



# Buckinghamshire Council

## Central Buckinghamshire Area Planning Committee

### Agenda

**Date:** Wednesday 30 March 2022

**Time:** 2.30 pm

**Venue:** The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF

**Membership:** M Rand (Chairman), N Brown, M Caffrey, B Chapple OBE, M Collins, P Cooper, R Gaster, R Khan, R Newcombe (Vice-Chairman), G Smith, D Thompson and A Waite

Agenda Item	Time	Page No
1	<b>APOLOGIES</b>	
2	<b>MINUTES</b> To approve as a correct record the minutes of the meeting held 3 March 2022.	<b>3 - 4</b>
3	<b>DECLARATIONS OF INTEREST</b>	
<b>APPLICATIONS</b>		
4	<b>20/02611/AOP - LAND TO THE EAST AND WEST OF RABANS LANE, AYLESBURY, BUCKHIMHAMSHIRE, HP19 8TS</b>	<b>5 - 120</b>
5	<b>AVAILABILITY OF MEMBERS ATTENDING SITE VISITS (IF REQUIRED)</b> To confirm Members' availability to undertake site visits if required.	
6	<b>DATE OF THE NEXT MEETING</b> 28 April 2022 at 2.30 pm	

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If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Harry Thomas on 01296 585234, email





## Central Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the Central Buckinghamshire Area Planning Committee held on Thursday 3 March 2022 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at Time Not Specified and concluding at Time Not Specified.

### Members present

M Rand, N Brown, M Caffrey, B Chapple OBE, M Collins, P Cooper, R Khan, R Newcombe, G Smith, D Thompson and A Waite

### Others in attendance

### Apologies

R Gaster

### Agenda Item

#### **1 Apologies**

Councillor Gaster sent apologies.

#### **2 Minutes**

Resolved:

That the Minutes of the meeting held on Wednesday 2<sup>nd</sup> February 2022 be approved as a correct record.

#### **3 Declarations of interest**

Councillor Smith declared a personal interest as a Member of Haddenham Parish Council, who had registered objections to the application. However, he confirmed that he was not present at the meeting which discussed the application, and was not predetermined on the matter.

#### **4 21/02821/APP - Land at Whirlbush Farm, Risborough Road, Kingsey, Buckinghamshire, HP17 8NE**

Proposal:

Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.99 MW, including mounting system, battery storage units, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, DNO substation, landscaping and environmental enhancements for a temporary period of 40 years.

Speakers

Agent: Mr Peter Grubb

It was Proposed by Councillor Chapple, Seconded by Councillor Khan and

**resolved:**

that application 21/02821/APP be approved subject to the conditions outlined in the officers' report, and as amended in the update sheet accompanying the report.

**5 Availability of Members Attending Site Visits (if required)**

The Chairman confirmed that any necessary site visits for applications prior to their consideration at the next scheduled meeting of the committee would occur on 29th March.

**6 Date of the Next Meeting**

Wednesday 30<sup>th</sup> March 2022



## Buckinghamshire Council

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### Report to Buckinghamshire Council – Central Area Planning Committee Report

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**Application number:** 20/02611/AOP

**Proposal:** Outline application for the erection of up to 200 dwellings together with associated parking, landscape and access from Rabans Lane together with means of access only to be determined following demolition of existing buildings on Land to the east and west of Rabans Lane. Full planning application for erection of 7,500m<sup>2</sup> of B2/B8 floorspace together with means of access from Rabans Close.

**Site location:** Land To The East And West Of, Rabans Lane, Aylesbury, Buckinghamshire, HP19 8TS

**Applicant:** Aylesbury Vale Estates LLP

**Case Officer:** Gary Murphy

**Ward affected:** AYLESBURY NORTH WEST

**Parish-Town Council:** AYLESBURY

**Valid date:** 10 August 2020

**Determination date:** 15 April 2021

**Recommendation:** The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report, subject to the receipt of no new material representations, and the conditions as proposed and any other considered appropriate by Officers, or if these are not achieved for the application to be refused

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This is an update to the report to Buckinghamshire Council Central Area Planning Committee that was due to be considered at the meeting of the 3 February 2022. Members will be aware that it was resolved at this meeting the application be deferred for

consideration at a subsequent meeting of the committee, to allow adequate time for officers to further examine information received from an interested third party following publication of the officer's committee report.

### **Summary**

- 1.1 This report considers the additional matters raised as a result of the late objections received and the issues raised by the occupier of the buildings on the western parcel of land.
- 1.2 A further period of public consultation has been undertaken as a result of the submission made by the applicant (dated 17 February 2022). This period of consultation expires on 24 March 2022.
- 1.3 The additional representations received since the drafting of the original report are summarised in Appendix B.
- 1.4 This update report should be read in conjunction with the main officer report (included as Appendix C) which remains the substantive assessment of the proposal.
- 1.5 The employment issues raised in objection to the proposal have been considered and as a consequence the proposal has been revised in terms of the positive, neutral and negative weight that can be attributed to the material considerations.
- 1.6 The weight attributed to all matters remains the same except for the weight attributed to the net increase in jobs being delivered on the new employment land (western parcel of land) in relation to the loss of jobs that will arise from the redevelopment of 1 Rabans Lane.
- 1.7 It is anticipated that the re-provision of employment floorspace will result in a net increase in jobs, however, the numbers are in dispute and consequently this is considered merely to be policy compliant and therefore attracting neutral weight rather than positive weight as previously assessed.
- 1.8 The planning balance has been re-assessed and it is concluded that the proposal is considered to be in broad conformity with the Development Plan and any conflict is outweighed by the economic, social and environmental benefits to arise as a result of development and which weigh in favour of the proposal.
- 1.9 The application is recommended to be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report, subject to the receipt of no new material representations, and the conditions as proposed and any other considered appropriate by Officers, or if these are not achieved for the application to be refused.

### **Additional Matters for Consideration**

- 1.10 The application was deferred from Central Area Planning Committee on 3rd February 2022 to allow officers the opportunity to consider the submission of late information which raised a number of issues some of which are not relevant to the assessment of this application but there were other issues which were addressed in the original case officer report.
- 1.11 The representations that were received have been summarised with some officer comment in the Appendices (Appendix A). The issues raised included:
- Loss of employment land and related jobs in relation to the residential allocation D-AYL115
  - Displacement of local business currently on site both on the allocated site and at 1 Rabans Lane
  - Questions to the potential increase in employment numbers referenced in paragraph 6.28 of the officer report.
- 1.12 This update report seeks to address the additional planning matters raised in the latest representations.

### **Employment Issues**

- 1.13 For the avoidance of doubt the loss of employment land that has resulted from the residential allocation (Land at Rabans Lane identified for development of at least 200 dwellings – Policy D-AYL115) was the subject of lengthy public consultation. Objections to the loss of employment land were received as a result of the initial allocation and were considered as part of the Local Plan examination process. The objection was not supported and the residential allocation of D-AYL115 was confirmed and became a policy within the adopted Plan.
- 1.14 This matter was considered in the main officer report and the issues remain the same. The Development Plan is the starting point and the proposals must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Land at Rabans Lane is identified for development of at least 200 dwellings in the adopted VALP under the site allocation Policy D-AYL115. To clarify, this site allocation only applies to the ‘western parcel’ as it is referred to in the main committee report, which is where the Cinram Novum business is located. It is the Council’s adopted planning policy to allow housing development at this site.
- 1.15 The business that operates on the allocated residential site raised concerns about the proposed development and the loss of jobs that would result, due to their business having to cease operating from this site. The information the company

provided at a late stage does differ from the information provided on behalf of the applicant in relation to the number of jobs to be lost from the company and displaced through the residential allocation of their employment site.

- 1.16 Considering job loss in the context of the Development Plan, and site allocation Policy D-AYL115, it is clear the policy allows, in principle, housing development at this site. The existing number of jobs quoted at this site is noted, however, this is not central to the consideration of whether this proposed development is acceptable in planning terms. As referred to above, the VALP site allocation supports the release of this employment site for housing development, and this allocation followed lengthy public consultation and detailed consideration as part of the Local Plan examination process. Notwithstanding the objections now received raising the loss of jobs, including a large number of local jobs from site, given the nature of the site allocation that is set out in the recently adopted VALP, there is no sound planning policy basis to resist the development proposed on such grounds that it leads to the loss of employment floorspace from the western parcel of land, as this site is allocated in the Development Plan for redevelopment.
- 1.17 As referred to above, the VALP supports, in principle, the redevelopment of the western parcel of land for housing development, and with that the loss of jobs associated with the site is accepted too. The site allocation policy D-AYL115 does not require a re-provision of employment floorspace by way of mitigation as part of any redevelopment proposals. Accordingly, the loss of employment floorspace (and jobs associated) from the western parcel of land is attributed no weight in the planning balance.
- 1.18 Also to note that since the previous planning committee meeting, the applicant has submitted additional information, which helpfully clarifies the current lease situation. It is submitted that Cinram Novum Ltd were granted a lease on 7 March 2018 and this lease is due to expire on 23 June 2022. This clarification is important, as irrespective of the objections raised to the loss of jobs from this site, it demonstrates that the site will become vacant in the very near future in any event.
- 1.19 Turning to the eastern parcel of land which contains 1 Rabans Lane, a single unit of c. 4, 315 sqm of employment floorspace. This site is not allocated for residential development in the VALP. It is allocated as a 'key' employment site in the VALP, through Policy E1. This policy seeks to safeguard 'key' employment sites for employment generating uses. The justification for the loss of employment floorspace at 1 Rabans Lane and its replacement with housing is set out in detail in paragraph's 6.19 – 6.31 of the main committee report. Much of this justification still remains valid, though it is necessary to revisit this, in part, to clarify the position in terms of the impact this proposal is expected to have on jobs, which is in the context of 1



Rabans Lane only. This is necessary due to the additional information received since the previous planning committee meeting in February.

