the opportunity to enter into further negotiations or consider further amendments and wishes the application to be determined as submitted.

10.52 For the reasons set out above, the proposed development as defined by the submitted parameters plan would result in a form of development that would be contrary to the policies in the NPPF, AVDLP and WNP in particular AVDLP policy GP35 and WNP policies NH3 and RC1 and would result in significant harm..

Agricultural Land

10.53 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 falls well below this threshold.

10.54 The application would result in the loss of agricultural land including the hen sheds and a field currently used for grazing. However, the loss of agricultural land is not address in the supporting information including the Planning and DAS. It is noted that there was no information evident in previous applications 15/03403/AOP and 16/02941/AOP to have regard to.

10.55 In regards to the separate NP process and input and assistance supplied by AVDC, consideration was had to the agricultural land classifications information derived from the DEFRA website. Worminghall was identified as variously Grade 3 and 4 and the application site as Grade 4. The Worminghall NP Site Assessment Report states the land as Grade 4. The NP Examiner's report stated he following:

> *"4.21 I have also taken account of Natural England's concern that loss of the best and most versatile (BMV) agricultural land (Grades 1-3a) should be avoided. The Site Assessment Report includes information on the agricultural land value of potential sites. The chosen site at Coldstream Farm includes a grade 4 paddock, but there is no reference to any BMV land. I consider it unnecessary for the WNP to include additional policies and information on this matter."*

10.56 On the basis of the above there is no evidence to suggest that the proposals would result in the loss of any BMV land which would otherwise be contrary to the NPPF.

Trees and hedgerows

10.57 WNP Policy NH1 states that amongst other things new houses to be built as infill in Worminghall will ensure that development seeks to conserve and enhance mature vegetation. Policy NH3 states that proposals amongst other things must allow retention of existing trees and hedgerows where appropriate, enhance the natural boundaries of the countryside with native species planting. Policy RC1 states amongst other things that proposals should seek to conserve and enhance mature vegetation.

10.58 Policies GP.39 and GP.40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.

10.59 The AVDC Trees officer has considered the supporting arboricultural advice which identifies two individual trees and one group of trees for removal (all Cat C) as well as a further category U for removals. These removals are relatively minor, and there should be scope for compensation/replacement planting in the view of the officer although, it should be noted that further consideration will be necessary at reserved matters stage when the layout and detailed proposals are know. As such, the arboricultural information submitted at this stage is treated as indicative. Appropriately worded conditions are recommended for detailed information regarding existing trees and protection as well and proposed planting if the council is minded to approve the application.

10.60 Subject to the above conditions requiring further information and consideration at reserved matters, the proposals are considered capable of protecting existing trees worthy of retention, it being noted the proposed removals are considered acceptable, as well as accommodating sufficient compensatory and additional planting in accordance with the abovementioned policies and the NPPF.

Biodiversity/Ecology

10.61 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.

10.62 WNP Policy RC1 states amongst other things that proposals must provide appropriate green infrastructure which aims amongst other things to result in a net gain in biodiversity, species richness and/or abundance.

10.63 The proposed development is likely to have a negative impact upon biodiversity if unmitigated. An ecological impact assessment has been submitted in support of this application which details the species and habitats currently found on the proposed development site. It is considered that this report acts as an accurate account of these features at the time of the assessment.

10.64 It is noted in relation to a future reserved matters application, the applicant will need to demonstrate how the development minimises impacts on biodiversity, provides net gains in biodiversity, and conserves and enhances biodiversity, in accordance with NPPF. The report has included a number of enhancement provisions but these are not considered to be in sufficient detail for the application to be compliant with NPPF in respect of these provisions at this stage. The following measures provide greater detail to those discussed in the report. These will need to be set out in detail in a site wide Landscape and Ecology Management Plan and a Construction Environmental Management Plane at reserved matters stage:

