



AYLESBURY VALE DISTRICT COUNCIL

Democratic Services

Please ask for: devcon@aylesburyvaledc.gov.uk
Switchboard: 01296 585858
Text Relay Prefix your telephone number with 18001
10 December 2019

STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of the **Strategic Development Management Committee** will be held at **1.00 pm** on **Wednesday 18 December 2019** in **The Oculus, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

Contact Officer for meeting arrangements: devcon@aylesburyvaledc.gov.uk

Membership: Councillors: P Fealey (Chairman), R Newcombe (Vice-Chairman), C Adams, J Blake, J Bloom, A Bond, R King, L Monger, B Russel and C Paternoster (ex-Officio)

WEBCASTING NOTICE

Please note: This meeting may be filmed for subsequent broadcast via the Council's internet site – at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the meeting room, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding this, please contact the Monitoring Officer on 01296 585032.

AGENDA

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

Any changes will be reported at the meeting

- 3. MINUTES** (Pages 3 - 4)

To approve as a correct record the Minutes of the meeting held on 27 November 2019.
(Copy attached).

- 4. DECLARATION OF INTEREST**

Members to declare any interests.



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

6. 16/04085/APP - LAND OFF TWELVE TREES, WINGRAVE (Pages 15 - 46)

Development of 32 residential dwellings with associated access, parking, and landscaping

Case officer: Chris Peters (cpeters@aylesburyvaledc.gov.uk)

7. 18/02599/ADP - LAND AT BUCKINGHAM ROAD, WINSLOW (Pages 47 - 62)

Application for Approval of Reserved Matters pursuant to outline permission 13/02112/AOP for B1(Business) B2 (General Industry) and B8 (Storage and Distribution) Uses with ancillary office accommodation, provision of rail station with associated parking, landscaping and access.

Case officer: David Millinship (dmillinship@aylesburyvaledc.gov.uk)

8. 17/04837/AOP - COLDSTREAM FARM, WATERPERRY ROAD, WORMINGHALL
(Pages 63 - 114)

Outline application for a residential development of up to 18 dwellings.

Case officer: Scott Hackner (shackner@aylesburyvaledc.gov.uk)

9. HUMAN RIGHTS ACT (Pages 115 - 116)

STRATEGIC DEVELOPMENT MANAGEMENT COMMITTEE

27 NOVEMBER 2019

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

APOLOGY: Councillor L Monger

1. MINUTES

RESOLVED –

That the minutes of the meeting held on 4 September, 2019, be approved as a correct record.

2. 19/01853/APP - OXFORD HOUSE, OXFORD ROAD, AYLESBURY (WITHDRAWN)

This application was withdrawn from Committee as the Aylesbury Town Council had indicated they would not be attending the meeting and had not registered to speak. Accordingly, the application would be determined in accordance with delegated powers.

This page is intentionally left blank

Overview Report:

Introduction

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

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

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

The Development Plan

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

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

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

Inspector with its suggestions for the Modifications to the Plan and he will consider these over the next few weeks. The Inspector set out the timetable for the formal publication of the Modifications and the accompanying consultation. Following further discussions with the Inspector the council has published for consultations the Main Modifications, which have been agreed with the Inspector, on 6 November 2019. The period for making representation runs until 17 December 2019. The adoption of the Vale of Aylesbury Local Plan is planned to be early 2020.

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

National Planning Policy Framework

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

Foot notes:

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

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

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

And subject to transitional arrangement set out in Annex 1

- 1.14 Local planning authorities are charged with identifying a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (paragraphs 67-70) .
- 1.15 The NPPF sets out the means to delivering sustainable development. The following sections and their policies are also relevant to the consideration of all proposals:
- Building a strong competitive economy
 - Promoting sustainable transport
 - Delivering a sufficient supply homes
 - Achieving well designed places
 - Making efficient use of land
 - Promoting healthy and safe communities
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
 - Meeting the challenge of climate change and flooding
 - Supporting high quality communications

- 1.16 The NPPF sets out that transport issues should be considered from the earliest stages including the impact of development on the network, opportunities from transport infrastructure, promoting walking, cycling and public transport, environmental impacts of traffic and transport infrastructure, patterns of movement. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. (Paragraphs 102-103)

- 1.17 Paragraph 177 of the NPPF states “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”
- 1.18 The Planning Practice Guidance (PPG) has not yet been fully updated to reflect the new NPPF.

Local Supplementary Documents & Guidance

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

Housing supply

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

have to take into account the presumption in favour of sustainable development and apply the planning balance exercise in paragraph 11 of the NPPF. For neighbourhood plans which are considered up to date the starting point for determining such applications is to consider in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraph 14 of the NPPF as set out above is also relevant.

Neighbourhood Planning

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

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

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

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

Prematurity

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

Conclusion on policy framework

- 1.33 In considering each individual report, Members are asked to bear in mind that AVDLP (and any 'made' Neighbourhood Plans as applicable) constitutes the development plan. The emerging VALP can be given some weight in planning decisions given the stage it is at, and the evidence that sits behind it can be given weight. The Council can currently demonstrate a 5 year supply of housing land based on the latest housing land supply calculation.
- 1.34 Therefore, the Council's position is that full weight should be given to housing supply and other policies set out in any made Neighbourhood Plan Decisions should be taken in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and the NPPF as a whole, including paragraph 11 and 14.
- 1.35 Where a Neighbourhood Plan is not in place, decisions for housing developments should be taken in accordance with paragraph 11 of the NPPF, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole and where necessary each report advises Members on the planning balance.

Whether the proposals would constitute a sustainable form of development

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

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

- 1.37 Members will need to assess whether the development would will support the aims of securing economic growth and productivity , but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 83 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses.
- 1.38 Members will also need to consider whether each development proposal provides for a mix of housing based on current and future demographic trends, markets and community needs, of an appropriate size, type and tenure including the provision of affordable housing. Key to the consideration of this point is the use of local housing needs assessment targets and the Council's

ability or otherwise to demonstrate a 5 year supply of housing land. Further advice is given on affordable housing provision, including the requirement for 10% of the homes to be available for affordable home ownership on major housing development proposals. The definition of affordable is set out in Appendix 2. The new Housing Delivery Test (HDT) applies from the day following publication of the HDT results in November 2018. A transitional arrangement is set out in paragraph 215 and 216 phasing the % threshold where delivery is below of housing required over 3 years increasing from 25% November 2018, to 45% November 2019 and 75% November 2020.

Promote sustainable transport

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

Conserving and enhancing the natural environment

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

Conserving and enhancing the historic environment

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

Promoting healthy and safe communities.

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

Making effective use of land

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

Achieving well designed places

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

Meeting the challenge of climate change

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

S106 / Developer Contributions

- 1.55 Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development
- 1.56 Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage

Overall planning balance

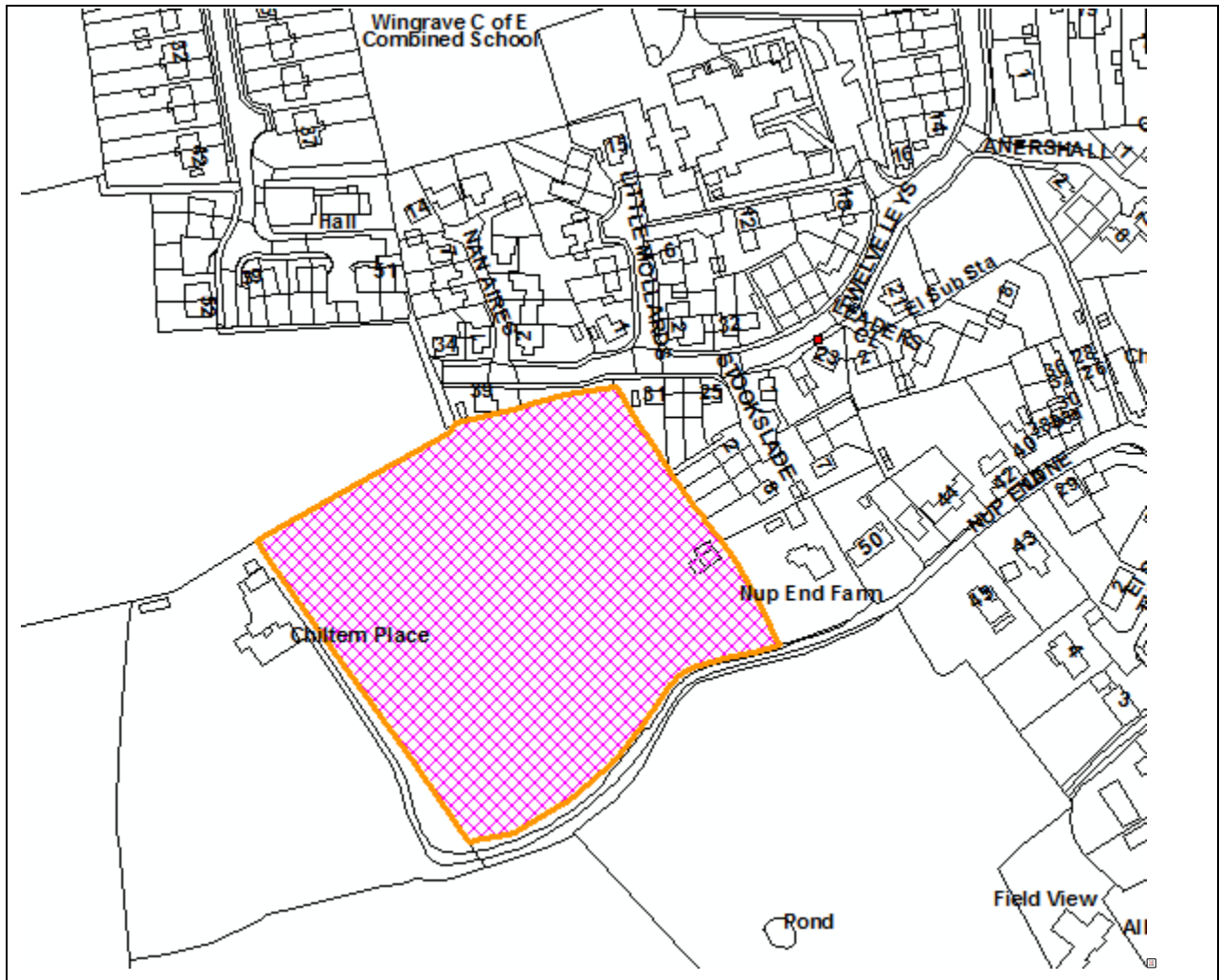
- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance..

Conclusions

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

This page is intentionally left blank

16/04085/APP



© Crown Copyright and database right 2019. Ordnance Survey 100019797

REFERENCE NO	PARISH/WARD	DATE RECEIVED
16/04085/APP	Wingrave with Rowsham Adj. CA/SLB	22/11/2016
Development of 32 residential dwellings with associated access, parking, and landscaping Land Off, Twelve Leys,	The Local Member for this area is:- Councillor Peter Cooper	
STREET ATLAS PAGE NO. 89		

1.0 The Key Issues in determining this application are:-

<p>a) The planning policy position and the approach to be taken in the determination of the application.</p> <p>b) Whether the proposal would constitute a sustainable form of development:</p> <ul style="list-style-type: none"> • Building a strong competitive economy • Delivering a sufficient supply of homes • Promoting sustainable transport • Conserving and enhancing the natural environment • Promoting healthy and safe communities • Making effective use of land • Achieving well designed places • Conserving and enhancing the historic environment • Meeting the challenge of climate change and flooding • Supporting high quality communications <p>c) Impact on existing residential amenity</p> <p>d) S106/Developer contributions</p> <p>The recommendation is that permission be DEFERRED AND DELEGATED to officers for approval following the completion of a S106 Agreement to secure affordable housing, financial contributions towards off site sport and recreation facilities highway improvements and education. Any permission to be subject to such conditions as are considered appropriate; or if a S106 Agreement is not satisfactorily agreed, for the application to be refused by officers for reasons as considered appropriate.</p>
--

2.0 Conclusion

- 2.1 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.
- 2.2 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 limited positive weight should be attached. These benefits however need to be weighed against any harmful aspects arising from the development.
- 2.3 Furthermore, less than substantial harm has been identified to the setting of Listed Building Nup End Farmhouse and the conservation area. Special regard has been given to the statutory test of preserving the setting of listed buildings under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty.. In accordance with paragraph 196 of the NPPF where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm at the lower end of the spectrum should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 2.4 Following paragraph 196 of the NPPF, the benefits and adverse impacts are carefully weighed in the planning balance and it is considered that the public benefits of the scheme set out above do outweigh the less than substantial harm, at the lower end of the spectrum, to the setting of this property and the conservation area (when considered with the considerable importance and weight to be attached to such harm). As such there would not be a conflict with the NPPF. In terms of archaeology, it is not considered that the development of the site would not have significant archaeological implications and no further investigations are required. As such there would not be a conflict with the WwRNP policy 2, NPPF or AVDLP policies..
- 2.5 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, residential amenities; trees and hedges and sustainable transport and highways impact, biodiversity, flood risk and promoting healthy communities. These matters do not represent benefits to the wider area, but rather demonstrate an absence of harm.
- 2.6 Officers consider that the development proposal would accord with the WwRNP, AVDLP policies and the guidance set out 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 35% affordable housing on site, contributions towards off-site sport/leisure, highway improvements and education and provision and subject to conditions as considered appropriate by Officers, or if these are not achieved for the application to be refused.

3.0 WORKING WITH THE APPLICANT/AGENT

3.1 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,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

3.2 In this case, the scale of the houses were reduced in height in order to minimise the landscape setting, the layout was amended in order to reduce the impact of the development on the adjoining neighbouring properties inclusive of the setting of the Grade II Listed Building. The applicant was also encouraged to provide additional SuDS and highways information in order to over objections raised by statutory consultees.

4.0 INTRODUCTION

4.1 Cllr Peter Cooper has requested that this application be considered by Committee to consider the foul drainage system. Responses have been received from Wingrave with Rowsham Parish Council objecting to the development on several grounds, they have not however advised that they wish to speak at committee.

5.0 SITE LOCATION AND DESCRIPTION

5.1 The application site is located to the south west of Twelve Leys and would be accessed from the southern side of Twelve Leys, adjacent to 'Nan Aires' and 'Little Mollards', which are both cul-de-sacs, all of which are accessed from Winslow Road to the north. Nup End Lane runs parallel along the sites southern rear boundary.

5.2 The site is comprised of agricultural land, situated on the western edge of the Wingrave settlement. The site has an area of approximately 1.62 hectares. . To the north of the site Twelve Leys adjoins Winslow Road at a simple priority junction. Winslow Road is a C class road subject to a 30mph speed limit, also with street lighting and footways along both edges of the carriageway.

5.3 The site is bounded to the east by residential dwellings within Twelve Leys, Stookslade and Nup End Lane. Nup End Farmhouse adjoins the site to the south-eastern boundary

which also is a Grade II Listed Building originally built in 1588, beyond which there is greenfield land. To the south west of the site is adjoined by a single large residential dwelling known as 'Chiltern Place', immediately to the north of the site is adjoined by the property known as 'no.39 Twelve Leys' and field.