- 1.20 The main committee report acknowledges that there is a policy conflict with VALP (Policy E1) due to the proposed loss of employment floorspace from the eastern parcel of land, and this position is addressed in detail already, at paragraph's 6.19 – 6.31 of this report.
- 1.21 It is evident from the recent representations received (summarised in Appendix A) that there is still disagreement between the number of jobs that are to be lost from site, and the number that can be expected to be generated by the proposed employment floorspace. By the applicant's own admission, they accept that the existing job numbers they provided initially, which were based on discussions had (with tenants) prior to the submission of the planning application, may well now be out of date.
- 1.22 The loss of the eastern parcel of land as employment floorspace (1 Rabans Lane) would be of concern if it were not for the fact that this 'loss' is to be mitigated for by the proposed development, which is through the inclusion of 7, 500sqm of B2 / B8 floorspace within the western parcel of land. This replacement provision of employment floorspace is expected to result in the following planning benefits, when assessed against 1 Rabans Lane;
- A net increase of 3, 185sqm of B2 / B8 floorspace, representing a 70% net increase in floorspace to offset the proposed loss of 1 Rabans Lane.
  - A net increase in the number of employees is expected. Using the accepted industry standard 'Employment Densities Guide' as a method of forecasting, based on the proposed floorspace and type of use class, the proposed development can be expected to generate between 160 and 208 jobs, once operational. The situation at present for 1 Rabans Lane is likely to be significantly less based on the latest representations from objectors (c. 25 staff) however the applicant has not been able to provide conclusive evidence as to the number staff involved. However, it remains officer's opinion that there is likely to a significant net increase in jobs.
  - By comparison, the proposed replacement floorspace will be modern, flexible, energy efficient and will meet a market demand. The existing 1 Rabans Lane site by contrast is dated, inefficient and is in need of significant investment to improve the energy efficiency and address on-going maintenance issues, which may not even be viable.
- 1.23 The net increase in B2 / B8 floorspace, together with the other qualitative benefits highlighted when the proposed development is compared to 1 Rabans Lane, are material considerations that continue to weigh in favour of the proposal. On reflection of the additional representations received it is appropriate to reduce the

weighting that was attributed in paragraph 6.28 of the main committee report, to the net increase in jobs created, from moderate positive weight to neutral weight. This reflects that the re-provision of employment land resulting in a net increase in employment floorspace and a number of qualitative benefits ensures that the development complies with the objective of Policy E1 to protect key employment sites and to contribute to the employment land supply for B class uses.

### **Weighing and Balancing of Issues**

- 1.24 This section brings together the assessment that has so far been set out in both the main committee report and this update report, in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 1.25 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
  - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - c. Any other material considerations
- 1.26 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 1.27 The concerns and objections of the Members, Town Council, Parish Council, Aylesbury Society and members of the public have been duly noted and considered, and addressed within this report, as well as the main committee report.
- 1.28 As set out it is considered that the proposed development would accord with most of the development plan policies, and where it does not this has been acknowledged within both reports. There is policy conflict in respect of VALP Policy E1, this is due to some of the proposed residential development being located on the eastern side of Rabans Lane which is a 'key' employment site. As well, the proposal is not fully in accordance with the VALP site allocation D-AYL115, which is due to the inclusion of employment floorspace on the western side of Rabans Lane, not a requirement of the site allocation. As demonstrated in the employment section of this update and the main committee report there are material considerations which need to be taken into account. The proposal represents a comprehensive approach to redevelopment

of the site. This is beneficial in terms of the future residential amenity. However, the approach adopted ensures there is to be no net loss of employment floorspace and indeed provides a net increase in floorspace, in comparison to 1 Rabans Lane. At the same time housing numbers are able to be delivered in line with site allocation D-AYL115, boosting housing supply. On balance, overall this is not considered to conflict with the objectives of the policies in the VALP and the Development Plan as a whole, and is considered acceptable.

1.29 Full and detailed consideration has been given to the specific issues arising from the scheme and, as set out within this update report, as well as the main committee report, this demonstrates the suitability of this allocated site and proposal, or the means by which it can be made acceptable.

1.30 As noted in the main committee report, a number of benefits will follow as a result of development and these weigh in favour of development. These benefits are afforded positive weight in the planning balance, and include the following;

- delivery of new homes (including a positive contribution towards affordable housing),
- economic benefits in respect of jobs created from the construction phase of the development and the future employees / residents of the development through increased expenditure locally.
- net increase in employment floorspace and the identified qualitative benefits as a result of the provision of new employment floorspace

1.31 Following additional submissions made late in the planning assessment in respect of the effect of this proposal on existing jobs, it is considered appropriate to reduce the weighting attributed to the net increase in jobs from moderate weight to neutral weight. The evidence suggests that there is likely to be a net increase in jobs but the actual number of jobs to be lost is not verified and the expected increase is derived from using the “Employment Densities Guide” as a method of forecasting.

1.32 There are a number of other material considerations that attract neutral weight in the planning balance (subject to suitable conditions and / or s106 obligations), these include;

- highway impacts,
- residential amenity,
- air quality,
- noise,
- drainage,
- ecology,
- net increase in jobs

1.33 There is planning harm which results in negative weight arising from:

- loss of existing trees on site, together with the identified
- conflict with the Development Plan in terms of protection of 'Key' Employment Sites although the proposal will result in a net gain in employment land by comparison which reduces the level of harm

1.34 Overall, taking into account all of the material planning considerations, representations received and having assessed the proposals against the Development Plan and the identified conflict with this Plan, and having given consideration to other relevant planning policies, policy documents and published guidance, it is concluded that the proposals will deliver a range of direct benefits that ensure that there are demonstrable economic, social and environmental benefits to arise as a result of development. Overall the proposal would be in broad conformity with the VALP and any conflict identified with this Plan is outweighed by the identified economic, social and environmental benefits to arise as a result of development and which weigh in favour of the proposal, and the scheme would meet the NPPF objective to achieve sustainable development.

1.35 It is concluded that full and outline planning permission should be granted, subject to planning conditions and the completion of a satisfactory s106 agreement to secure the obligations as set out in the main committee report.

**Recommendation:**

1.36 That the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report, subject to the receipt of no new material representations, and the conditions as proposed and any other considered appropriate by Officers, or if these are not achieved for the application to be refused.

1.37 For clarity, since publication of the main committee report that was due to be considered at the meeting of the 3 February 2022 the wording of some of the proposed planning conditions have been updated for consistency and to reflect earlier comments. The proposed conditions are as follows:

**Approved Plans List**

1. The development hereby permitted shall not be carried out except in accordance with the following approved plans unless otherwise first approved in writing by the Local Planning Authority:

- 6092\_P101
- 6092\_P102
- 6092\_P200G
- 6092\_P201E

6092\_P202C  
6092\_P203E  
6092\_P204C  
6092\_P205A  
6092\_P206A  
3002.14  
3002.15

Reason: to secure the proper planning of the area and by virtue of Sections 91 to 95 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

**Full Planning Conditions (in respect of the employment development, conditions 1 – 24 apply)**

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. No development above ground shall take place on the employment buildings hereby permitted until details and sample panels of all the external surface materials proposed to be used on the buildings have been submitted to and approved in writing by the Local Planning Authority. Sample panels shall be made available on site, for inspection by the Local Planning Authority, which shall be notified in writing of their availability. Thereafter the development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the development in accordance with VALP policy BE2.

4. No commencement of the employment development hereby permitted shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include but is not limited to the following:
  - a. Risk assessment of potentially damaging construction activities.
  - b. Identification of “biodiversity protection zones”.
  - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d. The location and timing of sensitive works to avoid harm to biodiversity features.

- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and times and activities during construction when they will need to be present to oversee works.
- h. Use of protective fences, exclusion barriers and warning signs.
- i. Contingency/emergency measures for accidents and unexpected events, along with remedial measures.
- j. Measures for removal of any invasive species within the site.

The approved CEMP shall be adhered to and implemented in accordance with the approved details throughout the construction period, unless otherwise agreed in writing by the local planning authority.

Reason: The reason for this pre-commencement condition is to ensure that a suitable CEMP has been agreed in advance of works commencing in order to minimise the construction impacts on biodiversity and to comply with VALP policy NE1.

5. Prior to commencement of works on the employment development (excluding any works of demolition) details of a surface water drainage scheme for that part of the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
  - a. Permission from Thames Water for additional connections to existing surface water drainage network
  - b. Confirmation of discharge rates and points of connection to existing network
  - c. Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
  - d. Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
  - e. Existing and proposed discharge rates and volumes
  - f. Full construction details of all SuDS and drainage components
  - g. Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
  - h. Calculations to demonstrate that the proposed drainage system does not surcharge for the 1 in 1 year storm event, can contain up to the 1 in 30 year storm event without flooding. Any onsite flooding between the 1 in 30 year and the 1 in 100 year plus climate change storm event should be safely contained on site
  - i. Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

- i. Flow depth
- ii. Flow volume
- iii. Flow direction

Reason: The reason for this pre-commencement condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk and to comply with VALP policy I4.

6. Prior to the occupation of the employment development a whole-life maintenance plan for the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long term maintenance of the drainage system as required under Paragraph 165 of the NPPF.

7. Prior to the commencement of works on the employment development (excluding any works of demolition) and notwithstanding any indications illustrated on drawings already submitted, a detailed scheme of soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. It shall include but is not limited to the following:
  - a. Indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those that are to be retained, together with tree protection measures and protection plans.
  - b. Planting (including trees, shrubs, seeding, other plants and grass) plans.
  - c. Written specifications (including soil depths, mulching, cultivation, watering/irrigation, staking and other operations associated with tree, plant and grass establishment).
  - d. Schedules or plans noting species, planting sizes and proposed numbers/densities
  - e. For sustainable tree planting, the soft landscape works shall incorporate underground systems and provide a sufficient area of growth medium for long term tree growth where tree development is compromised by hard landscaping such as pavements, highways, car park areas and structures (if there is hardstanding on more than one side of proposed tree planting then underground systems must be implemented).
  - f. A programme of planting.
  - g. Provision of appropriate tree planting and boundary treatment and/or screening between the employment development and the residential development

h. Details of existing contours and any proposed alteration to ground levels such as earth mounding shall also be provided.