- Opportunities to incorporate biodiversity in and around developments will be required. Integrated bat boxes will need to be built into the south facing brickwork as high into the gable.
- Provision for Swifts will need to be incorporated into as many of the proposed dwellings under north facing eaves .
- The model, location and position of these devices will need to be included on the plans. Conventional bat and bird boxes are not acceptable because they are vulnerable to vandalism, require annual checking and not as effective as integrated devices.
- Provision of permeable fencing throughout the development to enable movement of hedgehog across the gardens proposed on site.
- In order to maximise the habitat value of created and retained habitats on site details of species, establishment regimes, management regimes and funds to secure on-going management of these habitats should be supplied. Habitats and species should be native, appropriate and be of and local provenance where possible.
- All mitigation, compensation, enhancement, habitat creation measures must be definitively stated in the application. It is not acceptable to state what could or should be provided, only what will be provided in order to ensure post development enforcement.
- The applicant will need to produce a site wide Landscape and Ecology Management Plan and a Construction Environmental Management Plan of the whole development for the approval of the District Councils Ecologist

Subject to the above including conditions recommended in relation to a future reserved matters application, it is possible for the proposals to demonstrate how it variously

minimises, conserves, enhances and achieves net gains in biodiversity in accordance with the abovementioned policies and the NPPF.

Contamination

10.66 Whilst there is no record of any land contamination issues on site, noting the parish comments, the identification and action to address any previously unidentified contamination previously remains the responsibility of the developer. The council's environmental health officer has reviewed both the council's GIS and site records and there is nothing of concern identified in relation to the historical use of the site and no requirements for any contamination conditions to be imposed if the council was minded to approve the application.

In regards to the potential for hazardous materials in the existing buildings to be demolished such as asbestos, this is a separate matter and an informative is recommended for the applicant to consult with the HSE, if the council is minded to approve the application.

These matters are considered to have a neutral impact

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

10.67 WNP Policies NH3 seeks an equipped play area and accessible green space on the site as well as a footpath through the site linking the play area/green space with the back of the Clifden Arms car park

10.68 Policies GP86-88 and GP94 of the AVDLP seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development.

10.69 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.

10.70 In respect of open space, play-space and recreation, the revised parameter plan indicates that the provision of a play area on site would be capable of being provided in accordance with the WNP policy. In addition to the on site provision, a financial contribution would also be required towards off-site provision, which can be secured through a S106 pursuant to AVDLP policy GP86-88, SPD and Ready Reckoner. At reserved matters when the detailed design and layout is know, further consideration will be made to adequate quantum and design of the POS provision. Similarly, safety would be further considered at reserved matters stage when the detailed design and layout is know, notwithstanding the limitation and issues identified with respect to the parameter plan in the 'Landscape' section above.

10.71 The parameter plans shows an indicative link through the development to improve connectivity and access to the quipped play area, pursuant to the WNP policy.

10.72 In respect of education, a financial contribution towards provision of primary and secondary school provision to accommodate the need arising from the scheme, noting that facilities are already at capacity, would be sought if the council was minded to approve the application.

10.73 In respect of healthcare provision, although the CCG have identified that small schemes such as the subject application to place pressure on service provision, that they are not seeking a financial contribution towards existing facilities.

10.74 Subject to the on-site provision of play area, POS and connectivity at reserved matters as well as a s106 contributions towards sport and leisure and education, and further consideration of the detailed design and layout at reserved matters, the scheme would

have the potential to promote healthy and safe communities in accordance with the abovementioned policies and the NPPF. These matters are considered to have a neutral impact.

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

10.75 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.

10.76 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should taking into account of the importance the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

10.77 The residential redevelopment of the site is supported by the WNP and subject to further consideration of the detailed design, layout, scale and landscaping at reserved matters, the scheme *could* be an effective use of the land. However, given the landscape and heritage impacts arising from the parameter plan and which the applicant is not willing to further amend to overcome such issues, means that the current proposals are not an effective use of the land which seeks development to variously appropriately address countryside and settlement character and protection of heritage contrary to policies SB1, NH1 and NH3 of the WNP, AVDLP Policy GP35 and contrary to the abovementioned provisions of the NPPF For the reasons set out above this harm is considered to be significant.

- ***Achieving well designed places***

10.78 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.79 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).

10.80 Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides. The overview report sets out Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.

10.81 Policy GP35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP45 is also relevant and that any new development would also be required to

provide a safe and secure environment for future occupiers of the site.