- 5.4 A footpath and public right of way runs directly through the site (south/east to north) and along the sites southern boundary.
- 5.5 Hope End Farm a Grade II listed building lies to the south east. The site is also an Archaeological Notification Area. A small parcel of designated Conservation Area is located to the west of the site to the west of Winslow Road.

6.0 PROPOSAL

- 6.1 The development proposal seeks full planning permission for a total of 32 residential dwellings, with access from Twelve Leys. This would consist of 17 detached dwellings, six pairs of semi-detached dwellings (twelve properties) and a terrace of three dwellings comprising a mix of 1-5 bedrooms. The proposed dwellings would all be two stories in height, with some attached garages together with off street parking spaces.
- 6.2 The existing footpath is to be retained in the location of the existing footpath (footpath WIG/11/1) a pedestrian only access is to be provided at Nup End Road (to the south of the site), which is also to be improved by a replacement 2m wide all weather resurfacing. The existing stile located at the access with Nup End Road is to be removed in order to provide a mobility inclusive pedestrian link between Twelve Leys and Nup End Road.
- 6.3 The south eastern corner of the site, to the west of the property known as 'Nup End Barn', is to contain an underground pumping station, other than a 1.5m tall by 75mm wide kiosk, the four other chambers (intel manhole, wet well, valve chamber) will be buried and not visible from above ground. The pumping station is to have a width of 8m with a depth of 12m and is to be defined by a hornbeam hedge around the parcel of land.

7.0 RELEVANT PLANNING HISTORY

- 7.1 The site has no relevant planning history

8.0 PARISH/TOWN COUNCIL COMMENTS

- 8.1 **Wingrave with Rowsham Parish Council** – Oppose the application raising the persistent problems that local residents have experienced with the existing drainage system in particular foul drainage, and construction hours of working, heavy vehicles avoiding school hours, no access from Nup End Lane and visibility at the access. The full comments are appended to this report.

9.0 CONSULTATION RESPONSES

- 9.1 **BCC as the Lead Local Flood Authority:** No objection raised, subject to the imposition of conditions.
- 9.2 **BCC Highways:** No outstanding objection remain.

- 9.3 **BCC Archaeology:** No objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest.
- 9.4 **BCC Education–** Have confirmed that they would require a financial contribution to provide additional secondary school facilities arising from the development.
- 9.5 **Thames Water:** Have advised that with regard to sewerage infrastructure capacity, they would not have any objection to the application.
- 9.6 **Environment Agency:** This application is for development that they do not wish to be consulted on.
- 9.7 **AVDC Ecology:** satisfied the measures contained in this report fully address the ecological enhancement aspects of the development ensuring this adheres to the biodiversity net gain policy set out in NPPF 2018.
- 9.8 **Environmental Health:** No Environmental Health comments to make on this application
- 9.9 **BCC Strategic Access Officer:** No objection raised
- 9.10 **Recycling and Waste:** No objection raised
- 9.11 **Crime Prevention Design Advisor:** Does not wish to object to the planning application however there are improvements that could be made to the design to reduce the risk of crime and antisocial behaviour. Using the principles of CPTED (Crime prevention through environmental design) there is the potential to design out crime from the outset safeguarding its future residents, the community and the development as a whole. The development has a lack of defensive space as there are a number of accessible side elevations to dwellings and boundary treatments. Further secure measures could be incorporated to several of the plots in order to secure rear garden access. These measures should be taken on board by the applicant in order to further reduce the risk of crime and anti-social behaviour.

10.0 REPRESENTATIONS

- 10.1 The application was the subject of site and press publicity. Amended plans publicity expires on 10 December 2019 and any additional responses will be reported at the meeting.
- 10.2 74 letters of representation were received as of 5th December 2019. The issues raised were as follows:
- Local residents and school children currently experience problems negotiating traffic, parked cars and access to individual private driveways.

- The additional dwellings proposed as part of this development will eventually lead to an increase in vehicles belonging to residents along Twelve Leys, in addition to the additional vehicles using the road to get to the new properties.
- Existing residents have experienced numerous issues relating to drainage and sewage, Thames Water and a water plumbing company have been used to try and control the persistent problems.
- The existing sewer has for many years caused significant inconvenience to residents off Twelve Ley and Nup End Lane due to foul drainage blockages. The addition of these dwellings to a failing drainage system is unacceptable.
- Nup End regularly blocks up which has occurred several times within the past few years, the gases that are let off are a health hazard and the blocking of the lane is anti-social and dangerous.
- The nature of the foul drainage system relates to frequent blocking, foul sewage overflows, foul smells.
- The development site should provide a dedicated foul drainage sewer direct to the sewerage treatment works. This would provide certainty to the new development and not increase what is already an unacceptable foul drainage problem.
- Thames Water need to link up to the sewage farm a short distance away. The present foul water system is already causing problems.
- Any further development in the village and on this site must take account of proper foul and surface provision and the health and safety of current and future residents.
- The adjacent roads have nowhere for the site to naturally drain.
- The site field has a public footpath running through it and the proposals from CALA Homes completely ruins what is currently a safe pedestrian only area that would become an access road for the new properties.
- The height of some of the properties at three/ two and a half stories is not in keeping with the character of the area and is over bearing in scale.
- The development would not include any onsite amenity provisions such a playground
- Lack of local amenities and infrastructure to accommodate more housing i.e, doctors surgeries and school places
- Highways safety concerns
- Impact of the development on ecology and natural habitats

- Concerns over the impact of the development on the foundations of existing dwellings
- Additional noise and disturbance that new houses will bring
- Additional pollution
- The amount of the proposed houses on the site would constitute an overdevelopment of the site
- Adverse impact on existing properties
- Loss of privacy as a result of the presence of the proposed new dwellings
- Impact on security
- Impact of the development on existing views from local residents
- Disturbance during the development phase associated with the implementation of the development.

10.3 Cllr Peter Cooper as Local Member made the following comments:

"I am concerned that the problems associated with the foul drains in this part of Wingrave are being ignored by the applicant and that neighbouring properties and the new Cala homes will suffer long term drainage issues unless an improved system design is employed.

The whole system from Twelve Leys, Winslow Road, Pages Lane and Nupp End appears sub standard in as much as it does not provide a reliable service. The addition of housing at Nan Aires in the 70s exacerbated the problems and there has never been a completely satisfactory solution since. Other areas such as Abbots Way have also suffered overflows resulting from blockages in Twelve Leys.

The Thames Water sewage system serving these locations has been kept running by a series of emergency measures involving regular pump outs etc, but a permanent solution appears to have been consistently side-stepped.

In order to add 31 further houses to the system I believe that two measures must be considered.

Firstly the existing system needs a full camera survey to establish that the pipes are in good condition with proper free flowing unhindered falls and bends, running all the way to the sewer plant at the end of Castle Street. The system also needs to be assessed for pipe size and capacity v existing/future flow rates. All sub-standard parts of the system need an urgent upgrade. This system should only be considered suitable for use by Cala if they and Thames Water can give an absolute guarantee, with technical proof, that upgrades will cope with existing and future demands.

Alternatively, a new direct sewer link from the Cala site to the Castle Street sewer plant should be considered to avoid further load on the existing system and to guarantee a service for the new development. Bearing in mind the long term problems of the existing system, provision of a new direct link must be the preferred option.

Until an improved foul drainage system is submitted I can not support this application and must therefore give notice that I wish that it be called in to committee for full consideration.

It would be helpful if a full plan of the foul sewer runs for Wingrave could be made available in the committee papers. This should also be available for projection at the committee hearing”.

11 EVALUATION

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

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

Neighbourhood Plan

11.1 There is currently a Neighbourhood Plan for The Wingrave with Rowsham (WwRNP). The Wingrave with Rowsham Modification Plan 2013-2033 has now been Made by AVDC pursuant to Regulation 14 of Schedule A2 of the Planning and Compulsory Purchase Act 2004 (as amended). The Plan forms part of the statutory Development Plan and contains a number of policies which are relevant to the determination of this application.

11.2 Policy 1 Spatial Plan states:
The Neighbourhood Plan designates a Wingrave Settlement Boundary, as shown on the Policies Map within which proposals for new housing development will be supported. Rowsham will remain a hamlet in the open countryside without a defined settlement boundary where new infill housing will be supported subject to other policies in this Plan. Apart from infill housing in Rowsham development proposals on land outside the defined settlement boundary at Wingrave will not be supported in the countryside unless it is necessary for the purposes of agriculture or forestry, or for enterprise, diversification, recreation or tourism that benefits the rural economy without harming countryside interests. New isolated homes in the countryside will not be supported except in special circumstances described in paragraph 55 of the Framework. The policy includes provision for identification of additional or reserve site housing development land that could be developed should the sites allocated in Policies 2, 3 and 4 not deliver a sufficient number of dwellings to meet updated assessment of housing need. The neighbourhood plan will be reviewed in line with VALP Draft Plan Policy securing development through neighbourhood plans (or its successor/replacement) to find a suitable additional / reserve site within a year of the adoption of VALP.

11.3 Policy 2 Land South of Twelve Leys which states the following:

The Neighbourhood Plan allocates 1.62 Ha of land north of Nup End Lane, Wingrave, as shown on the Policies Map, for housing development of approximately 30 dwellings.

Development proposals will be supported, provided they accord with the following principles:

- i. 35% of the total homes provided on site shall be affordable homes located throughout the scheme, unless it can be demonstrated that a smaller percentage is required to deliver a viable scheme;*

- ii. *The emphasis of open market and affordable dwelling types should be on providing homes suited to newly formed households and to older households;*
- iii. *The vehicular access to the site shall be off Twelve Leys only; iv. The built form shall include a frontage to Twelve Leys, which may include access to driveways;*
- iv. *The built form shall include a frontage to Nup End Lane but shall not include any access to driveways;*
- v. *Parking shall be integrated with the open space and buildings to create a safe and attractive pedestrian environment and to avoid parking problems on local roads;*
- vi. *The site layout shall consider views, and protect privacy and amenity of existing dwellings and back gardens;*
- vii. *The detailed design of the scheme should make provision for any bat habitats on the site; and*
- viii. *The layout and landscape shall provide public open space within the site that contributes to the achievement of the Aylesbury Vale Green Infrastructure Strategy and specifically:*
 - a. *Sustains and enhances the significance of the adjoining building at Nup End Farm and its setting providing a buffer between buildings and the asset;*
 - b. *Preserves the public right of way across the site on its existing alignment;*
 - c. *Retains trees on the site boundaries; and*
 - d. *Creates an attractive setting and amenity for the development.*

11.4 Policy 5 Design states:

The scale, massing, layout and design of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings and the topography and setting of the site to be developed. The layout and plot coverage will provide open views and glimpses from within the village to the countryside. It will seek to avoid closing in development. Facing materials and finishes must be in keeping with those used in neighbouring properties and should, where appropriate, include reclaimed vernacular materials. External lighting should not be visually intrusive nor create adverse light pollution.

11.5 *Aylesbury Vale District Local Plan (AVDLP)*

11.6 As set out in the overview report Policies RA.13 and RA.14 seek to restrict development to small-scale infill or rounding off at Appendix 4 settlements and are considered out of date for the reasons given. As these are related to infill and rounding off of a settlement they are not regarded as relevant in this instance.

11.7 A number of saved policies within the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration

therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP2, GP4, GP8, GP24, GP35, GP38 GP39, GP40, GP45, GP53, GP59, GP84, GP87, GP88, GP91, AY21 and RA8. They all seek to ensure that development meets the three objectives of sustainable development and are otherwise consistent with the NPPF.

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

11.9 The overview report sets out the current position with regards to the VALP which is appended to this report.

11.10 A number of policies within the VALP following the main modification consultation which started on the 5th November 2019, is now afforded some weight in the decision making process. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of particular relevance are H1 affordable housing, H6 housing mix, T6 vehicle parking, BE2 Design of new development, BE3 protection of amenity of residents, NE1 Biodiversity and Geodiversity, NE4 Landscape Character and Locally Important Landscape, NE7 Best and Most Versatile Agricultural Land, NE8 Trees, Hedgerows and Woodlands, C4 Protection of Public Rights of Way, I2 sports and recreation, and I4 flooding. Policy BE3 has been the subject of objections and the Inspector has not requested main modifications so these can be regarded as resolved and this policy can be given considerable weight. The remainder of these policies have been the subject of objections and the Inspector requested main modifications and confirmed that he is satisfied they remedy the objection, so these can be given moderate weight.

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

Sustainable Location

11.12 The Government's view of what "sustainable development" means in practice is to be found in paragraphs 7 to 211 of the NPPF. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. -.

11.13 It is acknowledged that the NPPF promotes sustainable development and encourages consolidation of smaller rural settlements where it will enhance or maintain the vitality of rural communities. In terms of its broader location, Wingrave is identified in AVDLP as an Appendix 4 settlement implying that this is considered to be appropriate to allow small-scale development within the settlement.

11.14 Within the Settlement Hierarchy Assessment (September 2017) which forms part of the supporting evidence for VALP, Wingrave is characterised as being a larger Village. With a population of approximately 1389 residents, Wingrave has been identified as having 8 out of the 10 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) met. Larger, more sustainable villages that have at least a reasonable access to facilities and services and public transport, making them sustainable locations for development.

11.15 This sites lies within the WwRNP designated settlement boundary and is allocated for residential development of approximately 30 dwellings under policies 1 & 2 of the WwRNP. The principle of development on this site would therefore accord with this criteria, and the other factors for consideration would also need to be considered.

11.16 It is considered that the site is in a sustainable location to accommodate new development close to facilities and the principle would accord with WwRNP policies. The emerging VALP policies do not change this position. The following sections will set out whether the proposal can be considered as sustainable development in regard to all other aspects.

11.17 Build a strong competitive economy

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

11.19 It is considered that there would be economic benefits in terms of the construction of the development itself, its operation and the resultant increase in population contributing to the local economy which would represent a significant benefit.

11.20 Delivering a sufficient supply of homes

11.21 The overview report sets out the 5 year housing land position. Based on the findings of the HEDNA, the housing land supply document shows Aylesbury Vale District Council to have a 5.64 year supply.

11.22 Policy 2 of the WwRNP criteria i. requires 35% of all dwellings to be affordable units (integrated throughout the development) unless it can be demonstrated that a smaller percentage is required to deliver a viable scheme; criteria ii. requires open market and affordable dwelling types to emphasize provision of homes suited to newly formed households and to older households. This takes precedent over AVDLP policy GP2 and would be consistent with the proposed modifications in VALP policy H1.

11.23 With regards to the contribution that the development would make to housing supply, it is considered that this would be significant and that this matter should be afforded moderate positive weight given the scale of the development proposed.

11.24 A range of dwelling types has been provided following amendments. The proposal includes 35% affordable housing units (10) The applicant has supplied an affordable housing plan to include the tenure, sizes and mix of affordable units that will be supplied to accord with this criteria. The applicant has agreed to enter into a s106 to secure the provision of the affordable housing on site.