Submitted soft landscape details shall reflect the principles shown in drawing number 7143/ASP3 Rev D ('Landscape Strategy Plan').

Details of maintenance, replacement and management of the soft landscaping to ensure that it is maintained over the lifetime of the development shall be provided. The development shall be implemented in accordance with the approved soft landscape details thereafter, in accordance with an agreed timescale and shall be fully maintained in accordance with the approved maintenance and management plan, unless otherwise agreed in writing by the Local Planning Authority.

The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the agreed timescale for implementation.

Reason: The reason for this pre-commencement condition is to ensure the satisfactory landscaping of the site includes retention of existing features, in the interests of visual amenity and biodiversity enhancements and to comply with VALP policies BE2, NE1 and NE8.

8. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenity and biodiversity enhancements and to comply with VALP policies BE2, NE1 and NE8.

9. Prior to commencement of development (excluding any works of demolition) and notwithstanding the submitted detail, full details of tree planting including available soil volume and a plan of aftercare, taking into account the guidance out in BS8545:2014 shall be submitted to and approved in writing by the Local Planning Authority

Reason: The reason for this pre-commencement condition is so that details are approved to ensure the development is undertaken in a way which ensures a satisfactory standard of tree care and protection, in order to minimise damage to the trees during building operations and to comply with VALP policy NE8 and the National Planning Policy Framework.



10. No site clearance works or development shall take place until an Arboricultural Method Statement and Tree Protection Plan (in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction') has been submitted to the Local Planning Authority for its approval. The Method Statement and Protection Plans shall provide, as required, details of methods of construction within root protection areas and details showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. This shall comprise a barrier complying with Figure 2 of British Standard 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan.

Once approved the protective fencing shall be erected prior to the commencement of any works or development on the site (including any works of demolition, vegetation or site clearance). The approved fencing shall be retained and maintained until all building, engineering or other operations have been completed on site. No work shall be carried out or materials stored within the fenced area without prior written agreement from the Local Planning Authority. The development shall be carried out in accordance with the approved Tree Protection Plan and Method Statement thereafter.

Reason: The reason for this pre-commencement condition is to ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction and in the long term interests of local amenities and to comply with VALP policy NE8.

11. Prior to the commencement of development above ground on the employment development and notwithstanding any indications illustrated on drawings already submitted, a detailed scheme of hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority. It shall include but is not limited to the following:
- a. Excavations
  - b. Proposed finished levels and/or contours
  - c. All forms of different boundary treatment and means of enclosure, which shall include solid, close boarded fencing provided on the boundaries of the proposed employment development. This shall be a minimum 2.2m high along the western boundary and a minimum 2.4m high along the boundary adjacent to the railway
  - d. Parking layouts
  - e. Other vehicle and pedestrian access and circulation areas
  - f. Hard surfacing areas (e.g. surfacing materials) and their permeable qualities
  - g. Details of any street furniture, seating, refuse or other storage, signs, external lighting (including associated levels of luminance and its location)

All hard landscaping works shall be implemented in accordance with the approved details, and an approved implementation programme details of which shall also be submitted prior to the commencement of development above ground. The developer shall complete the approved hard landscaping works and confirm this in

writing to the Local Planning Authority prior to the date agreed in the implementation programme.

Reason: To ensure that the appearance of the development is not detrimental to the character or appearance of the area and for reducing flood risk, and to protect residential amenity of existing and future occupiers.

12. No part of the employment development hereby permitted shall be occupied until the new means of access has been sited and laid out fully in accordance with the approved drawings and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access within the Public Highway".

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

13. The employment development hereby permitted shall not be occupied until the internal roads and footways which provide access to it from the existing highway have been laid out and constructed fully in accordance with the approved details.

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

14. No part of the employment development hereby permitted shall commence (including demolition and /or site clearance works) until a Construction Transport Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority. The CTMP, to include details of but is not limited to the following:

- a. Areas of parking for vehicles of site personnel, operatives and visitors
- b. Storage of plant and materials as well as loading and unloading arrangements
- c. Construction Traffic Management (to include the co-ordination of HGV deliveries, all other deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction and a programme of works (including measures for traffic management) so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900 hours) and PM Peak (1630-1800 hours) periods);
- d. Estimate of the number of HGV movements (with an agreed daily maximum for HGV movements)
- e. Proposed construction vehicle routing to the site, to be identified on a plan
- f. Measures to prevent the deposit of materials on the highway
- g. Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- h. On-site turning areas for construction and delivery vehicles
- i. Any temporary lighting
- j. Protection of the carriageway and any footway users at all times during construction
- k. Protection of contractors working adjacent to the highway, and

- l. Erection of maintenance hoardings, security fencing and scaffolding on/over pavements
- m. Hours of construction work and deliveries
- n. Details of wheel and chassis underside washing facilities
- o. The mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes
- p. A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development
- q. Details of waste management arrangements
- r. Storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils)
- s. Details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas as a result of the construction programme
- t. Contact details of personnel responsible for the construction works and how these details will be communicated to the local community.

The approved CTMP shall be adhered to throughout the construction period and implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The reason for this pre-commencement condition is to ensure the development can be constructed in such a way that throughout the construction period of the proposed development its impacts can be managed, and in the interests of highway safety, the convenience of highway users and to minimise danger to highway users throughout the construction period.

15. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out fully prior to the initial occupation of the employment development hereby permitted and that parking and manoeuvring area shall not thereafter be used for any other purpose, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with the VALP.

16. Prior to occupation a minimum of 10% of spaces of the total parking provision for the employment development shall be provided with active electric vehicle charging points. The EVC apparatus shall thereafter be retained and maintained in an operative state in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable travel opportunities and to comply with VALP policy T8.

17. No part of the employment development hereby permitted shall be occupied until a full Travel Plan for the employment units, has been submitted to, and approved in writing by the Local Planning Authority. This Plan shall also be in general accordance with the 'Buckinghamshire County Council Travel Plan Good Practice Guidance'. The Travel Plan shall set out measures to reduce single occupancy journeys by the private car and indicate how such measures will be implemented and controlled. The Travel Plan shall include a full analysis of the modal split at existing sites and indicate targets for modal shift in the forthcoming years.

The approved Travel Plan shall be implemented upon first occupation of the development and subject to annual review as per details to be set out within the approved Travel Plan, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt the Travel Plan will require the appointment of a Travel Plan Co-ordinator.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with national and local transport policy and to address sustainable transport policies in the VALP.

18. Prior to the commencement of the employment development (except for demolition), a contaminated land assessment and associated remedial strategy, together with a timetable of works, should be submitted to and approved in writing by the Local Planning Authority.

- a. The contaminated land assessment shall include an intrusive site investigation. This must include soil, soil gas, surface and/or groundwater sampling as relevant and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

- b. A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority and approved in writing-prior to any remediation works commencing on site.

Reason: The reason for this pre-commencement condition is to ensure that the potential contamination of the site is properly investigated, the risks to the planned end user group(s) quantified, and its implication for the development approved are fully taken into account prior to works commencing. in accordance with the National Planning Policy Framework and VALP Policy NE5.

19. Prior to the first occupation or use of any part of the employment development, the agreed approved remediation strategy shall be carried out in full and a validation report including details of the completed remediation works and quality assurance certificates shall be submitted to and approved in writing by the Local Planning Authority.

If during the works contamination is encountered which has not previously been identified, then this additional contamination shall be fully assessed in accordance

with the requirements of Condition 18 (b) above and an appropriate remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the potential contamination of the site is properly dealt with and the risks to the planned end user group(s) minimised in accordance with the National Planning Policy Framework.

20. Prior to commencement of development above ground a Landscape and Ecological Management Plan (LEMP) relating to the employment development shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include but is not limited to the following.
- a. Description and evaluation of features to be managed.
  - b. Ecological trends and constraints on site that might influence management.
  - c. Aims and objectives of management.
  - d. Appropriate management options for achieving aims and objectives.
  - e. Prescriptions for management actions.
  - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g. Details of the body or organization responsible for implementation of the plan.
  - h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP shall be implemented in accordance with the approved details thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity, and to comply with VALP policies NE1 and NE2.

21. The development hereby permitted shall be implemented in accordance with the agreed recommendations set out in the updated Ecological Appraisal from the consultant ecologist Aspect Ecology (dated March 2021). Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made. The condition will be considered discharged following a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly is submitted to the Local Planning Authority.

Reason: To ensure that biodiversity is preserved and enhanced and 10% net gains in biodiversity are delivered in accordance with adopted VALP policy and the NPPF.

22. The energy strategy for the employment development, including measures to reduce carbon emissions through renewable technologies shall be carried out in accordance with the submitted Energy and Sustainability Statement (dated 24.07.20), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a resultant satisfactory standard of development, in accordance with VALP policy C3.

23. There shall be no outside storage of materials, goods, plant, machinery or equipment other than within the employment buildings hereby permitted.

Reason: In the interests of visual amenity and to ensure the approved parking areas and servicing are not impeded by any external storage.

24. Prior to the installation of all external plant, mechanical ventilation and extraction equipment, details of such equipment including the associated noise levels and any necessary means of noise mitigation, are to be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with these approved details thereafter and retained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to minimise any noise impacts, in accordance with VALP Policy NE5.

**Outline Planning Conditions (in respect of the residential development, conditions 1 and 25 – 57 apply)**

25. Approval of the details of the layout, scale, design and external appearance of any part of the residential development (herein after called the ‘reserved matters’) shall be obtained in writing from the local planning authority before that part of the development is commenced. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: Because the application is in outline (with all matters reserved except access) and as no details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

26. Application for approval of the reserved matters in respect of the outline phase of the development shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the requirements of the Town and Country Planning Act 1990.

27. The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last reserved matters to be approved.

Reason: In order to comply with the requirements of the Town and Country Planning Act 1990.