10.82 The detailed design including layout, scale, appearance and landscaping are for consideration at reserved matters. Although, the issues and limitations posed to the future design by the current parameter plan which the applicant is not willing to further amend is noted at this stage. As discussed earlier in the Landscape section, the parameter plan is considered to result in a form of development that would impact on the countryside and settlement character. Additionally, the parameter plan would result in a development that harms the setting of the adjacent public house. For these reasons, the details of the scheme including the submitted parameter plan are considered to facilitate a well designed scheme, contrary to the abovementioned policies and the NPPF and would have a neutral impact.

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

10.83 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving the Listed Building, its setting and any features of special architectural or historic interest in which is possesses. In addition to paying attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

10.84 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification. Paragraph 189 extends this provision to non-designated heritage assets with an archaeological interest. Where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, paragraph 196 requires this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.85 The heritage assets under consideration are the following:

- The Clifden Arms public house located to the east of the application site
- the Grade II listed Pond Farm also located to the east of the application site

Listed buildings further afield and any other non-designated assets are not identified as being affected by the proposals. Archaeology is dealt with later in this section.

10.86 As part of the outline scheme for up to 18 dwellings, there is no indicative masterplan however, a parameter plan is submitted, showing three development parcels A, B and C, access and landscaping/open space with which to consider the implications for the nearby listed buildings.

10.87 The rear garden of Pond Farm is near development parcel A and is separated by a small landscape buffer and existing hedge and tree planting. The rear garden of Clifden Arms PH abuts development parcel C and is separated by an existing deciduous hedgerow. The block plan shows a potential footpath link into the rear garden of Clifden Arms PH.

10.88 A Heritage Impact Assessment forms part of this application however the primary focus of this document is on the archaeological implications of the proposal and no detailed assessment of the setting of the listed buildings has been undertaken, contrary to WNP Policy CH1 which requires applications to explain how a proposal might affect the historic character and appearance of the area, which necessarily includes listed buildings.

10.89 The Heritage officer is satisfied that development parcel A is likely to provide a suitable separation and landscape buffer between the proposed development and the listed Pond

Farm to avoid any adverse effects on the setting, subject to the detailed design coming forward including landscaping proposals.

10.90 However the development of parcel C will be clearly visible from the garden of the public house since no buffer or landscape mitigation has been provided in the block plan to ensure that the development would maintain a suitable separation to avoid any adverse effects on the setting of this listed building. This setting is currently characterised by open countryside and historically was an isolated building in the landscape. Parcel C facilitates an suitably designed scheme at Reserved Matters and does not ensure that the significance of this heritage asset is preserved and is thereby likely harm to the setting of a designated heritage asset.

10.91 It is noted that this could have been potentially overcome through further amendment(s) to the parameter plan which were sought as part of the negotiation by officers. However the applicant has declined the opportunity to enter into further negotiations and declined to consider further amendments and wishes the application to be determined as submitted. It is considered that in the absence of information provided to demonstrate that a contextually appropriate layout could be satisfactorily achieved, the proposal is considered to result in harm which is considered to amount to less than substantial harm in NPPF terms. It would thereby be contrary to policy NH3, RC1 and CH1 of the WNP.

10.92 Overall, special regard and attention has been given to the statutory tests under S66 and S72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted as a higher duty. The parameter plan will result in a development which is inappropriate to the location and will result in less than substantial harm to the setting of the nearby Listed Buildings public house contrary to special duty of the Act, the abovementioned policies and the NPPF. The harm which would be caused to the significance of the heritage assets as identified above must be weighed against the public benefits of the proposal in accordance with guidance contained within the NPPF.

Archaeology

10.93 In respect of archaeology and that part of site is identified within a notification area for archaeology, BCC have considered the proposals as well as the supporting heritage impact assessment, and consider that there is no harm to archaeology and no requirement for any further conditions in this respect.

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

10.94 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.

The site is over 1Ha and is supported by an FRA. The site lies in flood zone 1 , which is at very low risk of flooding

Surface Water Drainage

10.95 BCC as Lead Local Flood Authority (LLFA) has reviewed the information provided in the Addendum Letter (890185/AT/LLFA/L02, 26th February 2018, RSK) and the Indicative Surface Water Drainage Strategy (890185-SWDS P4, 26.02.2018, RSK). The surface water drainage scheme has been amended in the course of the application as requested by BCC, dividing it up to mimic the natural flow of runoff and topography of the site as well as having regard to the 3 development parcels A, B and C.