11.25 *Housing mix*

11.26 The Council would ask for a tenure mix of 75% affordable rent and 25% shared ownership to be split across the different unit sizes with at least 50% of the shared ownership dwellings being 2 bedroom houses. The Council's Affordable Housing Officer has advised that the units should be reflective of the overall housing mix whilst also taking into account the local needs of the District where there is currently a greater need for 2 bed 4 person and 3 bed 5 and 6 person houses, slightly less for 1 bed 2 person and 4 bed 7 to 8 person houses. These matters would be secured as part of the S106 and on this basis the development would accord with the Development Plan policy and the NPPF in this regard.

11.27 There is no reason that the site could not be delivered within the next five year period making a contribution to housing land supply, including a contribution to affordable housing, which would both represent a significant public benefit.

Market Housing	Number	Percentage	HEDNA %
1 x bed flat			3.6%
2 bed flat			3.5%
1 bed house			0%
2 bed house	1	4.7	12.8%
3 bed house	11	52	52%
4 bed house	7	33.3	21.1%
5 bed house	2	9.5	6.9%
Total	21		

Affordable Housing	Number	Percentage	HEDNA %
1 x bed flat	2	18	8.6%
2 bed flat			6%
1 bed house			0%
2 bed house	4	36	36.4%
3 bed house	4	36	39.1%
4 bed house	1	9	9.8%
5 bed house			
Total	11		

11.28 The proposed mix has been amended to better reflect the requirements of policy 2. The applicant has advised that it was necessary to marginally increase the quantum of development in order to facilitate the mix adjustment, reducing the number of larger units and added some smaller units. The applicant has stated that they consider that the proposed quantum of 32 residential units is compliant with the Neighbourhood Plan Policy 2 which states that the site should be developed for 'approximately 30 dwellings', with flexibility of the policy provided by the use of the word 'approximately'. Officers consider that whilst the proposal is for 32 this would be a reasonable interpretation of the policy and that the development proposal would provide an appropriate mix of housing types.

11.29 There is no reason that the site could not be delivered within the next five year period making a contribution to housing land supply, including a contribution to affordable housing, which would both represent a moderate public benefit. As such, it is

considered that the proposal would accord with policy 2 of the WwRNP and the guidance set out in the NPPF.

11.30 Promoting sustainable transport

11.31 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.32 Sustainable access and Traffic Generation

11.33 Policy 2 of the WwRNP requires access to be from Twelve Leys only, which is provided in this proposal. The 32 dwellings within the development site are to be accessed and served by a new access from the existing carriageway at Twelve Leys. Twelve Leys is an unclassified road subject to a 30mph speed limit, with footways along both edges of the carriageway, which provide wider pedestrian access to Wingrave. To the north of the site Twelve Leys adjoins Winslow Road at a simple priority junction. Winslow Road is a C class road subject to a 30mph speed limit.

11.34 The application has been accompanied by a Transport Statement (April 2019) which seeks to address the impact that the vehicle movements associated with the development proposal would have on the local highway network. The TS states that the proposed development would generate approximately 17 vehicle movements in the AM Peak (8am-9am) and approximately 18 movements in the PM peak (5pm-6pm). BCC have confirmed that they are satisfied that the figures provided by the applicant are broadly representative of a residential of this quantum in this location.

11.35 BCC Highways have advised that given the speed limit along Winslow Road, visibility splays of 43 metres are required either side of the Twelve Leys junction, measured from a point 2.4 metres back along the centre line of the access to the nearside kerb.

11.36 BCC Highways have advised that this level of visibility cannot be achieved to the west of the site. The TS includes a further drawing which demonstrates the level of visibility achievable, and states that only 36m can be achieved to the edge of the nearside kerb, however 43m could be achieved when the splay is measured to 1 m from the edge of the carriageway.

11.37 The TS also includes the results of a speed survey undertaken on Winslow Road. This speed survey demonstrates that during the period between 13th and 19th April vehicles were travelling past the Twelve Leys junction at 32mph eastbound and 32mph westbound. These speeds relate to visibility splays of 47m in both directions, BCC Highways have advised that given that the site is located within a 30mph zone, they are

unable to request a greater level of visibility than the 43m prescribed within the national guidance 'Manual for Streets'.

- 11.38 BCC Highways advised that they would have liked to have seen the full 43m visibility splay provided to the edge of the nearside kerb, however they must also take into account the exact level of shortfall in visibility, and the number of existing movements taking place through the junction. In this particular case the BCC do not believe that they would be in a position to sustain an objection to the development proposal and defend any such decision at any subsequent appeal, this is given that the full visibility splay of 43m can be achieved when measured 1m into the carriageway.
- 11.39 In addition to this, BCC Highways have stated that they do not believe that they would be able to demonstrate that this development proposal would result in a material intensification in vehicle movements through this junction, given that the junction is already serving circa 60 existing dwellings and a school with no established accident history.
- 11.40 With regards to the level of visibility from the proposed access onto Twelve Leys itself, the TS states that visibility splays in line with vehicle speeds of 25mph can be achieved. BCC Highways have confirmed that they are satisfied that vehicles would be highly unlikely to be travelling at speeds greater than 25mph, therefore the level of visibility shown has been accepted.
- 11.41 Drawing no. SP01 Rev J, shows the carriageway as 5.5m for the initial section, this carriageway then narrows to 4.8m for the remainder. There are footways shown throughout the majority of site which link to the existing footway provision along Twelve Leys. These footways are shown as 2m wide and BCC Highways have advised that this would be acceptable to serve the pedestrian movements associated with the development. The section of carriageway at the rear of the site does not benefit from a footway, however, BCC Highways have advised that they believe that this would be acceptable given the character of this area and the short distance proposed.
- 11.42 In transport terms, Officer's believe that the site is relatively sustainable with footway links to Winslow Road, and further links to bus stops to the west of the site. Buckinghamshire County Council's Passenger Transport team have identified the need for improvements to the hardstanding at these bus stops (potentially including a raised kerb on the westbound bus stop) to make the use of the bus safer and more attractive to all users. Should permission be granted County Highways would seek a financial contribution to be used towards these improvements.
- 11.43 BCC Highways have requested that should this current application receive planning permission, the applicant would be obliged to provide a contribution towards a traffic calming study in an attempt to identify measures to reduce vehicle speeds throughout Wingrave, including along Winslow Road.

Rights of way

- 11.44 Following consultation with the Strategic Access Officer, it was requested that a bitumen surface throughout the development be provided along Footpath WIN/11/1 to facilitate pedestrian access, together with removal of the kissing gate at roadside to allow use for pushchairs and mobility scooters, and a condition was recommended.

11.45 Alignment issues were also highlighted whereby Footpath WIN/11/1 did not precisely match the detailed layout of the development and an example was included at Plot 31 (now Plot 32), but also worth noting is the slight dog-leg towards the southern end on the definitive map, which means the footpath seems to pass through the area allocated for the pumping station. These can be secured by condition.

11.46 Parking

11.47 Policy 2 of the WwRNP requires parking to be integrated with the open space and buildings to create a safe and attractive pedestrian environment and to avoid parking problems on local roads. Policy GP24 of the AVDLP which sets out that new development should accord with published parking guidelines in the SPG1 "Parking Guidelines". The parking provision is in a mix of on plot parking in garages, driveways and parking court areas fronting the access road. These are considered to accord with the NP policy and AVDLP requirements..

11.48 Transport conclusions

11.49 On this basis, the proposal would comply with Policy 2iii, and vi of the WwRNP and GP24 of the AVDLP and maintaining highway safety with a safe access and egress being achieved attracts neutral weight in the planning balance. Therefore the proposal is considered to accord with GP24 of AVDLP and NPPF and the Council's SPG Parking Guidelines.

11.50 Conserving and enhancing the natural environment

11.51 Landscape

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

11.53 Policy 2 ix of the WwRNP states that the layout and landscape shall provide public open space within the site that contributes to the achievement of the Aylesbury Vale Green Infrastructure Strategy and specifically. The site layout plan demonstrates that the provision of 32 dwellings on this site can be delivered without causing undue harm to the open character of the land.

11.54 AVDLP Policy GP.35 requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. Policy GP.38 states that development schemes should include landscaping proposals designed

to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible. Policy GP.84 states that for development affecting a public right of way the Council will have regard to the convenience, amenity and public enjoyment of the route and the desirability of its retention or improvement for users, including people with disabilities. The following sections of the report consider the proposal in terms of impact on rights of way, landscape, agricultural land, trees and hedgerows and biodiversity and contamination.

- 11.55 The site is located to the south western edge of the village and comprises a rectangular field parcel adjacent to a pattern of fields that surround Wingrave and is open in the landscape, with residential to the north-east and east. The Aylesbury Vale Landscape Character Assessment identifies that the site is located within the Wingrave Mentmore Ridge. This ridge is shallow and extends south from the plateau landscape to the north and is defined by the Vale landscape to the south. The ridge is also defined to the north by a wide local valley which runs to the north of Wingrave. The village of Wingrave sits on the ridge. The assessment identifies the quality of this landscape area as 'very good' and its landscape sensitivity as 'moderate'. The site is also located within the designated Quainton-Wing Hills Area of Attractive Landscape (AAL) which is considered to have special landscape character worthy of protection. Policy RA8 requires that development proposals in these areas should respect their landscape character and that development that adversely affects this character will not be permitted, unless appropriate mitigation measures can be secured. This position is supported by the NPPF which seeks to protect and enhanced valued landscapes.
- 11.56 The proposed development would comprise the development of a Greenfield site and therefore it is inevitable that the proposed development would have a significant impact upon the character and appearance of the site itself and inevitably result in some harm to the landscape character of the site itself and its immediate locality. The accompanying Design Statement demonstrates that due regard has been given to these factors, by asserting that the site layout has been developed taking into consideration natural and built constraints within the site and surrounding perimeter to provide a mid-density, mixed tenure scheme that respects its surroundings..... density has been concentrated towards the middle of the site, away from residential development on the site's northern and eastern edges and existing natural screening and landscape features have been retained as far as practicable to provide transition between the site and the countryside..".
- 11.57 Having regard to the visual impact within the immediate locality, the development of the site will be viewed from within Twelve Leys and from the gardens of dwellings abutting the site and will have limited impact on the wider locality. There is a public rights of way that runs through the site and along the southern boundary and the impact is assessed later in this report. The introduction of buildings into the surrounding landscape will impact on the rural edge of Wingrave, however, it is apparent that the development has been designed to locate the buildings away from the external perimeters of the site which would limit the visual impact of the proposed development in the wider public realm. Whilst there would inevitably be harm to landscape character from the development of a greenfield site, intruding into the landscape it is considered to be localised in this instance for the reasons outlined above.
- 11.58 It is acknowledged that whilst there would be some harm to the wider and more local landscape, these impacts could not be considered to be significant. The site has been

allocated for housing as it has been considered potentially acceptable to accommodate a residential development of this scale.

11.59 On this basis it is considered that the development would accord with the Development Plan comprising the Wingrave Neighbourhood Plan policies 1 and 2 and GP35 of the AVDLP and with the NPPF in terms of the impact on the landscape.

11.60 *Agricultural land*

11.61 The NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land (BMV) 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.

11.62 The site comprises a grassland field and pony paddocks, whilst the site is not in intensive agricultural use at present (other than occasional grazing), it is nevertheless undeveloped at present and therefore readily capable of being put to such use at any time. An Agricultural Quality Assessment has been submitted with the application, advised the land does fall within Grade 3b, (Best and Most Versatile is Grade 1 – 3a). Given that the site comprises only 1.62ha of land and is allocated for development in the WwRNP Officer's acknowledge that local residents and school children currently experience problems negotiating traffic, parked cars and access to individual private driveways.

Trees and hedgerows

11.63 Policy 2 of the WwRNP seeks to retain trees on the site boundary (criteria ix- b). Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.

11.64 Trees, hedgerows and other vegetation are an important element of both urban and rural environments. The application site does not contain any protected trees. An existing tree to the immediate north of the proposed new primary site access which is said to cause a hazard to existing pedestrians using the footway due to its trunk and canopy overhanging the footway, will be removed. A small number of other trees will also be removed from the site. According to the Arboricultural report one of these trees would be removed irrespective of the site layout, due to the trees 'poor physiological and structural condition. Two further groups of trees are also proposed to be removed which are of low arboricultural quality and have limited useful remaining life expectancy. The site contains three large trees within the eastern corner of the site which would be retained as these are outside of the application site. The final tree that is to be removed is deemed to be a good quality specimen. The arb report states that the removal of these trees will have a negligible impact on the wider community due to their limited visibility to the public realm.

11.65 The mature trees along the sites south eastern and southern corners are also outside of the site's red-line area. The accompanying tree plans indicated that plots 5 to 28 would be outside of the root protection areas of these trees.

11.66 The development proposal would maintain the majority of the existing trees along the sites boundaries, which will also provide a natural visual screen of the resultant

development from public vantage points and far reaching views from the wider countryside.

- 11.67 The submitted Site Layout Plan also provides for additional tree planting that would further screen the development from wider vantage points whilst also softening the presence of the development on existing adjoining neighbouring properties. The detailed tree planting schedule, species and size of trees will be secured by condition.
- 11.68 The application has been supported by an arboricultural impact assessment (Lockhart Garratt November 2016) and a tree survey, however the topographical survey indicates that there is very minimum tree loss on site with the loss of fruit trees to the east and a maple in the south western corner which are not of high quality.
- 11.69 Officers, therefore do not consider the proposal would have any adverse impact on trees or hedgerows in accordance with WwRNP policy 2, ix c, GP39 and GP40 and relevant NPPF advice and this factor should therefore be afforded neutral weight in the planning balance.

11.70 Biodiversity/Ecology

- 11.71 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity. Policy E3: Biodiversity of the WTNP states that proposals will be expected to conserve and enhance biodiversity and wildlife and that regard must be had to a number of measures, including providing net gains to biodiversity.
- 11.72 Policy 2 criteria viii requires the development make provision for any bat habitats. The development proposal would include the demolition and removal of the existing structures on the site. The sites boundary hedgerows are proposed to be retained whilst the scattered trees in the south west corner of the site are proposed to be removed.
- 11.73 The application has been accompanied by an ecology statement and supplementary information dated June 2019. This found that there was neutral grassland habitat in poor condition and the development proposal will necessitate the removal of the majority habitats within the centre of the site, whilst the boundary hedgerows will be retained.
- 11.74 The removal of the scattered trees to the south west corner of the site would not have a significant impact. There was an historic bat roost in the bar to be demolished, however no recent evidence was found and an EPS licence would not be required. Bat boxes are proposed in dwellings (6) as bats were found to be foraging along the hedgerow/trees, together with some bird nesting boxes (swallow and sparrow) within the buildings and a free standing barn owl box is proposed.
- 11.75 The Council's Ecologist has advised that the accompanying survey and assessment submitted by the applicant in support of this application is acceptable and they are satisfied that the measures contained within the report fully addresses the ecological enhancement aspects of the development proposal ensuring this adheres to the biodiversity net gain policy set out in NPPF and accords with policy 2 viii of WwRNP. The proposed development is thus considered to be acceptable from an ecological viewpoint.