28. The details of the reserved matters submitted pursuant to condition 25 above shall be carried out in general accordance with drawing 7143.ASPD rev F ('POS Provision Plan') in so far as such details relate to the minimum quantum of major and incidental open space that is to be provided on site, and shall also be consistent with the maximum building heights and storeys as shown in the Addendum to the Design and Access Statement July 2020 (dated March 2021) accompanying the outline application. The overall quantum of landscaping to be provided, including existing features and / or areas for retention, new areas of planting, areas of public open space and any associated green infrastructure shall be in general accordance with the Landscape Strategy Plan (7143/ASP3 revD)

Reason: To secure the satisfactory development of this important site in accordance with the agreed principles and objectives and to ensure high quality design and standard of amenity is achieved.

29. No commencement of the residential development shall take place, except demolition, until a report detailing the proposed noise mitigation, including any necessary ventilation requirements is submitted, to and approved in writing by, the Local Planning Authority.

The report will detail the mitigation required in each dwelling to ensure that internal noise levels, from any external source, do not exceed those specified in table 4 of BS8233:2014 and that noise levels in bedrooms do not exceed 45dB LAmaxf more than 10 times per night. Any specific building ventilation requirements needed to ensure that the above levels can be maintained will also need to be detailed in the submitted report. The report shall also detail the mitigation required to ensure that noise levels in external amenity spaces do not exceed 55dB LAeq16hr.

Thereafter development shall be implemented fully in accordance with the approved report, including any necessary mitigation, and retained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The reason for this pre-commencement condition is to protect the residential amenity of future occupiers of the development by ensuring appropriate mitigation measures are to be implemented as part of the development, and to comply with VALP policies BE3 and NE5.

30. No commencement of the residential development hereby permitted shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include but is not limited to the following:
- k. Risk assessment of potentially damaging construction activities.
  - l. Identification of "biodiversity protection zones".

- m. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- n. The location and timing of sensitive works to avoid harm to biodiversity features.
- o. The times during construction when specialist ecologists need to be present on site to oversee works.
- p. Responsible persons and lines of communication.
- q. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and times and activities during construction when they will need to be present to oversee works.
- r. Use of protective fences, exclusion barriers and warning signs.
- s. Contingency/emergency measures for accidents and unexpected events, along with remedial measures.
- t. Measures for removal of any invasive species within the site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: The reason for this pre-commencement condition is to ensure that a suitable CEMP has been agreed in advance of works commencing, in order to minimise the construction impacts on biodiversity and to comply with VALP policy NE1.

31. At the same time as submitting details of the reserved matters for condition 25 above, and notwithstanding any indications illustrated on drawings already submitted, a detailed scheme of soft landscaping works for the residential development shall be submitted to and approved in writing by the Local Planning Authority. It shall include but is not limited to the following:
- a. Indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those that are to be retained, together with tree protection measures and protection plans.
  - b. Planting (including trees, shrubs, seeding, other plants and grass) plans.
  - c. Written specifications (including soil depths, mulching, cultivation, watering/irrigation, staking and other operations associated with tree, plant and grass establishment).
  - d. Schedules or plans noting species, planting sizes and proposed numbers/densities
  - e. For sustainable tree planting, the soft landscape works shall incorporate underground systems and provide a sufficient area of growth medium for long term tree growth where tree development is compromised by hard landscaping such as pavements, highways, car park areas and structures (if there is hardstanding on more than one side of proposed tree planting then underground systems must be implemented).
  - f. A programme of planting.



g. Provision of appropriate tree planting and boundary treatment and/or screening between the employment development and the residential development

h. Details of existing contours and any proposed alteration to ground levels such as earth mounding shall also be provided.

Submitted soft landscape details shall reflect the principles shown in drawing number 7143/ASP3 Rev D ('Landscape Strategy Plan').

Details of maintenance, replacement and management of the soft landscaping to ensure that it is maintained over the lifetime of the development shall be provided. The development shall be implemented in accordance with the approved soft landscape details thereafter, in accordance with an agreed timescale and shall be fully maintained in accordance with the approved maintenance and management plan, unless otherwise agreed in writing by the Local Planning Authority.

The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the agreed timescale for implementation.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity and biodiversity enhancements and to comply with VALP policies BE2, NE1 and NE8.

32. All planting, seeding or turfing comprised in the approved details of soft landscaping for the residential development shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenity and biodiversity enhancements and to comply with VALP policies BE2, NE1 and NE8.

33. Prior to commencement of development (excluding any works of demolition) and notwithstanding the submitted details, for the residential development full details of tree planting including available soil volume and a plan of aftercare, taking into account the guidance out in BS8545:2014 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The reason for this pre-commencement condition is so that details are approved to ensure the development is undertaken in a way which ensures a satisfactory standard of tree care and protection, in order to minimise damage to the

trees during building operations and to comply with VALP policy NE8 and the National Planning Policy Framework.

34. For the residential development no site clearance works or development shall take place until there has been submitted to the Local Planning Authority for approval in writing an Arboricultural Method Statement and Tree Protection Plan (in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction'). The Method Statement and Protection Plans shall provide, as required, details of methods of construction within root protection areas and details showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a barrier complying with Figure 2 of British Standard 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan.

The approved protective fencing shall be erected prior to the commencement of any works or development on the site including any works of demolition, vegetation or site clearance. The approved fencing shall be retained and maintained until all building, engineering or other operations have been completed on site. No work shall be carried out or materials stored within the fenced area without prior written agreement from the Local Planning Authority. The development shall be implemented in accordance with the approved Tree Protection Plan and Method Statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition that is required to ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction and in the long term interests of local amenities and to comply with VALP policy NE8.

35. Notwithstanding any indications illustrated on drawings already submitted, prior to the commencement of works above ground, a detailed scheme of hard landscaping works for the residential development shall be submitted to and approved in writing by the Local Planning Authority. It shall include but is not limited to the following:
- a. Excavations
  - b. Proposed finished levels and/or contours
  - c. All forms of different boundary treatment, fencing, gates and means of enclosure, which shall include provision for solid, close boarded fencing provided on the boundaries of the proposed employment development. This shall be a minimum 2.2m high along the western boundary
  - d. Parking layouts
  - e. Other vehicle and pedestrian access and circulation areas
  - f. Hard surfacing areas (e.g. surfacing materials) and their permeable qualities
  - g. Details of any street furniture, seating, refuse or other storage, signs, external lighting (including associated levels of luminance and its location)

All hard landscaping works shall be implemented in accordance with the approved details, and an approved implementation programme details of which shall also be

submitted prior to the commencement of works above ground. The developer shall complete the approved hard landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

Reason: To ensure that the appearance of the development is not detrimental to the character or appearance of the area and for reducing flood risk, and to protect residential amenity of existing and future occupiers.

36. No part of the residential development hereby permitted shall be occupied until the new means of access have been sited and fully laid out in general accordance with drawings 3002.19B and 3002.03A, and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway".

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

37. The residential development hereby permitted shall not be occupied until details of the estate roads and footways have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, and no dwelling shall be occupied until the estate road and any footways which provides access to it from the existing highway has been laid out and constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

38. The Reserved Matters application seeking to determine matters of Layout shall include a scheme for parking (including cycle parking, motorcycle parking and disabled parking), internal access roads, turning and manoeuvring areas and footways. The detailed scheme for parking shall include provision of electric vehicle charging infrastructure to comply with the requirements of VALP policy T8. The EVC apparatus installed shall thereafter be retained and maintained in an operative state in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable travel opportunities and to comply with VALP policy T8.

39. The approved parking scheme shall be implemented and made available for use before the residential development hereby permitted is occupied and those parking areas shall not be used for any other purpose thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with VALP policies

40. Prior to the occupation of the 50th dwelling the highway works shown on drawing 3002.19B which relate to junction works at the Rabans Lane/Brunel Road roundabout, shall be laid out and constructed in general accordance with the approved details.

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

41. No part of the residential development hereby permitted shall commence (including demolition and /or site clearance works) until a Construction Transport Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority. The CTMP, to include details of but is not limited to the following:
- a. Areas of parking for vehicles of site personnel, operatives and visitors
  - b. Storage of plant and materials as well as loading and unloading arrangements
  - c. Construction Traffic Management (to include the co-ordination of HGV deliveries, all other deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction and a programme of works (including measures for traffic management) so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900 hours) and PM Peak (1630-1800 hours) periods);
  - d. Estimate of the number of HGV movements (with an agreed daily maximum for HGV movements)
  - e. Proposed construction vehicle routing to the site, to be identified on a plan
  - f. Measures to prevent the deposit of materials on the highway
  - g. Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
  - h. On-site turning areas for construction and delivery vehicles
  - i. Any temporary lighting
  - j. Protection of the carriageway and any footway users at all times during construction
  - k. Protection of contractors working adjacent to the highway, and
  - l. Erection of maintenance hoardings, security fencing and scaffolding on/over pavements
  - m. Hours of construction work and deliveries
  - n. Details of wheel and chassis underside washing facilities
  - o. The mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes
  - p. A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development
  - q. Details of waste management arrangements
  - r. Storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils)

s. Details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas as a result of the construction programme

t. Contact details of personnel responsible for the construction works and how these details will be communicated to the local community.

The approved CTMP shall be adhered to throughout the construction period and implemented strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The reason for this pre-commencement condition is to ensure the development can be constructed in such a way that throughout the construction period of the proposed development its impacts can be managed, and in the interests of highway safety, the convenience of highway users and to minimise danger to highway users throughout the construction period.

42. No part of the residential development hereby permitted shall be occupied until a Full Travel Plan for the site has been submitted to and approved in writing by the Local Planning Authority. This Plan shall be in general accordance with the 'Buckinghamshire County Council Travel Plan Good Practice Guidance'. The Travel Plan shall set out measures to reduce single occupancy journeys by the private car and indicate how such measures will be implemented and controlled. The Travel Plan shall include a full analysis of the modal split at existing sites and indicate targets for modal shift in the forthcoming years.