10.96 Proposals for Parcel A include a swale and an attenuation basin which discharge to an existing ditch along Waterperry Road at a rate of 2.2l/s. The surface water scheme for Parcel B is similar to Parcel A and will discharge to the ditch to the south of the site at a rate of 3.2l/s. Parcel C will attenuate surface water runoff within permeable paving and an attenuation basin with a discharge to the ditch which boarders the site at a rate of 2.9l/s.

10.97 Further, BCC are recommending permeable paving is incorporated into parcels A and B and groundwater investigations will also be necessary to further consider the acceptability of the detailed design of drainage proposals at reserved matters stage. BCC recommend appropriately worded conditions of approval requiring the details surface water drainage scheme, maintenance plan and construction verification if the council is minded to approve the application

Foul Drainage

10.98 In relation to foul drainage, the scheme would be connected to Thames Water infrastructure who have indicated they have capacity and raise no objection to such, subject to a separate application for connection.

Summary

10.99 Overall the scheme is not considered to result in any increased flood risk on site or elsewhere, subject to conditions including the approval of the detailed surface water drainage proposals at reserved matters stage and separate details and agreement with the TW for the foul drainage. The proposals therefore accord with the WNP policy NH3 and the NPPF.. This is considered to be of neutral weight.

- **Supporting High Quality Communications**

10.100 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

10.101 Given the location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development. It is therefore considered that the proposal would accord with the guidance set out in the NPPF. This is considered to be of neutral weight.

c) Impact on residential amenities.

10.102 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.

10.103 WNP policy NH1 New Houses states amongst other things that New houses to be built as infill in Worminghall will be modest in scale and sensitive to the rural character of the village, ensuring that development does not result in the loss of amenity to existing residents, including loss of privacy, loss of daylight, or visual intrusion by a building structure;

10.104 AVDLP policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.

10.105 A parameter plan rather than an illustrative masterplan is provided as part of the outline application and therefore, limited consideration can be had to the available information,

subject to the further consideration at reserved matters, if the council is minded to approve the application.

Neighbours

10.106 In relation to neighbours, no impacts are anticipated in terms of privacy, overlooking, outlook, openness, loss of daylight, visual intrusion of the future dwellings as the edge of the proposed development zones are +20m to the nearest neighbouring buildings on Ashe Tree House to the north-west and Pond Farm to the east and further screened by intervening landscaping. Similarly, no impacts are identified to the nearest properties on the north side of Waterperry Road which benefit form a significantly greater separation to the development zones as well as over 20m separation from the proposed LEAP.

10.107 Any noise, and general disturbance would be consistent with a residential use.

10.108 Lighting impacts would be considered at the time of the detailed proposals for any lighting that is not permitted development. As noted in the ecology section of the report, an informative is recommended drawing attention to the consideration of any lighting proposals in the absence of details being included in the reserved matters. The implications of any lighting proposals on neighbour amenity as well as ecology could be considered.

10.109 In relation to the construction phase impacts, these would be mitigated by the requirements for a CEMP which could be secured by condition if the council was minded to approve the application.

Future occupiers

10.110 In respect of separation, outlook and openness and privacy/overlooking, the development parcels A, B, C are of such a shape and dimensions that limit the future potential design in various way as discussed in the Landscape section of this report. Iit is considered that there is scope to ensure satisfactory separation distances as well as defensible planting and separation between habitable windows and roads and paths which is considered to accord with general design principles to maintain occupier amenity. and to mitigate any impact. In relation to the proposed LEAP, a min 20m buffer could be is achieved in accordance with national guidance.. These aspects would be considered further at reserved matters if the council was minded to approve the application. This is considered to be of neutral weight..

Summary

10.111 Overall, an acceptable level of amenity is possible for neighbours and future occupiers in accordance with WNP Policy NH1, NH3, GP8 of the AVDLP and to NPPF guidance, subject to further consideration at reserved matters. This is considered to be of neutral weight..

d) Developer contributions

10.113 The s106 planning obligations applicable for a scheme are as follows:

- Affordable Housing
- On-site SUDS provision, management and maintenance
- On-site LEAP provision and public access to it and via the route between Waterperry Rd and the Clifden Arms car park in perpetuity
- POS and management
- Off-site transport contributions
- Off-site sport/leisure contribution,
- Off-site education contributions.