11.76 Impact on Public Rights of Way

- 11.77 Policy 2, ix, b states that any development should preserve the public right of way across the site on its existing alignment. As outlined above a bitumen surface is required throughout the development be provided along Footpath WIN/11/1 to facilitate pedestrian access, together with removal of the kissing gate at roadside to allow use for pushchairs and mobility scooters, and a condition was recommended.
- 11.78 During the initial assessment of this application , alignment issues were highlighted whereby Footpath WIN/11/1 did not precisely match the detailed layout of the development and an example was included at Plot 31 (now Plot 32), what was also noted was the slight dog-leg towards the southern end on the definitive map, which means the footpath seems to pass through the area allocated for the pumping station.
- 11.79 The TA in para 4.8 mentions the applicants commitment to a 'hard' surface and the removal of the kissing gate, but as the application has not been accompanied by a construction drawing, The Rights of Way Officer has requested that a recommended condition be imposed securing this in any planning approval from my letter of 5th December 2016.
- 11.80 The drawings (e.g. layout used for the swept path analysis, TS, Appx F) appear to keep the footpath alignment the same. The alignment issue can be addressed by a Section 257 TePA 1990 permanent diversion.
- 11.81 The development proposal proposes to divert Footpath WIOG/11/1 in order to facilitate the development, which will now pass past Plot 32. Buckingham CC have requested that an informative be imposed in the event of permission being granted ensuring that obstruction of the footpath does not occur
- 11.82 As such, Officers consider that this matter would accord with Policy 2 ix b,.of the Wingrave Neighbourhood Plan and Policy GP84 of the AVDLP and with the NPPF.
- 11.83 *Contamination*
- 11.84 A further consideration in the NPPF relates to the need to conserve and enhance the natural environment is contamination, and the guidance states in paragraph 178 that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions.
- 11.85 The Councils Environmental Health team were consulted on the development proposal and had no comments to make on this application. The development proposal is therefore considered to be acceptable from an environmental health perspective. it is considered that contaminated land and air quality could be adequately addressed and as such the development would accord with the NPPF.
- 11.86 *Promoting healthy and safe communities***
- 11.87 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. Policies GP86-88 and GP94 seek to ensure that appropriate community facilities are provided arising from a development proposal. In addition, GP84 seeks to enhance existing rights of way within development scheme.

- Leisure

11.88 The proposed development makes some provision for open space on the site in 3 small pockets, the development is required to make a financial contribution to off-site leisure provision towards a specified project to be identified which would need to be secured by a legal agreement.

- Education

11.89 BCC would require a financial contribution to provide additional secondary school facilities arising from the above development. Secondary schools are at capacity and estimated pupil growth from over 8000 homes with outstanding housing permission is projected to put significant increased pressure on secondary schools – with a significant deficit of places projected. BCC's current plan to meet the projected rising demand is to expand existing school provision as well as provide new secondary schools.

11.90 Overall it is considered that the development would adequately address the aims of the NPPF to achieve healthy communities and the requirements of AVDLP policy GP94. As such, it is considered this factor should be afforded neutral weight in the planning balance.

11.91 *Achieving well designed places*

11.92 Policy 2 of the Wingrave Neighbourhood plan states that development proposals will be supported, provided that iv. The built form shall include a frontage to Twelve Leys, which may include access to driveways, The built form shall include a frontage to Nup End Lane but shall not include any access to driveways; vi. Parking shall be integrated with the open space and buildings to create a safe and attractive pedestrian environment and to avoid parking problems on local roads, The site layout shall consider views, and protect privacy and amenity of existing dwellings and back gardens.

11.93 Policy 5 of the NP states that the scale, massing, layout and design of all development proposals, will be required to reflect the architectural and historic character and scale of the surrounding buildings and the topography and setting of the site to be developed. The layout and plot coverage will provide open views and glimpses from within the village to the countryside. It will seek to avoid closing in development. Facing materials and finishes must be in keeping with those used in the neighbouring properties.

11.94 GP.35 The design of new development proposals should respect and complement: a) the physical characteristics of the site and the surroundings; b) the building tradition, ordering, form and materials of the locality; c) the historic scale and context of the setting; d) the natural qualities and features of the area; and e) the effect on important public views and skylines.

11.95 In accordance with Policy 2, The built form should have a frontage to Twelve Leys. As the site is entered from the north at Twelve Leys, Plots 1 to 6 which are situated along the sites eastern side boundary face inwards to the site. Plot 1 is double aspect with windows facing onto Twelve Leys and the new access road into the site. The adjacent western boundary Plots 13 to 28 also face inwards, with both the northern (Plots 29 to 32) and southern (Plots 6 to 10) perimeter properties also following the same approach. A cluster of nine properties (Plots 18 to 24) would be centrally located within

- the site, which will form the main focal point of the site, addressing the single road access.
- 11.96 The perception of built form would be softened by the strategically placed elements of open space and soft landscaping located along Plots 23 and 24, which would be seen immediately as the site is entered from the north, in addition to two larger parcels of open space within the site's south eastern (underground pumping station) and north western corners.
- 11.97 Policy 2 ix; requires that the site layout and landscape should provide public open space within the site that contributes to the achievement of the Aylesbury Vale Green Infrastructure Strategy.
- 11.98 The development proposal comply with ix.a by sustaining and enhancing the significance of Nup End Farm to the east of the site. This will be achieved by the landscaping of the parcel of land which would be absent of visual built form, containing the below ground pumping station, in addition to the retention on existing trees along the shared eastern boundary. The absence of perceived built form would provide a buffer between the site and the Listed Building.
- 11.99 The development would preserve the right of way through the site along its existing alignment, which would further be enhanced by way of the additional landscaping to the west of the path. The proposal would be in accordance with principle ix b.
- 11.100 As discussed earlier within the report, other than the removal of a small number of trees. The trees along the sites four boundaries would largely be retained. The landscaping would which would be controlled by condition, together with the layout and scale of the proposed dwellings in its current form is considered to create an attractive setting and amenity for the development in compliance with principle ix d.
- 11.101 The proposed dwellings have been amended so that they are proposed as two stories in height and would primarily consist of detached dwellings, in addition to six pairs of semi-detached dwellings and a row of three terraced dwellings.
- 11.102 The height of the proposed dwellings would be comparable to that of the dwellings within the sites immediate vicinity, which also is predominantly characterised by a mix of detached and small terraces as found within Stookslade. The intensity of the built form has been drawn into the centre of the site which would consist of a central 'courtyard' of properties,
- 11.103 Officers consider that the visual appearance of the dwellings as a whole have been designed with good proportions and would appear to be constructed using high quality materials, which would be controlled by condition. The character of the proposed dwellings would be of similar character to the properties found with the sites immediate vicinity and thus would not appear alien within the sites wider context.
- 11.104 The development proposal is considered to effectively and comfortably utilise the development site, without creating a cramped form of development. The supporting statement gives a clear understanding of the interspersed and heterogeneous use of materials for the wide ranging house styles and types within the site. The application states that the chosen palette of materials has been chosen in order to reflect some of the dwellings found within the local vernacular.
- 11.105 The proposed dwellings are considered to be of an acceptable design and appearance which would satisfactorily integrate within the sites context and would not have an adverse impact upon the character of the area. The impact on the heritage assets is

dealt with below For these reasons the proposed development would have an acceptable impact upon the character of the site and that of the surrounding area.

- 11.106 The public right of way would also be maintained and enhanced by way of widening and resurfacing. The development as a whole is considered to be of a design and character by reason of the scale, proportions and architectural merit of the individual dwellings that would satisfactorily integrate into the sites immediate context.
- 11.107 In accordance with Policy 2 of the WwRNP and Policy GP35 of the AVDC Local Plan, the development proposal would respect and complement the physical characteristics of the site and its immediate surrounding, would maintain the natural qualities and features of the are and on balance would not adversely effect the important public views. In order to ensure that the finished floor levels and overall height of the development site as a whole is appropriate, a condition would be imposed requesting that details of slab levels are provided to the Council and approved in writing.
- 11.108 In summary the proposal is considered to be of a scale and design that would respect the character and appearance of the existing dwelling and does not overwhelm it.In addition is considered that the proposal would not appear overly prominent within the streetscene or the locality in general. The proposals are therefore considered to comply with Policies 2 & 5 of the Wingrave with Rowsham Neighbourhood Plan GP9 & GP35 of the AVDLP, the Council's Design Guide Residential Extensions and NPPF

11.109 Landscaping

- 11.110 GP38 Applications for new 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. Hard landscaping should incorporate materials appropriate to the character of the locality. New planting should be with predominantly native species. The proposed layout includes retention of the majority of trees and hedgerow and provides for additional planting to contribute to the street scene and character of the site. Conditions will be attached to relevant planning permissions to require the submission of landscaping schemes and implementation of the approved arrangements.
- 11.111 A condition would be imposed ensuring that both the hard and soft landscaping incorporate materials appropriate to the character of the locality and that any proposed new planting incorporates predominantly native species. The development proposal is considered to accord with AVDC Local Plan Policy GP38, and the WwRNP.

11.112 Conserving and enhancing the historic environment

- 11.113 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.
- 11.114 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. Policy GP53 of AVDLP requires new

developments in and adjacent to conservation areas to preserve and enhance the character and appearance of the Conservation Areas.

- 11.115 The application site is not designated as being within a Conservation Area but is located within close proximity to the Wingrave Conservation Area. The Conservation Area, a designated heritage asset, commences to the east of the site at No. 46 Nup End Lane and encapsulates east encompassing No 6 Leaders Close and approximately 40 other properties within includes Nup End Lane, Nup End Close, The Dean and a number of properties within Winslow Road directly adjacent to west of Bell Leys. There are no designated heritage assets within the site however, there is a Grade II Listed building 'Nup End Farmhouse' immediately adjoin the site at the eastern corner of the proposed development site, which is a designated heritage asset. A Heritage Assessment was included as part of the application.
- 11.116 The site is a square formed area of pastured field, with each corner pointing towards the axis of north, east, south and west. There is built development along the NE side of the site, which includes the Grade II listed Nup End Farmhouse and partially along its NW side. The remaining sides are open country side.
- 11.117 The site is separated from the Conservation Area by Nup End Farmhouse and the adjacent property No. 50 Nup End Lane. The site then extends up towards the modern development of Twelve Leys. All access to the proposed site will be from this area and not from the restricted and narrow Nup End Lane.
- 11.118 Nup End Farmhouse is a Grade II listed building, built in the 16th century, extended and then renovated in the 20th century. It is of timber frame construction with brick infill, partly of thin brick and whitewashed to the left side. There is no impact to the historic fabric of the listed building.
- 11.119 Considering the setting of the listed building, there is identifiable progression of development surrounding Nup End Farmhouse, including the adjacent plot to the east, along with the modern development to the north. Therefore, the plot has been significantly reduced over time. As a result of the open space buffer surrounding the listed building, the impact upon the identified heritage assets is now reduced. It is considered that at most that the harm to the setting of the listed building will amount to less than substantial at the lower end of the scale of harm.
- 11.120 The open space buffer area also reduces the views of the listed building that would be negatively impacted by the proposed development, particularly those in the open fields to the south. Views lost include those from the lower end of Nup End Land and through the northern section of the proposal site. Whilst the views in question only contribute a little to the significance and appreciation of the listed building, they still form an important element of setting of the listed building.
- 11.121 In terms of the impact on the conservation area it is considered that the views of the conservation area will be impacted to a limited degree, due to the existing development between the proposal site and conservation area. The proposal may affect views from and of Nup End Farmhouse. However an open space buffer has been proposed in the far eastern corner of the site closest to the listed building, removing any development in this area. Therefore it is likely that any impact would amount to less than substantial harm to the significance of the asset in NPPF terms.

- 11.122 Special regard has been given to the statutory test of preserving the (setting of the) listed building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. It has been concluded that the (setting of the) listed building would be preserved, and so the proposal accords with section 66 of the Act. In addition, no harm would be caused to the significance of the heritage asset, in NPPF terms, and as such the proposal accords with guidance contained within the NPPF.
- 11.123 Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the conservation area, and so the proposal accords with section 72 of the Act. In addition, no harm would be caused to the significance of the heritage assets and as such the proposal accords with guidance contained within the NPPF and GP53 of AVDLP.
- 11.124 Officers consider that the proposal may affect views into and of the Wingrave Conservation Area. However, given the existing development surrounding the CA, it is likely that this impact would amount to minimal or less than substantial harm to the significance of the assets in NPPF terms. . As less than substantial harm has been identified this must be weighed against the public benefits of the proposal in accordance with paragraph 196 of the NPPF.

11.125 Archaeology

- 11.126 Buckinghamshire County Archaeological Service who maintain the local Historic Environment Record and provide expert advice on archaeology and related matters, were consulted were on this application and have advised that they were contacted in April 2018 by the applicant's archaeological consultant (CgMs), who provided them with the results of the site investigation undertaken by the Brownfield Consultancy.
- 11.127 This document indicated that the proposal site has little archaeological potential due to earlier ground works. Buckingham Archaeological Service having assessed the findings has advised that they have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard any archaeological interest within the application site.
- 11.128 Officers consider the development proposal to be acceptable from an Archaeological perspective.

11.129 Meeting the challenge of climate change and flooding

- 11.130 The NPPF at Section 14, 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 163 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.

- 11.131 The applicants submitted additional information following requests from BCC as LLFA in the form of Flood Risk Assessment, Suds Assessment and Drainage Strategy (14504, 1ih July 2019, Simpson Consulting Engineers) and original Site Investigation Report (BC219 RE001 Rev A 24.5.16).
- 11.132 BCC as the LLFA commented that the information provided within this submission, indicates that the development proposes to attenuate surface water run-off on site through the use of a below-ground attenuation tank and over-sized pipes, discharge will be limited to 6.3 l/s and will connect into an ordinary watercourse to the south of the site.
- 11.133 The plans propose permeable paving within the private driveways which are considered to provide some benefits of water quality treatment. The applicant has provided a copy of the Ground Investigations Report (BC219 Re001 Rev A, 24th May 2016, Brownfield Consultancy) demonstrating that infiltration is not viable at this site. It is understood that property level drainage will be the responsibility of homeowners and shared drainage will be offered for adoption or managed via a management company.
- 11.134 In accordance with paragraph 165 part D of the National Planning Policy Framework (NPPF) major developments should incorporate SuDS that provide multifunctional benefits, where possible. The system uses a traditional method of over-sized pipes of 600mm diameter and below-ground tanks; the LLFA have advised that this approach can create a maintenance burden as issues within the system are not clearly visible or accessible as they would be within an above- ground Sustainable Drainage System.
- 11.135 In line with the water quality assessment outlined in the Ciria SuDS manual (C753), the applicant has provided a small swale feature prior to the outfall of the system to the ordinary watercourse; the LLFA have advised that this will provide further water quality benefits.
- 11.136 The LLFA have concluded that whilst the proposal is acceptable from a SuDS perspective, they have expressed disappointment with the lack of SuDS incorporated within the development proposal, and that innovative design could have allowed for the local environment to be better enhanced, there is no justification to refuse permission on this ground.
- 11.137 The LLFA have recommended that two conditions are imposed ensuring that the development proposal is carried out in accordance with the approved Flood Risk Assessment, Suds Assessment and Drainage Strategy, this is to ensure the prevention of flooding and satisfactory disposal and storage of surface water from the site. In addition to this, a further condition would be imposed requiring the applicant to provide to the Council a demonstration of the as-built water drainage scheme in order to ensure that Sustainable Drainage System has been constructed as per the agreed scheme.
- 11.138 Additional information received by the applicant following receipt of consultation responses and the concerns raised by the Parish Council relating to the potential for the development to increase the risk of sewer flooding in the local area. The applicant have advised that they reported these comments to Thames Water and collaboratively agreed a strategy whereby the existing pumping station, presently located along the sites northern boundary would be decommissioned as part of the development with flows being diverted to a replacement underground pumping station within the sites south eastern corner.
- 11.139 The new pumping station is said to be designed in order to accommodate both the development and the existing drainage catchment that it serves, with peak discharge

rates limited to existing rates so that there would be no detrimental impact on the downstream sewerage network.