The approved Travel Plan shall be implemented upon first occupation of the development and subject to annual review as per details to be set out within the approved Travel Plan, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt the Travel Plan will require the appointment of a Travel Plan Co-ordinator.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with national and local transport policy and to comply with VALP policy T1.

43. Prior to the occupation of the development the highway works shown on drawing 3002.24A, which includes the footway/cycleway upgrade works along the site boundary and the raised table at the site access, shall be laid out and constructed in general accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

44. The land shaded in red on drawing no 3002.26 shall be provided as public open space upon first occupation to serve the development and safeguarded for future use as part of the Aylesbury Gardenway proposals. In the event that the Aylesbury Gardenway is provided by Buckinghamshire Council (or other delivery body including the developer)

the shaded land shown on this plan shall be used as part of the Aylesbury Gardenway in lieu of public open space.

Reason: To safeguard the future provision of the Aylesbury Gardenway project and ensure the amenity of future occupiers in accordance with the Aylesbury Garden Town Masterplan and VALP policies T1 and S5.

45. No development above ground shall take place on the residential buildings hereby permitted until details and sample panels of all the external surface materials proposed to be used on the buildings, surfaces of the roads, footpaths, parking areas and courtyards have been submitted to and approved in writing by the Local Planning Authority. Sample panels shall be made available on site, for inspection by the Local Planning Authority, which shall be notified in writing of their availability. Thereafter the development shall be implemented in accordance with the approved materials, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the development in accordance with VALP policy BE2.

46. No residential development, except for demolition, shall commence until a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and approved in writing by the Local Planning Authority.

a) The contaminated land assessment shall include an intrusive site investigation. This must include soil, soil gas, surface and/or groundwater sampling as relevant and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority and approved in writing prior to any remediation works commencing on site.

Reason: The reason for this pre-commencement condition is to ensure that the potential contamination of the site is properly investigated, the risks to the planned end user group(s) quantified, and its implication for the development approved are fully taken into account prior to works commencing. in accordance with the National Planning Policy Framework and VALP Policy NE5.

47. Prior to the first occupation or use of any part of the residential development hereby permitted, the agreed approved remediation strategy shall be carried out in full and a validation report including details of the completed remediation works and quality assurance certificates shall be submitted to and approved in writing by the Local Planning Authority.

If during the works contamination is encountered which has not previously been identified, then this additional contamination shall be fully assessed in accordance with the requirements of Condition 46 above and an appropriate remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the potential contamination of the site is properly dealt with and the risks to the planned end user group(s) minimised in accordance with the National Planning Policy Framework and VALP Policy NE5.

48. Prior to the commencement of the residential development above ground a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include, but is not limited to the following;
- a. Description and evaluation of features to be managed.
  - b. Ecological trends and constraints on site that might influence management.
  - c. Aims and objectives of management.
  - d. Appropriate management options for achieving aims and objectives.
  - e. Prescriptions for management actions.
  - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g. Details of the body or organization responsible for implementation of the plan.
  - h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity, and to comply with VALP policies NE1 and NE2.

49. The residential development hereby approved shall be implemented in accordance with the agreed recommendations set out in the updated Ecological Appraisal from the consultant ecologist Aspect Ecology (dated March 2021). Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made. The condition will be considered discharged following a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly is submitted to the Local Planning Authority.

Reason: In the interests of biodiversity, and to comply with VALP Policy NE1.

50. Prior to the commencement of works for the residential development (excluding any works of demolition), details of a surface water drainage scheme for these parts of the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved

in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include but is not limited to the following:

- j. Permission from Thames Water for additional connections to existing surface water drainage network
- k. Confirmation of discharge rates and points of connection to existing network
- l. Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- m. Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- n. Existing and proposed discharge rates and volumes
- o. Full construction details of all SuDS and drainage components
- p. Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- q. Calculations to demonstrate that the proposed drainage system does not surcharge for the 1 in 1 year storm event, can contain up to the 1 in 30 year storm event without flooding. Any onsite flooding between the 1 in 30 year and the 1 in 100 year plus climate change storm event should be safely contained on site
- r. Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
  - i. Flow depth
  - ii. Flow volume
  - iii. Flow direction

Reason: The reason for this pre-commencement condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk and to comply with VALP policy I4.

51. Prior to the occupation of the residential units a whole-life maintenance plan for the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long term maintenance of the drainage system and to comply with VALP Policy I4.



52. Prior to the first occupation of any of the residential dwellings hereby approved a Parking Management Plan shall be submitted for the approval in writing of the Local Planning Authority, which shall show how the approved scheme for vehicle parking (including Electronic Vehicle Charging Points), manoeuvring and cycle parking will be laid out and provided in full on completion of the final building(s), and also confirm management arrangements for the allocation of vehicle parking spaces on site for the completed development. Parking on site shall be provided in accordance with the approved Parking Management Plan thereafter and the vehicle and cycle parking as implemented shall be permanently maintained as approved and used in accordance with the approved Management Plan for the duration of the development and not used for any other purpose other than parking, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

53. At the same time as submitting details for the reserved matters pursuant to condition 25 above, a detailed energy strategy for the residential development, including measures to reduce carbon emissions through renewable technologies and reduce water consumption to a limit of 110 litres/person/day, shall be submitted to and approved in writing by the Local Planning Authority.

Residential development shall be implemented thereafter in accordance with the approved energy strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a resultant satisfactory standard of development, in accordance with VALP policy C3.

54. All walls, fencing, gates or other means of enclosure / boundary treatment shall be erected/installed in accordance with the approved details set out through condition 35 above before the initial occupation of the residential development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, the approved means of enclosure / boundary treatment shall be retained and notwithstanding Class A, Part 2, Schedule 2 of The Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) no further gate, wall, fence or other means of enclosure shall be constructed without the approval in writing of the Local Planning Authority.

Reason: To ensure a satisfactory resultant appearance and standard of amenity of the site and in the interests of highway safety and convenience, in accordance with VALP policies.

55. Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A, B, D, E & F of Part 1 of Schedule

2 to the said Order shall be erected or constructed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: The nature and density of the layout requires strict control over the form of any additional development which may be proposed in the interests of maintaining a satisfactory residential environment. In order that the Local Planning Authority can properly consider whether any future proposals will constitute overdevelopment of the site or will in any other way be detrimental to the character of the locality.

56. The residential development hereby approved shall not be occupied until confirmation has been provided to the Local Planning Authority that either: -
- i.all water network upgrades required to accommodate the additional flows to serve the residential development have been completed; or
  - ii.a development and infrastructure phasing plan (for the residential development) has been agreed with Thames Water to allow the residential development to be occupied. Where a development and infrastructure phasing plan is agreed no residential occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

57. Application for the approval of Reserved Matters in respect of Layout shall provide further details of the proposed housing mix, types and sizes, including demonstration that the development will meet at least category 2 accessible and adaptable standards for all dwellings, as set out in Building Regulations Approved Document M4(2), and that a minimum of 15% of the affordable housing will meet the requirements for M4(3) wheelchair accessible housing as set out in Building Regulations Approved Document M4(3), unless it has been demonstrated to the Council's satisfaction that it would be unviable to do so. Such details shall be submitted for the approval in writing by the Local Planning Authority and the development shall be implemented fully in accordance with the approved details thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a mix of homes are provided to meet current and future housing requirements, and the need for accessible, adaptable and wheelchair user dwellings, as required to accord with VALP Policies H6a and H6c.

**Recommended Informative:**

Access to ultra-fast broadband access is encouraged for all future tenants of the employment development.

**List of approved plans:**

**Plan Reference**

6092\_P101  
6092\_P102  
6092\_P200G  
6092\_P201E  
6092\_P202C  
6092\_P203E  
6092\_P204C  
6092\_P205A  
6092\_P206A  
3002.14  
3002.15

**Appendix A: Consultation Responses and Representations**

**Appendix B: Site Location plan**

**Appendix C: 20/02611/AOP Committee Report to Buckinghamshire Council, Central Area  
Planning Committee meeting 3 February 2022**

## Appendix A: Consultation Responses and Representations

Letter dated 31 January 2022, from Cinram Novum Ltd:

Summary of representation (reason for objecting)	Update/ comment
<p>The employment numbers reported in paragraph 6.28 of the main committee report vastly under reports the true number of jobs being put at risk (from Cinram Novum Ltd site) through the proposed development.</p>	<p>See next table below. The applicant has acknowledged the employment figures they initially provided may now be out of date.</p>
<p>Contrary to the reported 40-60 people, stated as being employed at the Cinram Novum Ltd site (paragraph 6.28 of the main committee report), it is stated that that a total of 172 permanent staff are employed on site (this includes 38 staff employed through a tenant business). In addition to the permanent staff, the business also operates with approximately 100 contractual staff. This represents a total of 272 staff.</p>	<p>See next table below. The applicant has obtained employment figures that are publicly available for the Cinram Novum Ltd business, which are greater than they initially quoted, but are still less than the number quoted by Cinram Novum Ltd in their letter dated 31 January 2022.</p> <p>This is discussed further above in the 'Employment Issues' paragraphs 1.13 to 1.31, and the weighting in terms of the net increase in jobs forecast has been adjusted accordingly to neutral.</p>
<p>The majority of staff employed on site live in Aylesbury, some of whom have been employed at this site for +30 years.</p>	<p>Noted.</p>
<p>Contrary to the reported 12 – 14 staff employed at 1 Rabans Lane (paragraph 6.28 of the main committee report), this business currently employs approximately 25 staff and have growth plans for 2022.</p>	<p>As stated in the Savills response (dated 17 February 2022), it is accepted by the applicant that the increase in jobs associated with 1 Rabans Lane since the employment figures were obtained in 2020 and up until January 2022 can be attributed to the company's growth over that time period.</p>
<p>The proposed development puts at risk approximately 300 jobs.</p>	<p>The loss of jobs at the Cinram Novum Ltd site are not a material planning consideration. This is an allocated site for housing development, the loss of employment floorspace (and jobs associated with the existing business) has been accepted in principle through the VALP adoption.</p> <p>Jobs that will be lost as a result of 1 Rabans Lane being redeveloped are mitigated for by the proposed development, which includes replacement floorspace and an expected net increase in jobs – see paragraph 1.22 above</p>

Cinram Novum Ltd has emerged from the Covid pandemic with a growing client list, evidenced through the signing of new distribution contracts.	Noted.
The securing of new business contracts means it is forecast a further 40 permanent jobs are to be created in 2022.	
It is stated that Cinram Novum Ltd's ownership group (Patriot Group Investments) has made a "genuine offer (in partnership) to purchase the site at market value", to accommodate a state of the art warehouse for the business, while also developing a residential element on site.	The applicant (and owner) has not accepted any offers to purchase the site.