10.114 .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.

10.115 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.

e) Other Matters

10.116 The above report addresses the representations made through the consultation of this application. Where these have not been addressed within the report, a brief response is made below to specific issues.

10.117 The following matters raised by objections are not relevant to the assessment of the planning merits of the application:

- Storage of cars on the site [Response: N/a to the proposal]
- Proposal is inappropriate use of farmland in green belt and outside the village boundary [Response: The application site and the adjacent countryside is not 'green belt' and the application site is located in the WNP settlement boundary]
- Incomplete application form [Response: A completed application form has been submitted]
- Querying if public roads, diversion/extinguishing/creation of rights of way [Response: Roads and rights of way are a separate a separate consideration, it being noted that there are no existing public roads or footpaths across the site]
- Green belt land behind the property will be compromised [Response: The countryside is not 'green belt']
- Reference to previous refusals and great crested Newts in the adjacent pond [Response: the application has been considered on its individual merits including the consideration by the council's ecologist]
- Questioning why this housing is being considered given other [unspecified] refusals [Response: Applications are considered on their individual merits]
- Reference to other proposals in the village and possible alternative opportunities for redevelopment [Response: The application proposed is the matter for consideration, not any other]
- Reference to the financial motivation for proposals and the previous approval for 3 homes [Response: Financial motivations are immaterial and each application is assessed on its individual planning merits]

Case Officer: Jason Traves Telephone No: 01296 585203

CORRIGENDUM TO OFFICERS REPORT

17/04837/DPP - WORMINGHALL

Outline application for a residential development of up to 18 dwellings.
Coldstream Farm, Waterperry Road, Worminghall

OVERVIEW REPORT CLARIFICATIONS

Page 3, para 1.5, Last sentence – Adoption of the VALP is planned for 2019.

OFFICER REPORT CLARIFICATIONS

Page 23, para 8.3 - BCC Education have further advised that the requested education contribution would spent on the expansion of Ickford Primary School and Waddesdon Secondary School.

Page 42, para 10.113 – BCC Transport have advised that there are no off-site contributions that need to be secured through a s106 planning agreement. That the tactile crossing (See officer report page 31, para 10.33, bullet point 2) could be secured by an appropriately worded Grampian condition if the council was minded to approve the application and subject to a separate Highways Act agreement with BCC.

OFFICER REPORT CORRECTIONS

Page 15, para 1.2 – Delete reference to NH1

Page 15, para 1.3 first bullet point – replace "NH1" with "**NH3**" and delete last sentence ~~*"However, it does not comply insofar as an LVIA has not been provided to consider the impacts to the settlement, countryside and receptors therein."*~~

Page 15, para 1.3 second bullet point – Delete reference to NH1

Page 15, para 1.4 – Delete reference to superseded NPPF para 134 and replace with reference to current NPPF para 196.

Page 15, para 1.5 – Amend first sentence as follows:
"The development would make a contribution to the housing land supply ***including affordable housing*** *which is a benefit to the proposal, although this benefit would be tempered given the small number of units, and therefore amount to moderate weight in the overall balance."*

Page 25, para 8.17 – Delete reference to the 'Ministry of Defence (MOD)', it being noted at para 8.16 that comments *have* been received advising that the MOD have no safeguarding objection.

Page 26, para 9.2 – Replace *"nay"* with *"**any**"*.

Page 39, para 10.82 – Amend last sentence as follows:
"For these reasons, the details of the scheme including the submitted parameter plan are ***not***

- Only the principle is being considered at this outline stage and that issues raised could be dealt with at reserved matters
- Request that the matter be considered by the committee
- Questioning if a site inspection took place
- The proposals are in line with the adopted neighbourhood plan
- Highlighting that the scheme is for up to 18 houses

[Officer reply: The report deals with the issues in detail and regarding the first bullet point, it is further noted that it is not just a matter of retaining the planting between the pub and the field which is already shown and regard has been had to as part of the assessment. The heritage comments are at pages 39-40, paras 10.83 to 10.93. The recommendation is for refusal as set out on in the officer report on page 16.]