- 11.140 Thames Water were consulted on the development proposal and have raised no objection to the proposal but have provided a number of informatives relating to surface water drainage and water supply which have been included earlier within this report. Within their supplementary comments, Thames Water advise that they have been made aware of local concerns surrounding the sewers at downstream of the point of connection to the existing sewerage system. Thames Water request that the developer continue to liaise with Thames Water developer services to consider all options and agree the most appropriate drainage strategy for this development.

11.141 *Supporting high quality communications*

- 11.142 Paragraph 114 of the NPPF requires Local Planning Authorities' to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services. Given the nature and location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development.

- 11.143 Proposals should include the pre-requisite infrastructure required for broadband connectivity and implementation in the sites development at the earliest stage to ensure that they can be connected to the superfast broadband network at the earliest opportunity and have the capacity to "future proof" infrastructure/apparatus to industry standards. It is therefore considered a condition requiring details of broadband and other fibre optic connections to be submitted for approval would satisfactorily address the requirements of this policy. Overall it is considered that the proposal would accord with the guidance set out in the NPPF in this regard.

11.144 *Impact on Residential Amenity*

- 11.145 The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP.8 states that permission for development will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. Where planning permission is granted, the Council will use conditions or planning obligations to ensure that any potential adverse impacts on neighbours are eliminated or appropriately controlled. Policy 2 principle vii states that the site layout of the shall consider views, and protect privacy and amenity of existing dwellings and back gardens.

Chiltern Place

- 11.146 The property known as Chiltern Place is located immediately to the west of the development site and is set off the site boundary by approximately 8m. The nearest adjoining neighbouring properties would be Plot 28 and Plot 29. Plot 28 has a rear garden depth of 15m, and would have wall to wall relationship of approximately 23.5m.

Plot 29 is separated by a parcel of land which is located in between Plot 28 and Plot 29 and has a shared boundary distance of 25m and a side wall to side wall distance of 33.5m with Chiltern Place. These distances together with the indirect orientation and absence of window to window relationship between these properties would ensure that no undue privacy loss, overbearing presence or light loss would occur. The presence of trees along the western boundary, both within the development site and within Chiltern Place, which is under the ownership and control of the owner, would add a further degree of natural screening. The parcel of undeveloped land adjoining Chiltern Place, with its depth of 42m and maximum width of 30m, is considered to go a considerable way in minimising the impact of the development on the amenities enjoyed by the occupants of this property.

31 Twelve Leys

- 11.147 The property located immediately to the north of the site is sited to the west of the access road to the development is site is known as No. 31 Twelve Leys. The nearest properties within the development site are Plot 1 and Plot 32. Plot 1 is situated on the eastern side of the access road and has a front wall to side wall distance of 23m. This distance together with the orientation between the two properties would ensure that no resultant direct overlooking into any windows or the plot itself would occur. Plot 32 has a rear garden depth of 11m, with a distance between the rear wall to this property being 14.5m. This relationship together with the orientation of this plot would ensure that no direct overlooking or privacy loss would result to the occupants of this property.

29 Twelve Leys

- 11.148 Plot 1 has a maximum rear garden depth of 18m and would have a minimum distance of approximately 17m from the main rear wall and the side wall of the adjoining property to the east 29 Twelve Leys. This relationship is considered to be acceptable and no undue impact by way of amenity loss would occur to the occupants of this property.
- 11.149 Plot 2 would have a rear garden depth of 17.5m and would have a rear wall to rear elevation distance of 25m. This distance together with the orientation between these two properties would ensure that an unacceptable degree of overlooking or privacy loss would not occur.

Stookslade No's 2 to 8

- 11.150 Plots 3, 4 and 5 are closest to existing properties within Stookslade. Plots 2 and 3 would have a rear garden depth of 15m, with a rear wall to rear elevation distance of approximately 27m. Officers consider these separation distances to be acceptable and would not result in an unacceptable degree of amenity loss in terms of light , privacy or outlook to any of these properties.

Nup End Farm

- 11.151 The nearest properties to Nup End Farm are Plot 5 and Plot 7. Plot 5 has a minimum rear garden depth of 13m, with a rear elevation to side elevation separation distance of 33.5m.

11.152 Plot 6 and 7 would be located to the west of the public footpath and would be distanced in excess of 45m away. This property would also be separated by a parcel of land which visually will provide some public amenity space but would house a below ground pumping station.

11.153 In summary, given the positioning of the proposal and its relationship relative to the neighbouring properties in terms of scale, positioning of windows and orientation , Officers consider that the proposal would not have an unacceptable adverse impact upon the neighbouring amenity in terms of light, privacy or outlook. Therefore the proposal accords with WwRNP Policy 2 vii, GP8 of AVDLP and the NPPF.

11.154 **Developer contributions**

11.155 As discussed earlier within this report, there are a number of requirements arising from this proposal that need to be secured through a S106 Planning Obligation Agreement:

- *Affordable Housing provision on site (35%)*
- *Highways financial contribution to be used towards highways improvements, and towards a traffic calming study.*
- *An off-site financial contribution in lieu of on-site sport and leisure facilities*
- *A financial contribution to provide additional secondary facilities arising from the proposed development. Secondary schools are said to be at capacity and estimated pupil growth from over 8000 homes with outstanding housing permission is projected to put significant increased pressure on secondary schools- with a significant deficit of places projected.*
- *Improvements upgrading or provision of skate park, sports pitches, pavilion, MUGA and floodlights, outdoor fitness equipment or car parking at Wingrave Park and/or improvements to open space and provision of play equipment at Twelve Leys Green and/or improvements upgrading or provision of pavilion, bowls clubhouse, sports pitches and lawns, outdoor fitness equipment, access and car parking at Wingrave Recreation Ground and/or car parking improvements at The Green Wingrave.*

11.156 Officers consider that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 places into law the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development of this nature if the obligation does not meet all of the following tests; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

11.157 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.

Case Officer: Christopher Peters

(cpeters@aylesburyvaldc.gov.uk)

APPENDIX 1 – Parish Council Comments

Wingrave with Rowsham Parish Council full comments are as follows:

Letter received 5th June 2019:

The Parish Council objects strongly to the application. The grounds for objecting are set out below.

Foul sewage disposal

The development site is adjacent to a larger development, Twelve Leys. The applicants propose to link foul drainage from the development site to the existing drainage system serving Twelve Leys.

However, the residents of Twelve Leys have experienced persistent problems with that drainage system, causing frequent blocking, foul sewage overflows, foul smells etc. a log has been kept of the occasions Thames Water have been required to attend to deal with those situations between mid July 2018 and 1st June 2019- 26 attendances in all (appendix 2). In addition, Thames Water's own log of attendances between September 2013 and December 2016 obtained via FOI request, shows 23 attendances (appendix 2). There is some disagreement between residents and Thames Water as to the causes, although Thames Water has accepted on a number of occasions that intrusive tree roots have been responsible. Thames Water staff dealing with the problems have also volunteered that blockages of lime scale, toilet paper, grease, rags and wipes have been to blame. Thames Water staff have also said that the pumping station was too old, the present drainage system is incapable of dealing with any further housing, and the fall on the pipe bellies and the piping inadequate. Against this background, the applicants propose to store foul sewage from the development and release it into the existing system at times when that system is not under pressure. It is evident, however, that this is unlikely to make any contribution other than a negative one. Put briefly, the foul drainage system the applicants intend to discharge into is incapable of dealing with the demand currently placed on it. The imposition of further demand will only make a bad situation worse.

SUDS assessment and drainage strategy

The Council fully supports the objections set out in the consultee letter of 23rd May 2019, from BCC Sustainable Drainage Officer (appendix 3)

Agreement with the applicant about working practices during the development

The Council has had no discussions with the applicant on these matters. It wishes to see M the following incorporated as a term of any planning approval:

Site working hours Monday – Friday 8.00- 18.00

Saturday 8.00- 13.00

Saturday after 13.00, Sundays and bank holidays- No site working permitted

Saturday morning working not to be of a noisy or disruptive nature

Because all traffic to and from the site has to pass the main entrance of the Primary school and pre-school, which is also the drop off, pick up point for children, no large vehicles to or from the site between 08.15 and 14.45 and 15.30, Monday to Friday be permitted.

No vehicular access to the site from Nup End Lane permitted.

The applicant must ensure that approaches to the site are kept clean and tidy and that any damage is speedily put right.

Failure by the applicant to accept the above terms is regarded by the Council as a further ground of objection.

Note The Council wishes also to be assured that the access from the footpath WIG/11/1, which runs through the development site, onto Nup End Lane and Twelve Leys has sufficiently wide visual splays to ensure pedestrian safety. This, however, whilst important, is not a ground of objection.

APPENDIX 2: Wingrave with Rowsham Parish Council Comments Received 12th February 2018:

I have been trying to access the planning portal since the back end of last week and have been unsuccessful, this comment therefore is coming to you past the deadline but I do hope given the circumstances that it will still be added.

Wingrave with Rowsham wishes to register its objections to application 16/04085/APP Land off Twelve Leys.

The Parish Council is not content that the current plans for sewage are sufficient given the current issues already being experienced by residents of Twelve Leys and Nup End.

We have written to Thames Water's David Stamateris and Cala Homes with our concerns and requested proof that the current system is suitable to accommodate an additional 31 homes.

A survey was also conducted to understand the issues currently faced by existing resident which has been forwarded to Thames Water and Cala Homes.

I have attached the letter to David Stamateris and also the survey results as detailed above.

Should a resolution be found for the sewage system then the Council would withdraw its objections to this development.

APPENDIX 3: Wingrave with Rowsham Parish Council Comments Received 15th January 2018:

As part of the Wingrave with Rowsham Neighbourhood Plan a site south of Twelve Leys and north of Nup End Lane has been designated for development and Cala Homes (Chiltern) Ltd is the appointed developer.

Cala Homes informs the Parish Council that Thames Water propose that the foul sewage from the development is connected to the existing village sewage system at Nup End Lane near HP22 4PX. This raises concerns as the foul sewage system in Nup End Lane was installed around 1952 and as installed it may have a design that is fit for this additional purpose but is its current state fit for purpose?

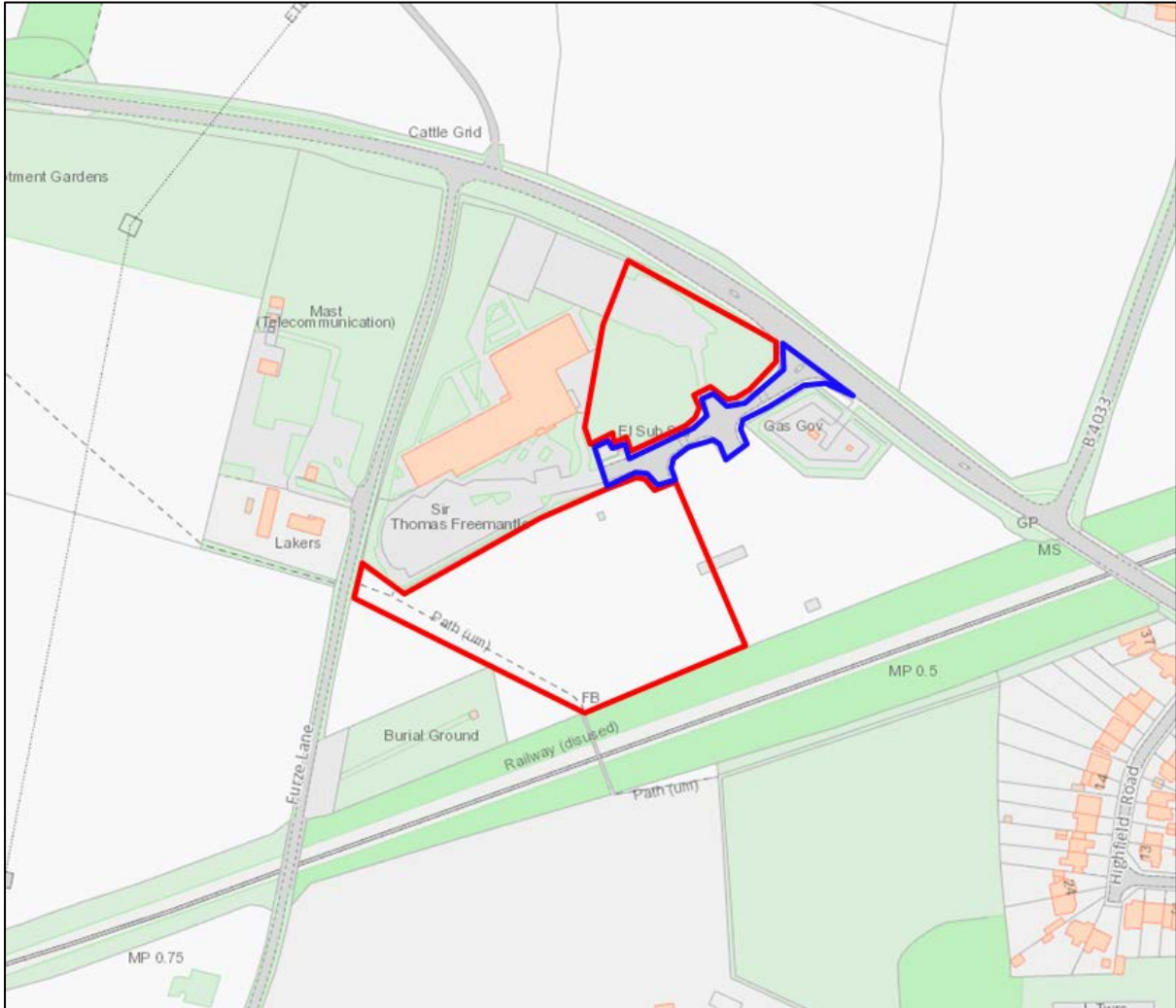
Cala Homes also report that Thames Water propose that Cala Homes connect the Nan Ayres and Chiltern Rd foul sewer into the new installation. Whilst flow rates into the Nup End Lane sewer may not be significantly increased, total flow volumes will be.

The Parish Council is aware of current remedial Thames Water activities with tankers both in Twelve Leys and Nup End Lane and residents have reported ongoing foul sewage issues in those parts of the village.

The Parish Council requires assurance that the proposed foul sewage system for the development is fit for purpose and will not have any detrimental impacts on both current village residents and residents of the new development.