**Savills submission (on behalf of applicant) titled, 'Response to matters raised by third party representations' (dated 17 February 2022);**

<b>Summary of representation</b>	<b>Update / comment</b>
<p><u>Principle of redevelopment:</u></p> <p>The site occupied by Cinram Novum Ltd is, in its entirety, allocated for residential development in the VALP.</p> <p>VALP policy, recently adopted, carries full weight. This provides a presumption in favour of the site's redevelopment from employment to residential.</p> <p>VALP policy does not protect the employment use in this location. The loss of the employment floorspace, and associated jobs, has already been consulted on and accepted through the adoption of the VALP.</p>	<p>This is addressed above at paragraphs 1.13 – 1.17.</p>
<p><u>Current and expected job generation:</u></p> <p>The site allocation in the VALP would result in the loss of the Cinram facility anyway.</p> <p>Noting Cinram's claims of the "under reporting" of existing jobs on site, Savills have sought to clarify that the number of jobs they quoted were provided to the applicant (AVE) by the tenants themselves through conversations that were had before the planning application was submitted.</p>	<p>The number of existing jobs initially quoted by the applicant pre-date the submission of the planning application in July 2020, and therefore Savills accept these figures may now be dated.</p> <p>Publicly available data from Companies House (Statutory Accounts of Cinram Novum Ltd for y/e 31 December 2020) indicate the number of employees was 92 in 2019 and 95 in 2020 – this is short of the job numbers quoted by Cinram Novum Ltd in their letter dated 31 January 2022.</p>

	<p>In relation to 1 Rabans Lane, Savills has no reason to doubt their employee numbers may have increased since the quoted employment numbers were obtained in 2020.</p>
<p>Using the publicly available job figures for Cinram Novum Ltd (95 employees) and the figure provided by Cinram Novum Ltd for 1 Rabans Lane (25 employees) total number of jobs on site is c. 120.</p>	<p>The applicant acknowledges this number is greater than the number of jobs they understood to be present prior to submission of the planning application.</p> <p>The expected number of new jobs that would be created as a result of the proposals is in the order of 160-208, as calculated from the 'Employment Densities Guide', an industry standard accepted metric. Therefore, even by using the publicly available job figures for Cinram Novum Ltd (95 employees) and the figures provided for 1 Rabans Lane by Cinram Novum Ltd (c.25 employees) a <i>net</i> increase in the number of jobs is still expected.</p>
<p>Regardless of the number of jobs to be created, the proposals would result in a net increase in the number of jobs created, and a net increase in employment floorspace.</p>	<p>The existing floorspace of 1 Rabans Lane is 4, 315 sqm, whereas the proposed development would provide 7, 500 sqm of new B2/B8 floorspace (representing an increase of over 70%). This weighs in favour of the proposed development.</p>
<p><u>Qualitative provision / benefits:</u></p> <p>The proposed new employment floorspace would be better quality, resulting in a qualitative as well as quantitative benefit which weighs heavily in favour of development.</p> <p>Proposed development would provide new, efficient commercial premises with a future life span of many years, contrary to the condition of the current buildings.</p> <p>The size of the employment units (of b/w 200-500sqm) will meet a specific local demand for this mid-size of unit. Market trends indicate there is market demand for this type of provision.</p> <p>Units are designed flexibly, meaning multiple units can be combined to meet the needs of tenants.</p>	<p>These qualitative benefits are referred to in the main committee report, and above at paragraph 1.22. These benefits weigh in favour of development.</p>

<p>Proposed accommodation will be better from an energy efficiency perspective and will conform to tightening EPC standards.</p>	
<p><u>Status regarding Cinram Novum Ltd:</u></p> <p>The job numbers reported by Cinram Novum Ltd in their letter (dated 31 January 2022) are said to be disingenuous.</p> <p>Savills (on behalf of AVE) submit that the Cinram business in its current location, has only a limited life span, for the following reasons;</p> <p><b>The lease; -</b></p> <ul style="list-style-type: none"> <li>• Cinram Novum Ltd’s lease on the premises expires on 23 June 2022, with no right to extend the lease beyond that date.</li> </ul> <p><b>Condition of the building: -</b></p> <ul style="list-style-type: none"> <li>• The condition is such that the building’s useful life is severely limited.</li> <li>• The existing buildings on the western and eastern parcels of land were built in the 1960/70s, therefore are inefficient.</li> <li>• Both buildings require significant expenditure to improve energy efficiency, which it is said, would be unviable. There are also on-going maintenance issues.</li> </ul> <p><b>Cinram Novum Ltd; health of the business: -</b></p> <ul style="list-style-type: none"> <li>• The business is in rent arrears and agreements made in respect of clearing the arrears have not been honoured.</li> <li>• Cinram’s lease expires in June 2022.</li> <li>• There is no medium or long term prospect of Cinram Novum Ltd operating out of the current site.</li> </ul> <p><b>Patriot Group’s desire to redevelop the site; -</b> The letter from Cinram Novum Ltd (dated 31 January 2022) expresses a desire to purchase the site from AVE with the intention to redevelop the site as a new warehouse/office facility as well as housing.</p>	<p>The applicant advises that once Cinram Novum Ltd depart the building in June 2022 (when their lease expires) it would not be economic to carry out the works necessary to upgrade the building to a lettable standard.</p> <p>The applicant notes that it would not be possible to maintain continuity of operations for Cinram Novum Ltd in this scenario.</p>
<p><u>No. 1 Rabans Lane:</u></p>	

<p>Given the allocation of the Cinram Novum Ltd site for residential development in the VALP, the employment development proposed as part of this application seeks to offset the loss of employment floorspace as a result of 1 Rabans Lane being lost.</p> <p>The current occupiers of this unit (Integral Memory) took on their current lease with full knowledge of AVE's intention to redevelop the site. A renewal of the lease was granted in January 2021, with a mutual rolling option to break with 10 months' notice in order to give both parties flexibility.</p> <p>The unit would not be re-lettable in its current condition and it is not viable to carry out the upgrades that would be necessary to secure a new tenant.</p>	<p>The proposed development will result in a net increase in employment floorspace by c. 3, 185sqm – a 70% net increase compared to the existing floorspace at 1 Rabans Lane. This net increase will serve to offset the loss of 1 Rabans Lane, and is a benefit of the proposal that weighs in favour of development.</p>
<p><u>Conclusion:</u></p> <p>The adopted VALP envisages the loss of the Cinram Novum Ltd building as an employment site, and as such the jobs associated with it, by virtue of its allocation for residential development in the VALP.</p> <p>Therefore, the jobs which would be lost as a result of the proposed development are more accurately, those at 1 Rabans Lane only. Comparing this figure (c.25 employees) with the expected job generation of the scheme indicates there is to be a significant net increase in jobs.</p> <p>Both Cinram Novum Ltd and Integral Memory (1 Rabans Lane) have been aware of the proposed redevelopment plans for this site for a number of years, and both entered into leases that anticipated their departure from the buildings in question.</p> <p>Both buildings are inefficient, in poor condition and obsolete for the modern employment market. Works required to upgrade the building for re-letting would not be economically viable.</p>	<p>This is agreed.</p> <p>This is the correct approach and is discussed further above in the 'Employment Issues' section.</p>



<p>The proposed land use arrangement delivers benefits in terms of improved residential amenity for future occupiers and a net increase in employment floorspace and expected jobs when compared to 1 Rabans Lane only. These benefits remain, as well as the above referenced qualitative improvements the proposal is to deliver.</p>	<p>These benefits are identified in both the main committee report, and also above.</p>
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**Cinram Novum Ltd 'Response to Savills report' – received March 2022;**

<p><b>Summary of representation (objecting)</b></p>
<p>The Savills report fails to address the number of jobs that are currently at risk.</p>
<p>Would the site have been allocated for residential development if the true number of jobs had been accurately reported?</p>
<p>Such potential job losses should bring about a review of the policies in the VALP.</p>
<p>The jobs data that Savills quote in their report is based on hearsay.</p>
<p>Savills admit that their own job figures are incorrect, yet they still do not take account of others based at the site, and 100+ agency staff, employed through an on-site agency.</p>
<p>The potential job numbers that Savills refer to remains dwarfed by the incumbent employers.</p>
<p>The qualitative benefits that have been advanced in the Savills report are described as “subjective at best”.</p>
<p>Cinram Novum Ltd disputes the claims made about the condition of the building, and it said the site has been “repurposed over the years to accommodate new ways of working”. Reference is also made by the Savills report to on-going maintenance issues, but the report fails to define them.</p>
<p>This is not the platform to discuss details of rent negotiations with AVE and Cinram Novum Ltd are disappointed that confidential information has been shared in this way.</p>
<p>The assertions made of arrangements with the Administrators is “completely without merit”.</p>
<p>Patriot Group Investments have given an expression of interest to purchase the property and site under a ‘Put &amp; Call option’ agreement offering to buy at prevailing market rate. To date there has been no indication of the offer from the landlord (AVE).</p>
<p>Cinram Novum Ltd has a legal right to negotiate a lease extension under these circumstances until they can agree the purchase of the site.</p>
<p>It is Cinram’s intention to remain in situ beyond June 2022.</p>

**Town / Parish Council Comments;**

**Aylesbury Town Council:**

“Aylesbury Town Council continue to object to this application. There has been no material change to the application so previous comments still stand. Aylesbury Town Council OBJECT to this application on the following grounds:

- 1) failure to recognise and address the defined lack of local infrastructure and services provision in the locality within the application,

2) in part the area of proposed development is not residential in nature and therefore in conflict with the existing planning class and detriment to the existing area, this is in contravention of GP17 of the AVDLP

3) the Town Council supports the resident's views stating lack of attractiveness due to location adjacent to the existing recycling centre and water processing plant. If this application is considered at committee, Aylesbury Town Council request the right to talk at the committee meeting."