Please provide the Parish Council with evidence that the Nup End Lane sewer has been properly surveyed including any CCTV investigations and that the sewage network as installed in Nup End Lane is compliant with current specifications and requirements and that it has been well maintained and is fit for purpose.

18/02599/ADP	
--------------	--



© Crown Copyright and database right 2019. Ordnance Survey 100030994

REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/02599/ADP	WINSLOW	
APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PERMISSION 13/02112/AOP FOR B1(BUSINESS) B2 (GENERAL INDUSTRY) AND B8 (STORAGE AND DISTRIBUTION) USES WITH ANCILLARY OFFICE ACCOMMODATION, PROVISION OF RAIL STATION WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS	The Local Member(s) for this area is/are: - Councillor Llew Monger Councillor Susan Renshell	23/07/2018
LAND AT BUCKINGHAM ROAD, CREVICHON PROPERTIES LTD STREET ATLAS PAGE NO. 53		

1.0 The Key Issues in determining this application are:-

- a) Principle of the development
- b) Access
- c) Layout
- d) Scale
- e) Appearance
- f) Landscaping
- g) Other material planning considerations

The recommendation is that the reserved matters be APPROVED subject to conditions.

2. CONCLUSION AND RECOMMENDATION

- 2.1 This detailed scheme follows the grant of permission of the outline proposal 13/02112/AOP where the principle of the development for the wider employment development was accepted and this is a material consideration in the determination of this application.

- 2.2 The application has been evaluated against the Development Plan and the NPPF. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.3 The Winslow Neighbourhood Plan 2014-2031 (WNP) and AVDLP contain relevant policies including policy 6 of the WNP and GP8, GP24, GP35, GP38-40 of AVDLP which are the most important and up to date policies therefore paragraph 11d) of the NPPF is not engaged.
- 2.4 A previous application relating to the reserved matters for the construction of the business units at this site was granted (ref: 18/02598/ADP – approved in February 2019). Amendments to the development are sought in order to allow some flexibility to the type of unit brought to the market and to potential future occupiers of the site. As with the previous application, it is considered the proposal would positively contribute to the economic, social and environmental conditions of the area. r and appearance of the site, street scene or landscape character of the area.
- 2.5 Compliance with some of the other objectives of the NPPF have been demonstrated in terms of the highway impact and parking provision, promoting healthy communities, the design of the development, impacts on the natural environment, flood risk and on residential amenity. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally.
- 2.6 It is considered that the proposal accords with the most important policies in the WNP and AVDLP and there are no material considerations that indicate a decision other WNP and AVDLP and there are no material considerations that indicate a decision other than in accordance with those policies.
- 2.7 It is therefore recommended that the application be **GRANTED** subject to the following conditions:
- .
1. The use of the building at Plot A hereby approved (or part thereof) shall be for B8 (storage and distribution) with a floor space of no greater than 2003sq.m, including ancillary office accommodation, and at no time shall the building be used for any purposes within B1 (offices and light industrial) or B2 (general industrial) use classes

as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure the building benefits from provision of off-road car parking, turning and large vehicle operating areas appropriate to its use in accordance with Policy 6 of the Winslow Neighbourhood Plan 2014-2031, saved policies GP.24 and WI.2 of the Aylesbury Vale District Local Plan, Appendix 2 (Parking Standards) of the emerging Vale of Aylesbury Local Plan and the relevant provisions of the National Planning Policy Framework.

2. The use of the building at Plot B hereby approved (or part thereof) shall be for B2 (general industrial) or B8 (storage and distribution) with a floor space not exceeding 4755sq.m, including ancillary office accommodation, and at no time shall the building be used for any purposes within B1 (offices and light industrial) use classes as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure the building benefits from provision of off-road car parking, turning and large vehicle operating areas appropriate to its use in accordance with Policy 6 of the Winslow Neighbourhood Plan 2014-2031, saved policies GP.24 and WI.2 of the Aylesbury Vale District Local Plan, Appendix 2 (Parking Standards) of the emerging Vale of Aylesbury Local Plan and the relevant provisions of the National Planning Policy Framework.

Informative(s):

1. You are advised that, unless expressly indicated, nothing within this approval effects or varies the conditions imposed on outline planning permission no. 13/02112/AOP dated 29 November 2013 which must be complied with.
2. In accordance with paragraphs 39 and 39 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

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

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

In this case, AVDC has considered the details of the development as submitted and amended information which were considered acceptable.

3. INTRODUCTION

- 3.1. The application is referred to planning committee as the parish council has raised material planning objections with regards to the visual impact of the development and intend to speak at committee.

4. SITE LOCATION AND DESCRIPTION

- 4.1. The site is located within the northern fringe of Winslow and comprises part of a wider. 4.35 Ha site with the new Freemantle school occupying the north-western area of the land. There is a gas distribution facility adjoining the site on the eastern boundary shared with the public highway (A413 - Buckingham Road) and, there is also a small area in the south-western corner that is reserved for a future extension of the adjoining burial ground. A public right of way (PROW) runs across part of the south-western area (numbered WIS/6/1 by Bucks CC).
- 4.2. The recently constructed access road which serves the school also provides access to the site separating the two parcels, to the north east and south west of the site, from Buckingham Road.

5. PROPOSAL

- 5.1. This is a reserved matters application seeking appearance, landscaping and layout. The current proposal is for the construction of a two-storey warehouse/production unit providing approximately 1900sq.m at Plot A and for a two-storey warehouse/production unit providing 4600sq.m of internal floor space at Plot B. The current scheme would provide only the two larger units. This is an alternative scheme to that granted approval under 18/02598/ADP in February 2019 and is sought to provide some flexibility in terms of the type of buildings that could be brought to the market depending on the requirements of prospective tenants.
- 5.2. The building at Plot A would be set close to the north-western plot boundary shared with the neighbouring school. 16 off-road car parking spaces (with dedicated disabled, cycle and motorbike parking) would be located to the east of the plot with a large gated service yard to the south-west. The building would have a height of approximately 11.3 metres to the ridge with eaves heights of approximately 8.5 metres at the south-eastern side elevation and 9.25 metres at the north-western side elevation. The most visible elevation within public views would be the north-east facing rear elevation (facing towards Buckingham Road). It would have a width of approximately 48 metres. The building would be finished with grey profile roof cladding with walls a mixture of anthracite horizontal cladding and metallic silver horizontal profile cladding and anthracite coloured aluminium framed glazed sections, windows, doors and rainwater goods.
- 5.3. The building at Plot B would be set close to the south-eastern plot boundary shared with the adjacent public footpath, existing burial ground and proposed extension to the burial ground. Approximately 100 off-road car parking spaces (with 5% dedicated disabled spaces) would be located to the north and east of the plot with a large gated

service yard to the south, abutting the railway line boundary. The building would have a height of approximately 13.2 metres to the eaves and approximately 15 metres to the ridge. The most visible elevation within public views would be the south-west facing side elevation (facing towards the public footpath that runs between Furze Lane and the pedestrian railway bridge) having a width of approximately 49 metres. The public footpath would be set approximately 3.5 metres from the southern corner of the building. The north-west facing front elevation (facing the school) would have a width of approximately 82 metres.

- 5.4. Both buildings would be finished with grey profile roof cladding with walls a mixture of anthracite (dark grey) horizontal cladding and metallic silver horizontal profile cladding. Anthracite coloured aluminium framed glazed sections, windows, doors and rainwater goods are also proposed. Hard-surfacing would be comprised from a mixture of tarmac site roads, permeable block paving (with below ground surface water attenuation tanks) for the car parking areas, block paving for pedestrian footways and concrete service yards.
- 5.5. Landscaping for both plots would involve tree, hedge and shrub planting predominantly along the site perimeters. A small coppice of native Field Maple trees would be planted at the southern point of Plot B to provide some vegetative screening between the building and burial ground to the south-west. A native hedge mix would be planted along the site boundary shared with the public footpath and the north-western site boundary shared with the school. A hornbeam hedge would be planted between Plot B and the new railway station site. A scheme of landscaping for the estate road has already been undertaken on the land between Plot A and the public highway at Buckingham Road. This would be enhanced by a mixed-native hedge planted along the north-eastern boundary and a coppice of Field Maple planted between the new building and adjacent school site. A row of Whitebeam 'Lutescens' would be planted along the eastern edge of the plot shared with the estate road and main access from the public highway.

6. RELEVANT PLANNING HISTORY

- 13/02112/AOP - Outline application for B1(Business) B2 (General Industry) and B8 (Storage and Distribution) Uses with ancillary office accommodation, provision of rail station with associated parking , landscaping and access – Granted subject to conditions.
- 13/A2112/DIS - Submission of details pursuant to Conditions 5 (landscaping), 9 (archaeology), 10 (surface water drainage), 11 (contaminated land assessment), 14 (estate roads), 15 (access junction works), 16 (bus stop), 20 (ecology) and 21 (construction compound & temporary access) relating to outline permission 13/02112/AOP – Details approved.
- 16/03132/ADP - Approval of reserved matters pursuant to outline permission 13/02112/AOP relating to access, appearance, landscaping, layout and scale for the provision of the rail station building, associated parking and internal road. – Approved subject to conditions.

- 18/02598/ADP - Application for Approval of Reserved Matters pursuant to outline permission 13/02112/AOP relating to appearance, landscaping, scale and layout for B1(Business) B2 (General Industry) and B8 (Storage and Distribution) Uses with ancillary office accommodation, provision of rail station with associated parking , landscaping and access – Approved subject to conditions – February 2019.
- 18/04244/ADP - Reserved Matters Application pursuant to outline permission 13/02112/AOP relating to access, appearance, landscaping, layout and scale for the provision of the rail station building, associated parking and internal road – Pending consideration.
- 19/02394/APP - Removal of condition 4 (removal of operational hours) relating to application 18/02598/ADP – Pending consideration.

7. PARISH/TOWN COUNCIL COMMENTS

7.1 Winslow Parish Council - **object** to the proposals.

The building at Plot A would be overly dominant in its setting and, for such a large building, is situated too close to the A413.

The building at Plot B may also conflict with Network Rail's Transport and Works Act Order application for East West Rail, and also with the subterranean high-pressure gas main.

WTC wishes to speak at any committee meeting determining this application.

8. CONSULTATION RESPONSES

- 8.1 Buckingham County Council Highways – No objection subject to conditions.
- 8.2 Initial comments were made in August 2018 which confirms that the parking spaces provided are of adequate dimensions and benefit from an adequate level of manoeuvrability and raising concerns over the large vehicles would struggle to access the turning areas due to the proposed layout and the proximity to the roundabout to lot A and tracking for plot B. Mindful of this, a swept path analysis showing refuse vehicle and articulated vehicles entering, manoeuvring through the site, and exiting is required to demonstrate that these manoeuvres are possible.
- 8.3 Due to the proximity of the junction into the car park to the main access into the site, there are concerns over the potential for sudden and unexpected braking manoeuvres and for vehicles to be backed up onto the main access into the site.
- 8.4 Further consideration needs to be given to pedestrian access; the area to the south of the disabled spaces should be widened to 2m to ensure that all pedestrians are able to access all areas of the site.

8.5 Mindful of the above, there are concerns over the manoeuvring associated with both plots, particularly Plot A, and the additional information discussed above is required.

8.6 Following the submission of additional information and some discussion between BCC and the applicant BCC are now satisfied that both aspects of the scheme are acceptable, and no objections are made subject to conditions to secure provision of the parking and manoeuvring areas and suitable signage is erected at the entrance to Plot B in accordance with the approved plans.

8.7 Environmental Health – No comments to make.

As at this stage there are no details of the future occupancy of the units there are no environmental health comments for this application.

8.8 Network Rail – No objection.

8.9 Comments were submitted with regards to reserved matters scheme 19/02598/ADP (for an alternative scheme at the current application site). No objection was made but the following comments were submitted:

8.10 *The proposal shows the old layout of the station site. Updated details were included in the station planning application submitted Q4 2018.*

- *The proposal shows a line of specimen trees planted along the perimeter of the station decked car park. This is likely to be impractical, undesirable from a maintenance perspective and unsustainable in the long term.*
- *The proposal shows industrial units adjacent to the boundary with 'Potential CPO Land'. Discussions with EWR2 has agreed a smaller part of this plot to be used for construction access by EWR2, in exchange for construction access along the north and west perimeter of this planning application. This construction access route is within the ownership of the applicant.*
- *The proposal may conflict with the SGN high pressure gas main corridor, along the north edge of plot B.*

8.11 Comments were sought from Network Rail for the current scheme but, none were received.

8.12 Archaeology – No comments to make.

8.13 River Ouzel Drainage Board – No comments to make.

9. REPRESENTATIONS

9.1 The application was the subject of press and site publicity. No responses were received.

10. EVALUATION

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

10.2 Winslow Neighbourhood Development Plan made 2014-2031

- 10.3** Policy 1 relates to the presumption in favour of Sustainable Development. Policy 6 relates to Land South of Buckingham Road, it allocates the site for a mixed use scheme comprising B1, B2 and B8 units (1.5 ha), a railway station and associated links (1.35ha) and education use (1.5ha). Policy 6 provides parameters for the redevelopment of the site by dividing the site into 3 areas to deliver a station, school and employment units.
- 10.4 Policy 6 requires the preparation of a masterplan to ensure proper planning and delivery processes are followed.

10.5 Aylesbury Vale District Local Plan

- 10.6** A number of general policies of the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are WI2 , GP8, GP24, GP35, GP38 – GP40 and GP45..

10.7 Vale of Aylesbury Local Plan 2013-2033

- 10.8** The overview reports sets out the latest position with regards to VALP. The most relevant policies are T5 - Delivering transport in new development; T6 - Vehicle Parking; T7 - Footpaths and cycle routes; T8 - Electric Vehicle Parking; BE2 - Design of new development; NE1 – Biodiversity and geodiversity; NE4 – Landscape character and locally important landscape; NE8 – Trees, hedgerows and woodlands; C4 – Protection of public rights of way; I1 – Green infrastructure.
- 10.9 The weight to which individual policies relate to the material planning considerations of this application will be undertaken within the more detailed assessments in the report sections below.

10.10 The principle of the development:

- 10.11 Outline permission was granted for the employment units as part of the wider mixed use outline consent with means of access considered under 13/02112/AOP . As such, the principle of development on this site has been previously established and accepted. The matters reserved for subsequent consideration are assessed below.
- 10.12 The outline planning permission was granted subject to a number of conditions, including a condition ensuring subsequent reserved matters details were in compliance with a parameters plan that set limits to the uses to be permitted at the site and limited heights of new buildings to not exceed 15 metres. An indicative site layout also outlined expected overall floor-spaces of new buildings to be provided. Matters relating to the site access and layout of the internal site road were approved in April 2016 and the estate road and site access constructed thereafter. The current application only seeks approval of matters relating to appearance, landscaping, layout and scale for the employment units to be constructed at Plots A and B so the

principle of the development is not required to be reassessed. An alternative set of reserved matters details have also already been approved.