**Coldharbour Parish Council:**

Continue to object for the following reasons;

"1. Increased in traffic in an already well used area of the town which will significantly impact the traffic flow not only on Coldharbour way but the main roads into Aylesbury and will have a negative impact on both local residents and visitors to the area.

2. Lack of amenities and increase in traffic through Fairford Leys itself as people use local shops adding to the difficulties already in place by Bucks Council not enforcing illegal parking on double yellow lines on Fairford Leys.

3. The negative impact on local school provision as well as local doctors and dentists."

**Additional Consultee Comments;**

**Economic Development Officer:**

No objection raised; the following is a summary of the comments received:

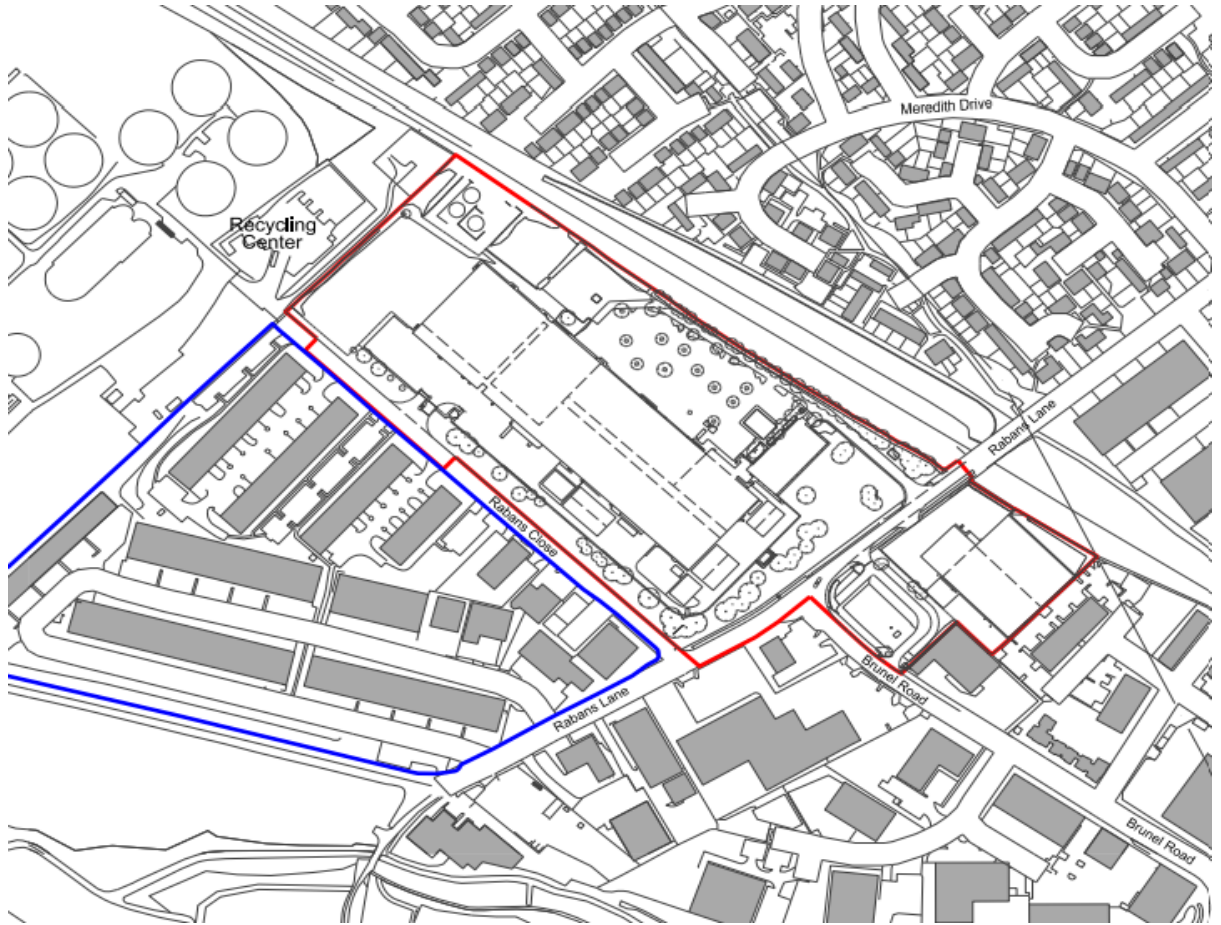
- Welcome the creation of 7, 500sqm of new B2 / B8 floorspace and the net increase this represents
- Would not welcome job loss in the Aylesbury area but note the expected increase in job numbers when compared to 1 Rabans Lane
- Recommend the existing occupiers of 1 Rabans Lane contact a commercial agent to assist them with finding alternative premises in Aylesbury / Buckinghamshire
- Recommended the development installs ultra-fast broadband for future tenants
- Are there potential tenants for the new employment floorspace, or is this a speculative development?
- Should secure local skills and employment benefits, both in the construction phase and operational phase.
- Noted that the Cinram site is allocated in VALP for housing development, and it is suggested that the occupiers contact a local commercial agent to find alternative sites in Buckinghamshire, such as Westcott Venture Park to
- The Housing and Economic Development Needs (HEDNA) updated 2016 states that there is a lack of supply of suitable B1c / B2 stock across the FEMA area, also identifies that most of the industrial stock across the FEMA is older and there is limited new build industrial development. This proposal could help improve this situation
- VALP policies S7, D6 and E1 support the reuse of employment land

**Additional Representations Received;**

A further six objections have been received from the public. The grounds for objection are summarised below (n.b. some of these repeat those already listed in Appendix A to the main committee report);

- Additional homes will place more pressure on traffic, infrastructure, and access to doctor's surgeries and schools – no new services are being provided
- What play provision is there for children
- Current growth of Aylesbury is unsustainable, this development will add to the problem
- Development is too close to future HS2 line and the flood plain
- Loss of jobs from Cinram site, which provides a variety of levels of employment, for all ages and a large number of local jobs
- The Cinram site is important for local employment. The business has survived administration and Covid-19 and there has been a surge in business activity recently, with new contracts secured in the past 6 months
- Cinram Novum Ltd is a key player in the media distribution sector
- This is not an appropriate site / location for residential development due to the nature of surrounding uses. It should be kept for employment
- With the increase in housing planned for Aylesbury comes the demand for jobs, the removal of jobs as a result of the proposed development will make this worse
- The figures provided by Cinram Novum in relation to loss of existing jobs should be relied upon, not the employment figures quoted by Savills
- Savills imply that the Council will be in trouble if the housing numbers set out VALP are not met, and as the site is allocated in VALP for housing it should be accepted. It is though still legitimate for people to argue that the scheme is too expensive in job loss terms and that putting homes next to a sewage treatment plant is daft
- The reference made to Cinram's rent arrears is not a material planning consideration.
- The clarification of when Cinram's lease is to expire is not a material planning consideration.
- Impact this proposal will have on Cinram's existing work force and their families

## Appendix B: Site Location Plan





## Report to Buckinghamshire Council – Central Area Planning Committee Report

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<b>Application Number:</b>	20/02611/AOP
<b>Proposal:</b>	Outline application for the erection of up to 200 dwellings together with associated parking, landscape and access from Rabans Lane together with means of access only to be determined following demolition of existing buildings on Land to the east and west of Rabans Lane. Full planning application for erection of 7,500m <sup>2</sup> of B2/B8 floorspace together with means of access from Rabans Close
<b>Site location:</b>	Land To The East And West Of, Rabans Lane, Aylesbury, Buckinghamshire, HP19 8TS
<b>Applicant:</b>	Aylesbury Vale Estates LLP
<b>Case Officer:</b>	Gary Murphy
<b>Ward affected:</b>	AYLESBURY NORTH WEST
<b>Parish-Town Council:</b>	AYLESBURY
<b>Valid date:</b>	10 August 2020
<b>Determination date:</b>	15 April 2021
<b>Recommendation:</b>	The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report, subject to the receipt of no new material representations, and the conditions as proposed and any other considered appropriate by Officers, or if these are not achieved for the application to be refused

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### **1.0 Summary & Recommendation/ Reason for Planning Committee Consideration**

1.1 The application is submitted as a hybrid proposal comprising of the following elements;

- Outline planning application for the erection of up to 200 dwellings together with associated parking, landscape and access from Rabans Lane with means of access only to be determined, on land to the east and west of Rabans Lane. All other detailed matters (Layout, Scale, Appearance and Landscaping) are reserved.
- Full planning application for the erection of 7,500m<sup>2</sup> of B2/B8 floorspace together with means of access from Rabans Close on land to the west of Rabans Lane.

following demolition of existing buildings on land to the east and west of Rabans Lane.