10.13 Reserved Matter: Layout:

- 10.14 The outline permission included an indicative layout / masterplan identifying development zones.
- 10.15 NP Policy 6 states that a masterplan for the entirety of the site should be prepared. This does not appear to have been the case but, several points required to be addressed through the masterplan can be addressed against the layout of the reserved matters. These are:
- *it can demonstrate that a single access on to Buckingham Road to serve all the proposed land uses can be satisfactorily achieved;*
 - *provision is made for the retention of the public right of way over the land and over the railway line to Land East of Furze Lane;*
 - *a travel plan demonstrates how the station operator will manage car parking by rail passengers to avoid the use of existing public car parks or residential streets in the town; and*
 - *a satisfactory layout, design and landscape strategy can be achieved that will protect the amenities of each land use.*
- 10.16 Policy GP.35 of the AVDLP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. This policy is considered to be consistent with the NPPF. VALP emerging policy BE3 is consistent with GP35..
- 10.17 Policy GP.38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible. VALP policy NE8 is consistent with GP38-39.
- 10.18 Policy GP.84 states that development affecting a public right of way the Council will have regard to the convenience, amenity and public enjoyment of the route and the desirability of its retention or improvement for users, including people with disabilities. Planning conditions will be imposed on planning permissions, or planning obligations sought, to enhance public rights of way retained within development schemes.
- 10.19 The impact of the development of the site as a whole on the wider landscape has already been assessed and found acceptable as part of the consideration of the outline permission.

- 10.20 Condition 4 of the outline planning permission sought to ensure the development did not exceed the parameter plans established by the outline planning permission. Approved plan no. 002 – Parameters Plan with Land Use Zones set out areas where B1, B2 and B8 uses were permitted and limited building heights to not exceed 15 metres. Plot B would have a ridge height of 15 metres with Plot A would have a ridge height of 11.3 metres. Both buildings would be constructed within the site area permitted to be used for employment use(s). Therefore, the details submitted are in line with the parameters of the outline planning permission.
- 10.21 Vehicular access was approved at the outline stage in the form of a single access point off the Buckingham Road and the reserved matters of the main spine road were subsequently approved under application 16/03132/ADP. The proposed employment units would continue to be served by the approved access arrangements and are located in the two remaining parcels of development land. The warehouse/production building is sited at the front of plot A, behind a landscape area addressing Buckingham Road with the entrance facing the internal access road and proposed station. Parking is located to the side and loading/unloading to the south west of the building with landscaping along the frontage, boundaries and access road which is secured by a condition of reserved matters application 16/03132/ADP.
- 10.22 The planting scheme proposed within the plot would enhance the existing scheme and, whilst the building would be visible from Buckingham Road, it is considered the proposed landscaping along the frontage would help to soften the impact and would also contribute to the street scene along Buckingham Road (increasingly so as trees and hedgerows mature).
- 10.23 The building at Plot B would be visible from the public footpath to the west. A native hedge mix would be planted along the south-eastern site boundary providing a soft screen to the footpath. A small coppice of Field Maples would be planted at the south-western point to soften views of the building from the adjacent burial ground. Within the plots hard-surfacing materials would be common for the type of development but, would be laid out with some variety and broken up with green areas of shrub planting.
- 10.24 Plot B involves a single employment units with parking to the north and west side and loading/unloading to the south . This is a typical layout in small industrial estates and in view of the limited size of the units appears to give a practical layout for plot B.
- 10.25 On this basis, the proposed layout addresses the site constraints and will deliver a development where the layout respects the requirements of the outline consent and, the adjacent land uses.
- 10.26 *Highway impact and parking:*
- 10.27 The proposed employment units would continue to be served by the approved access arrangements and are located in the two remaining parcels of development land. BCC are satisfied with the layout proposed in highway safety and convenience terms.

- 10.28 The Council's standards contained in SPG1 would require a maximum of spaces to be provided for the residential development. The layout of Plot A would provide 19(no) parking spaces including 1(no) disabled space. Two of the car parking spaces would permit electric vehicle charging and in addition dedicated motorbike and cycle parking. The emerging VALP Appendix 2 sets out optimum parking standards for various types of land use. VALP policies T6 and T8 can only be given limited weight due to the main modifications proposed.
- 10.29 For B8 (storage and distribution) a floor space of 2000sq.m would require 18 parking spaces as well as spaces for parking and turning of operational vehicles (HGVs). Plot A can accommodate the parking demand for a B8 use but, B2 (general industrial) would require 36 off-road parking spaces. Plot B would have room within the wider site for 91 off-road parking spaces (5 being accessible spaces). There would be 6 EV charging spaces, 16 covered cycle spaces and 2 motorcycle spaces. It would have a floor space of 4750sq.m so a B8 use would require 43 parking spaces, and a B2 (general industrial) would require 86 spaces.
- 10.30 Both plots would be able to accommodate sufficiently sized operational areas. Initially BCC Highways sought clarification that a 16.5 heavy goods vehicle could access and turn within the rear service yards. Additional information was submitted to confirm this would be the case and no further highway objection was made. In terms of off-road parking provision for employees and visitors Plot B would be able to accommodate enough off-road parking to serve B8 or B2 uses. Plot A would only be able to provide a sufficient amount of parking for a B8 use only. Neither plot would be able to accommodate a B1 use in terms of parking.
- 10.31 In view of the inability to provide the requirements for a B1 use it is considered that a restrictive use condition for Plot A is reasonable and necessary to ensure sufficient off-road parking and turning areas are secured. The estate road and public highway at Buckingham Road provide no acceptable on-road parking opportunity so there is no justification for sub-optimum off-road parking provision in my view. A condition for Plot B preventing a B1(a) and B1 uses would also be reasonable as 143 off-road parking spaces would be required for a B1 should the unit convert into such use(s) in the future under permitted development rights. The restrictive conditions would be linked to both the scale of the buildings and layout of the plots so are reasonably within the scope of the reserved matters in my view. A condition to require construction of all of the off-road parking, turning and servicing areas prior to the first use of each building is also reasonable and necessary.
- 10.32 Also relevant to the site layout is the connectivity between sites and provision of safe access for both vehicles and pedestrians. Some initial concerns were raised by BCC Highways due to the insufficient widths of several footpaths within the plots. Revised plans increased the widths of internal site footpaths to 2 metres to enable access for all users. An initial request was also made to the applicant to explore the option of running a public footpath through Plot B to provide a more direct link between the public footpath running to the rear of the burial ground and the new railway station. For public safety and operational reasons it is not feasible to connect the public footpath through Plot B to the railway station site. A public footpath link to the railway

station would be safeguarded, via the 'grass path' that runs to the north of Plot B across the intervening land between the school site.

10.33 Subject to the recommended conditions it is considered that the development would benefit from sufficiently sized parking, turning and operational areas and would not give rise to unacceptable harm to the safety or operation of the public highway in the locality in accordance with the NPPF. The proposed level of parking is in line with the AVDLP policy and parking SPG.

10.34 Making Effective Use of Land:

10.35 This development proposes a site coverage which would make effective use of the land in terms of the amount and the impact on the character and setting is assessed below.

10.36 Residential amenity:

10.37 The only residential properties within the vicinity of the site are those currently being constructed to the south beyond the disused railway line. Insofar as the reserved matters relate to appearance, landscaping layout and scale, there is little potential for harm to be caused to the amenities of the nearest residential properties. The landscaping would mitigate the most available public views. In terms of layout the building at Plot B would be closest to neighbouring dwellings, being the bungalow at Lakers Nursery (approximately 85 metres to the north-west) and the new housing development (approximately 75 metres to the south, beyond the railway).

10.38 The previously approved reserved matters details included a condition restricting operating hours of the industrial units permitted. The applicant has applied for removal of the restrictive hours condition (19/02394/APP) and Environment Health have raised no objection to the removal of this condition (so there is a future possibility of the application being approved). The outline planning permission also has a condition, linked to the reserved matters for the railway station, that will require future submission of a noise survey and attenuation strategy for the site, including impacts that may arise from the employment units. This would allow some further control over noise issues if it was found that excessive noise would be experienced by neighbouring occupiers. Overall, it is considered that the reserved matters details would not give rise to harm to neighbouring residential amenities or more generally the amenities of the area in accordance with NP Policy 6, policies GP.8 and GP.35 of the AVDLP, emerging policy BE2 of the VALP and paragraph 127(f) of the NPPF

10.39 On this basis the proposed layout addresses the site constraints and will deliver a development where the layout respects the requirements of the outline consent and, the adjacent land uses, subject to conditions as specified.

10.40 Reserved Matters: Scale and Appearance:

10.41 Having regard to the separation from the main built-up area of the town, that extends to the south of the railway, and the recent construction of the large modern school there is little in the way of distinctive characteristics or features of the area.. There are also certain constraints that would arise from the type of land-use permitted and

the expected needs of the market (as the buildings will be for commercial use). Aside from the new school and estate road the site remains as undeveloped land, mostly gone to scrub. Much of the land surrounding the site is open farmland with few overly visible buildings.

- 10.42 The school is a large modern building possessing the distinctive character of a modern educational establishment. Its southern front elevation has an interesting mix of forms and modern materials with a palette utilising the school colours as well as more neutral greys and blacks. The least interesting elevation of the school (the indoor sports hall) extends east, towards the western boundary of Plot A. The sports hall wing of the school is a steel frame two-storey building clad in grey metal sheeting.
- 10.43 The two employment units would be of a similar overall scale to the school but, of simpler designs (as befitting their function). They would be clearly visible within the surrounding area, particularly so from Buckingham Road to the east and the footpath skirting the south-western boundary. However, they would be of a form and design in character with the land-use permitted and are of an appropriate scale and simple appearance. The modern external materials proposed would reflect that of the school building but, without competing with its more interesting form. Some variation to the external materials and use of areas of floor-to-ceiling glazing (serving the ancillary offices) would be proposed to add some interest to the long, mostly blank elevations.
- 10.44 Whilst the WTC has raised concerns over the building on plot A being overly dominant and too close to the A413, it is considered that the building is set back from the road frontage similar to that on the already approved reserved matters scheme for a 3 storey office building and appropriate landscaping would reduce the impact in wider views.
- 10.45 It is considered that the scale and appearance of the buildings is acceptable and meets the requirements of Policy 6 of the Winslow Neighbourhood Plan and GP35 of the Local Plan and the NPPF.

10.46 *Reserved Matter: Landscaping:*

- 10.47 As there is less scope to seek highly architecturally interesting building designs (due to the nature of the land use permitted) as set out above, the landscaping of the plots will be important, to ensure some green screening is achieved. A site-planting scheme is proposed that would introduce some areas of tree planting, native hedge lined boundaries and smaller areas of shrub and bulb planting with the sites. The areas of tree planting appear to have been judiciously considered to give the most screening within public views (from the burial ground to the south-west and Buckingham Road to the east).
- 10.48 With regard to Plot A, the estate road development already involved some areas of tree and shrub planting that have been undertaken and appear established within the land between Plot A and the public highway. The planting scheme proposed within the plot would enhance the existing scheme and, whilst some of the building would be visible, it is considered that there would be a good level of greenery created

within the site that would also contribute to the street scene along Buckingham Road (increasingly so as trees and hedgerows mature).

- 10.49 Similarly, the building at Plot B would be visible from the public footpath linking the new housing development (to the south of the railway bridge) to Furze Lane and the burial ground. A native hedge mix would be planted along the south-eastern site boundary providing a soft screen to the footpath. A small coppice of Field Maples would be planted at the south-western point to soften views of the building from the adjacent burial ground. Within the plots hard-surfacing materials would be common for the type of development but, would be laid out with some variety and broken up with green areas of shrub planting.
- 10.50 On balance, it is considered that the appearance, landscaping, layout and scale of the buildings is acceptable and the landscaping scheme would offer good levels of greenery within each plot with new tree planting located in key areas to soften the most affected public views. A planning condition can be used to secure the full planting scheme is completed prior to the first use of the building. As such, it is considered there would be no harm arising from the scheme and no conflict with the aims of NP Policy 6, policies, GP.35 and GP.38 of the AVDLP, paragraph 127 of the NPPF or emerging policy BE2 of the VALP.

10.51 *Other material planning considerations:*

10.52 Building a strong, competitive economy:

- 10.53 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. It is considered that there would be economic benefits in terms of the construction and operation of the development itself and the resultant increase in population contributing to the local economy which, should be afforded considerable weight in the scheme's favour.

10.54 Conserving and enhancing the natural environment:

- 10.55 The site is currently mostly undeveloped land (aside from the school). Historically it appears to have been an open field, possibly used for pasture, but it has been allocated for development for a substantial number of years. It appears to have had tree and hedge line boundaries, a large section of which was removed to construct the access from Buckingham Road. The construction of the buildings themselves is unlikely to impact directly on protected species or valuable habitat. However, the development has resulted in some loss of established hedgerow and trees so it is reasonable to expect a net loss of biodiversity and green infrastructure across the site. The introduction of additional hard-surfaced areas would further cause harm to the biodiversity value of the site.
- 10.58 Several long stretches of native hedge would be planted, along with various shrubs beds and small groups of native trees. The site planting scheme would restore some of the native hedges and trees lost to the development. It would also provide several

wildlife corridors through the site, linking the town to the south, the railway line, the site and open countryside to the north and west. Whilst not strictly within the scope of the reserved matters sought for approval, I consider the biodiversity and green infrastructure benefits that would arise from the site landscaping scheme are a merit of the scheme and, on balance, the reserved matters do not conflict with the aims of NPPF paragraph 170 of the NPPF and emerging policy NE1 of the VALP (given less weight to the NPPF due to the modifications currently proposed to it).

10.59 Meeting the challenge of climate change and flooding:

10.60 The NPPF at Section 14, 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 163 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.

10.61 Flooding and drainage matters were assessed as part of the outline permission which has a condition requiring the submission of a drainage scheme before works commence in accordance with the NPPF

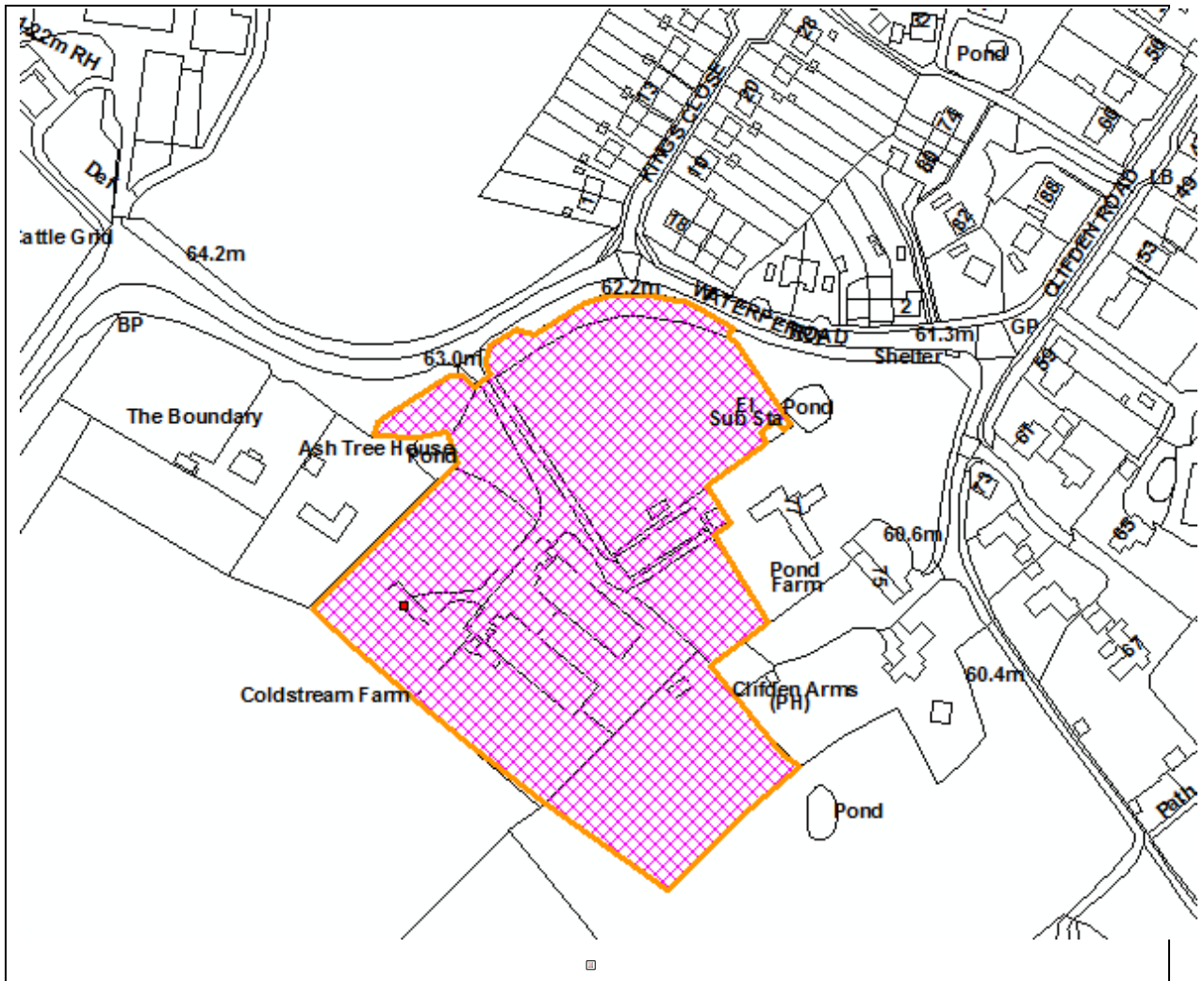
10.62 Other matters raised by the WTC:

10.63 Matters relating to the potential impacts on the high-pressure gas pipeline were considered at outline permission stage and the applicant has had ongoing discussions with the operator of the pipeline to ensure no harm would be caused to it.

10.64 Similarly, the applicant has confirmed discussions with Network Rail are also ongoing with regards to site ownership and access to permit construction of the new station. However, these discussions and any future agreements are mainly civil matters to be decided between the adjacent landowners. The railway site has been safeguarded in line with the relevant planning policy and the site is now close to the point of delivery. In planning terms, the reserved matters currently proposed do not appear to present any significant obstruction to the construction of the railway station or reopening of the East-West Rail line and no further planning control would be reasonable at this stage.

Case officer: David Millinship (dmillinship@aylesburyvaldc.gov.uk)

17/04837/AOP



© Crown Copyright and database right 2019. Ordnance Survey 100019797

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

1.0 INTRODUCTION

- 1.1 Members will recall that this application was considered at the Strategic Development Management Committee on 4 September 2019 when members resolved that the application be deferred and delegated for approval subject to the completion of a legal agreement and appropriate conditions.
- 1.2 This report is before members to clarify the position on the off-site sport/leisure contribution arising since the meeting.
- 1.3 The minutes of the meeting as approved state:

That the application be Deferred and Delegated for approval by Officers, subject to the completion of a Section 106 agreement as per the Officers' report 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 Road and the Clifden Arms car park in perpetuity, public open space maintenance and management, off-site transport contributions, off-site sport/leisure contribution, and offsite education contributions and subject to conditions as considered appropriate by Officers, or if these are not achieved for the application to be refused.

- 1.4 The original officers report at paragraph 4.29, 10.70 and 10.113 refer to the requirement for an off site financial contribution towards sport and leisure in addition to the on site provision. Following discussions between the developer and the leisure officer, the requirement for this contribution has been reviewed.
- 1.5 The leisure officer has now confirmed that as POS and Equipped Play Facilities are being provided on-site the 'full' calculated Sport/Leisure Contribution (based on the final approved bedroom per dwelling mix) should be reduced in accordance with our Ready Reckoner (as per the below table) due to Public Open Space and Equipped

Play Facilities being provided on-site. This development is providing over and above the usual expected on-site requirements (usually no on-site provision for 18 dwellings) and therefore in this instance it is appropriate to withdraw the requirement for an off-site Sport and Leisure Contribution.

- 1.6 Woringhall's Neighbourhood Plan (WNP) Policy NH3 which allocates this site for development in respect of the open space provision states:

"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."

- 1.7 Policy CFR2: RECREATION states

"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"

- 1.8 This reduction is therefore in line with the WNP policies NH3 and Policy CFR2, as there is provision made on the site and no contribution towards POS or Equipped Play Facilities should be sought.

- 1.8 A copy of the original report is attached for ease of reference. The S106 has now been progressed and close to completion and would exclude the off site financial contribution towards sport and leisure in line with the leisure officers revised comments.

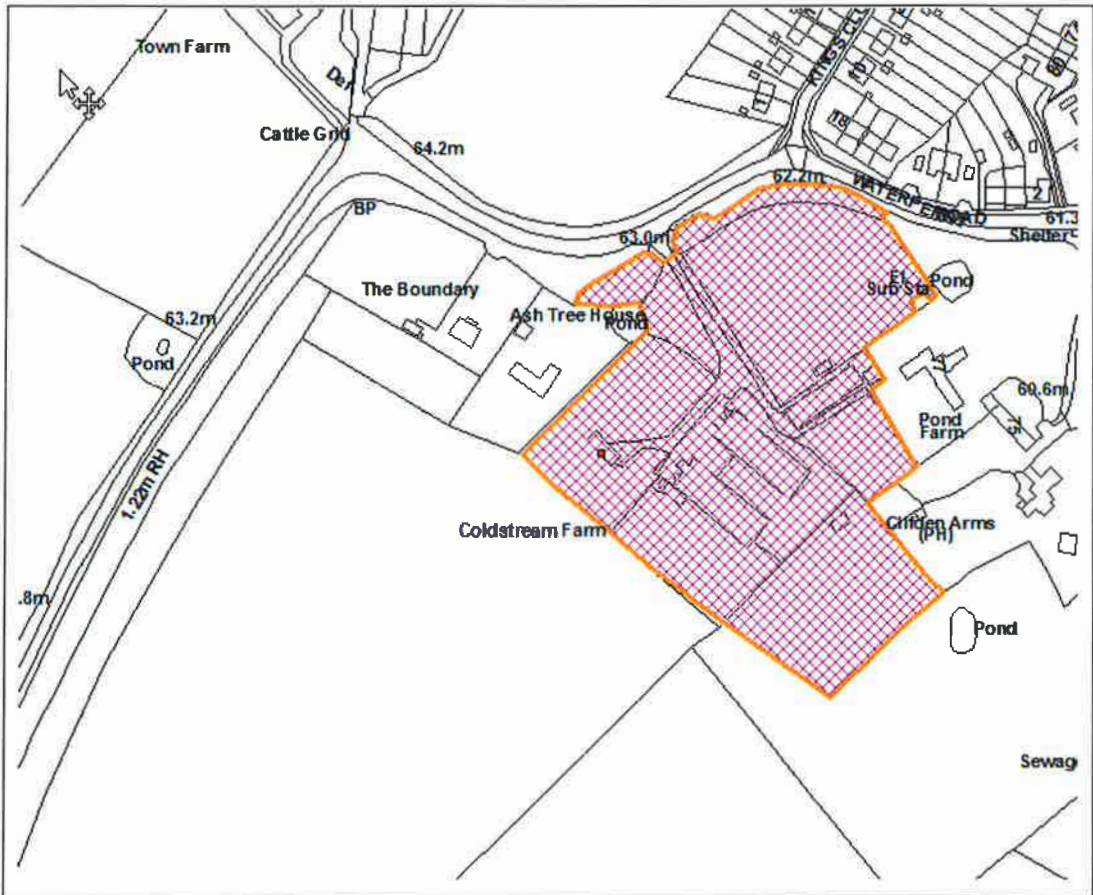
- 1.9 The Committee is therefore asked to clarify that the original recommendation that the s.106 should exclude the requirements for is acceptable to Members and resolve to amend the original delegation accordingly.

- 1.10 Officers therefore recommend the following is resolved:

That the delegation to officers made on 4 September 2019 in respect of application 17/04837/AOP is amended to delete reference to an off site financial contribution towards sport and leisure required in the S106 legal agreement referred to in that delegation.

Case officer: Scott Hackner (shackner@aylesburyvaledc.gov.uk)

17/04837/AOP



© Crown Copyright and database right 2019. Ordnance Survey 100019797

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

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. Paragraph 11d) 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.

WORKING 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 and 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 it 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

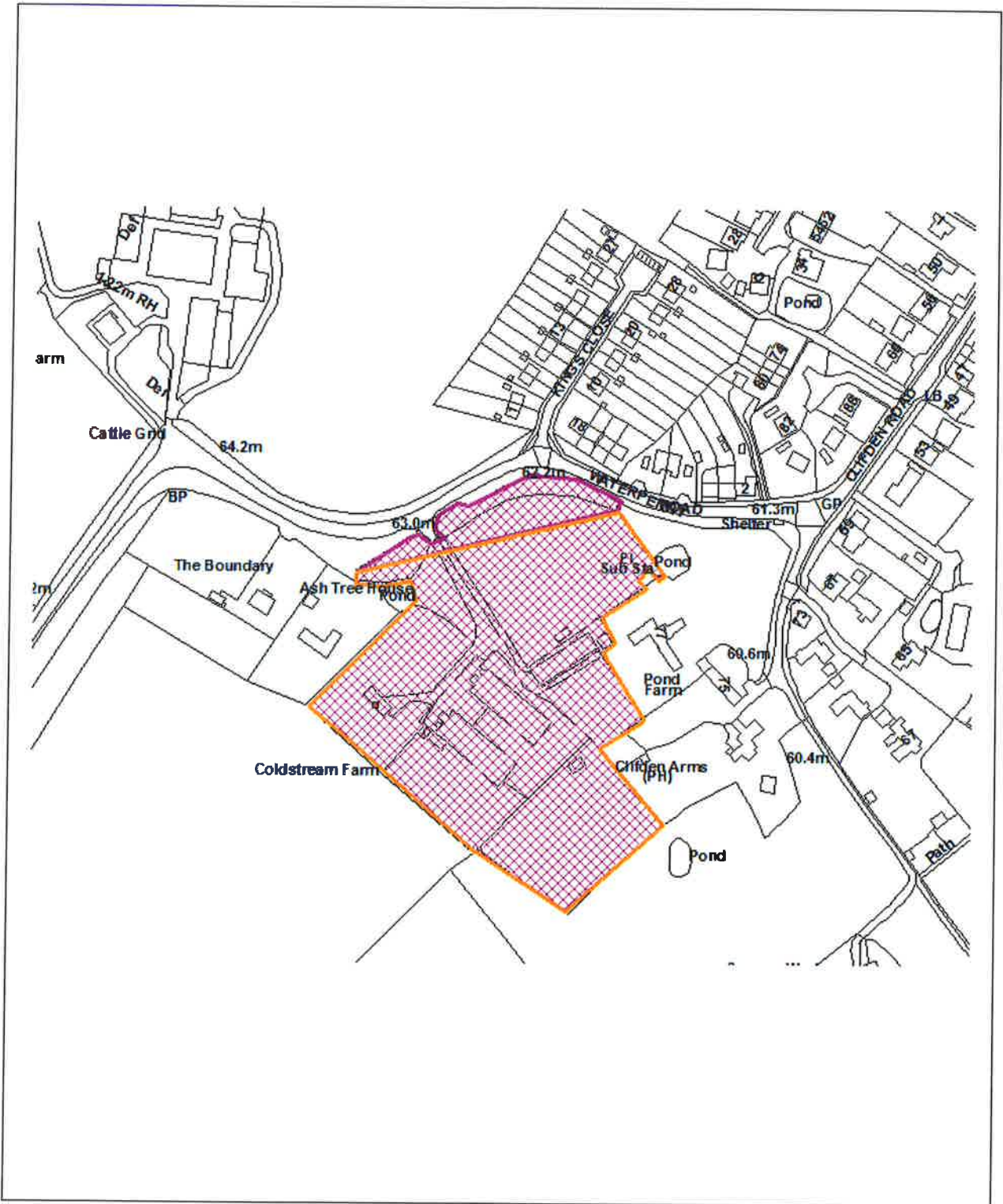
4.56 As in the context of the previous assessment, the planning obligations applicable to the development are as follows:

- 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.



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

1.0 The Key Issues in determining this application are:-

a) The planning policy position and the approach to be taken in the determination of the application 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. Paragraphs 11d) & 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 be 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 Warminghall 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 east 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 development 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 appellants 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://www.aylesburyvaledc.gov.uk/worminghall-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://www.aylesburyvaldc.gov.uk/sites/default/files/page_downloads/Worminghall%20Site%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), Anglian 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 any 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 in 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 addition 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, air, 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', indeed 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 to 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 inevitably 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 known, 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 known, 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 equipped 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 it 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 borders 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 from 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. It 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 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.]

CORRIGENDUM

17/04837/AOP - WORMINGHALL

Outline application for a residential development of up to 18 dwelling.

Coldstream Farm Waterperry Road Worminghall
Buckinghamshire HP18 9JN

MATTERS FOR CLARIFICATION/ CORRECTION

Para 4.17: Plan miss-referenced. The plan number in this paragraph should read **14089 (B) 111 Rev D**.

This page is intentionally left blank

THE FOLLOWING ADDITIONAL ISSUES HAVE BEEN TAKEN INTO ACCOUNT IN PREPARING THE REPORTS ON THIS AGENDA

DETERMINATION OF PLANNING APPLICATIONS

The Council is required in all cases where the Development Plan is relevant, to determine planning applications in accordance with policies in the Development Plan unless material considerations indicate otherwise.

HUMAN RIGHTS ACT 1998

The determination of the applications which are the subject of these reports is considered to involve the following human rights:-

1. Article 8: Right to respect for private and family life; and
2. Article 1 of the First Protocol: Protection of Property

The evaluation section of each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the Convention rights referred to above, it is considered that the recommendations in the reports are in accordance with the law, proportionate and balances the needs of the Applicant with the protection of the rights and freedoms of others in the public interest.

SECTION 17 CRIME AND DISORDER ACT 1998

In reaching the recommendations set out in each report, due regard has been given to the duty imposed upon the Council under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area.

EQUALITY ACT 2010

In dealing with planning applications on this agenda and in reaching the recommendations set out in each report, proper consideration has been given to the duty imposed on the Council under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Act are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief.

This page is intentionally left blank