- 1.2 Key considerations include; arrangement of uses and loss of employment land, affordable housing provision, highways safety and impact on the network, amenity of future and existing residents, conformity with VALP site allocation policy D-AYL115.
- 1.4 The proposed development will positively contribute to the housing stock generally and the on-going need for new homes, including making a positive contribution towards affordable housing provision and the Council's housing requirements, helping to create mixed and balanced communities.
- 1.5 There would be economic benefits in terms of the creation of jobs associated with the proposed B2/B8 floorspace (and the net increase in B2/B8 floorspace), these economic benefits outweigh any harm resulting from the loss of employment floorspace, as a direct consequence of 1 Rabans Lane being demolished. Further jobs would be created from the construction phase of development, and the future employees / residents of the development would also increase expenditure in the local economy, these represent additional economic benefits.
- 1.6 Proposed site access arrangements are acceptable, as confirmed by the Highway Authority who have been party to detailed negotiations with the applicant to agree matters. This is subject to proposed highway improvement works being carried out, including a scheme to remove the existing mini roundabout at the junction of Brunel Road and Rabans Lane and replace it with a priority junction with the major arm running from Brunel Road to Rabans Lane north. This priority junction is shown to alleviate any capacity issues in both the AM and PM peaks. Other highway improvements works that the applicant is committed to are to include pedestrian footpath upgrade along Rabans Lane and safeguarding of a strip of land along this frontage for the future implementation of The Gardenway, sustainable pedestrian / cycle route. Financial contributions will be secured through s106 agreement for contributions towards the Bicester Road / Rabans Lane future signalisation works, and a new 'tiger' crossing nearby to the site, along Rabans Lane. An adequate level of parking is capable of being provided on site at Reserved Matters stage to meet future demand from this quantum of residential development. The proposals also promote sustainable transport relating to cycling and walking initiatives and are capable of accommodating the Gardenway route through part of the site.
- 1.7 Negotiations have enabled the scheme to be amended such that the Highway Authority are satisfied that the development will achieve safe and suitable access and will not result in a severe individual or cumulative network impact (subject to mitigation and highway improvements) and is acceptable, in this regard, subject to relevant conditions and completion of a S106 Agreement to secure the highway works, construction management and financial contributions identified.
- 1.8 It is considered the development is capable of meeting open space requirements, drainage, ecological enhancements, meeting the challenge of climate change and delivering a net increase in biodiversity. Direct benefits will be realised in the form of biodiversity and ecological enhancements and the construction of energy efficient buildings that will help to

reduce carbon emissions.

- 1.9 A detailed residential scheme is capable of being designed at Reserved Matters stage that will be of high quality design, including a well-considered landscaping strategy, securing landscaping enhancements. The proposed development will also have an acceptable impact on the residential amenities of existing as well as prospective residents.
- 1.10 The effects of development on air quality, contaminated land, noise and odour are considered to be acceptable, subject to recommended planning conditions.
- 1.11 The VALP policy S7 supports the effective and efficient use of previously developed land, supports the supply of new housing and has a presumption in favour of sustainable development. It sets out the need to support economic growth, taking into account both local business needs and wider opportunities for development. The NPPF places provision of new homes at the heart of sustainable development, recognising that a range of homes to meet the needs of present and future generations is key to meeting the overarching social objective. Delivering a sufficient supply of new homes is a key objective of the NPPF, and affordable homes should be sought on all major developments. This proposal is able to meet the sustainable development objectives set out in the NPPF.
- 1.12 There would be a loss of some existing trees that would cause some limited harm, however this limited harm would be off-set by the proposals to plant a significant number of new trees across the sites, and retain and enhance the existing established tree corridor along the northern edge of the site.
- 1.13 As set out within the main body of the report, it is considered the proposed development does conflict with some policies contained in the VALP, and where it does there are material considerations why this is the case and the proposed development is considered acceptable.
- 1.14 No other adverse impacts are envisaged that cannot be mitigated either through planning conditions, and / or s106 obligations.
- 1.15 s106 contributions / obligations would need to be secured through s106 agreement in the event of planning permission being granted. These are necessary to help mitigate the impacts of development on existing infrastructure and to make the development acceptable and also weigh in favour of the proposal. These requirements are set out further in paragraph 6.60.
- 1.16 The application has been referred to Planning Committee as the applicant (Aylesbury Vale Estates LLP 'AVE') is a joint venture company which the Council has a 50% ownership interest in. In the interests of transparency, it is considered that the application should be referred to the relevant committee in line with the provisions in the Constitution relating to the Council's own development.
- 1.17 Recommendation - The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory completion of a S106 agreement to secure the matters set out below; -
  - Provision of a minimum 25% on site affordable housing

- Financial contribution towards primary and secondary school provision in the area
- Financial contribution towards off-site sport & leisure facilities as necessary in accordance with the SPD and accompanying Ready Reckoner
- Minimum provision of on site public open space and provision for its future maintenance / management
- Future maintenance and management of SuDS / surface water drainage
- Provision of off-site highway works and financial contributions towards off-site highway works, as set out within this report
- Obligation to prevent the use of the proposed employment land at the western most end of the site, for any other use,

subject to the receipt of no new material representations, and the conditions as proposed and any other considered appropriate by Officers, or if these are not achieved for the application to be refused.

## **2.0 Description of Proposed Development**

- 2.1 The application site is c.8.5 hectares in size, comprising two parcels of land dissected by Rabans Lane. To the south of the site is Rabans Close and Brunel Road. To the north is the railway line and established woodland. To the north west of the site is the Aylesbury Household Waste Recycling Centre (AHWRC).
- 2.2 The parcel of land on the western side of Rabans Lane ('western parcel') is largest of the two parcels, at c.5.8 hectares. This currently contains a single industrial building (c. 22, 575sqm of floorspace) and large associated parking area. This building is currently used for the storage and distribution of media products such as CDs, DVDs and vinyl records.
- 2.3 The smaller parcel of land on the eastern side of Rabans Lane ('eastern parcel') is approximately 1.13 hectares, and this contains 1 Rabans Lane, which is an existing single industrial unit (c. 4, 315sqm of floorspace). This is currently used for the storage and distribution of LEDs, memory cards and USBs. Immediately adjacent to this is 2 Rabans Lane, which is now (following demolition) a cleared site that is currently utilised for the temporary storage of motor vehicles prior to their sale.
- 2.4 The site is situated on the edge of the Rabans Lane industrial area and it is an urban area comprising a mix of uses. Commercial and industrial developments adjoin the site to the east, south and west. Further along Brunel Road, to the east, at the corner with Smeaton Close is a residential development, which consists of 24 apartments on the site of a former industrial unit. Beyond the railway line to the north of the site is a large area of two storey suburban housing dating from the 1970's (Haydon Hill). The Fairford Leys residential area is located to the south east of the site, beyond the Bell Business Park - this area contains local shops and a primary school. Retail facilities are available at the Tesco supermarket and Broadfields Retail Park some 1.2km to the north east of the site.



- 2.5 Access to the site is currently gained from Rabans Lane, Rabans Close and Brunel Road.
- 2.6 Across both parcels of the site, there is a corridor of trees which runs along the northern boundary with the railway line.
- 2.7 The application site is situated in Flood Zone 1 (at lowest risk of flooding). An existing fuel pipeline is also routed close to the north west site boundary.
- 2.8 The nearest bus stops to the site are located on Meredith Drive (some 400m to the north of the Rabans Lane / Brunel Road roundabout), and at Devereux Place on the A41 (some 700m north east of the Rabans Lane / Brunel Road roundabout).
- Proposed Development:*
- 2.9 This can be broken down into two distinct elements; the employment proposals and the residential proposals.
- 2.10 Full permission is sought for the employment development, which is to be situated at the western most end of the western parcel. In total, 7,500m<sup>2</sup> of employment floorspace (in a flexible use, comprising B2 and B8 uses) is proposed. Access to this is to be gained direct from Rabans Close.
- 2.11 Split between two parallel rectangular blocks, the employment development would accommodate 18 new employment units offering a range of floor space sizes.
- 2.12 Outline permission is sought for residential development of up to 200 dwellings, of which 25% will be affordable housing. This is to be split across the western and eastern parcels of land. The residential development is proposed in outline at this stage in order to establish the principle of residential development at the site, with details of access only submitted as a detailed matter. Matters relating to appearance, landscaping, layout and scale are reserved for future determination and would be dealt with as Reserved Matters.
- 2.13 Other elements of the hybrid proposals include:
- Provision of areas of open space, which is to include a Locally Equipped Area of Play (LEAP) and Local Area of Play (LAPs);
  - Retention and enhancement of trees within the site including a 'green corridor' of trees along the northern edge of the site which will also contain a new footpath/cycleway to link to the surrounding area.
  - On, and off-site highway improvement works;
  - Safeguarding of land for the delivery of the Gardenway route along Rabans Lane frontage;
  - Sustainable drainage features;
- 2.14 As the residential element is submitted in outline the proposed housing mix is not fixed. This is a detail that would come forward at Reserved Matters stage, when details of layout are provided, although a condition will be imposed at outline stage to ensure the proposed housing mix is policy compliant. What has been presented is indicative only, but has been used as a basis to inform the Illustrative Masterplan.
- 2.15 Development of up to 200 dwellings over the site area is proposed, which equates to a

density of approximately 34 dwellings per hectare (dph) across both parcels of land.

2.14 Whilst matters of scale and layout are reserved the Illustrative Masterplan provided is based on there being a mix of two and three storey dwellings (terraced and semi-detached), with some three storey apartment buildings also distributed across the site.

2.15 This hybrid application is accompanied by the following technical documents:

- *Planning Statement*
- *Design and Access Statement*
- *Air Quality Assessment*
- *Arboricultural Impact Assessment*
- *Flood Risk Assessment and Drainage Statement*
- *Transport Assessment (including Framework Travel Plan) and TA Addendum*
- *Ecological Appraisal*
- *Energy and Sustainability Statement*
- *Landscape Strategy Plan*
- *Noise Assessment*
- *Phase 1, Geo-Environmental Desk Study*
- *Statement of Community Involvement*

2.18 During the course of the application the applicant submitted revised plans for both the employment and residential proposals. The revisions were made in response to consultee comments received to the initial proposals. As well as this, additional / updated technical information, relating to transport, open space provision, noise, ecology, flood risk, landscape and trees was submitted. The revised proposals and additional information have been subject to additional consultation and publicity, carried out in March 2021.

2.19 The Statement of Community Involvement (SoCI) sets out the extent of public consultation and engagement that took place prior to the application being submitted. This consultation took the form of a leaflet drop in May and June 2020, to more than 1000 local residences and business (due to Covid-19 restrictions that were in place at that time this was deemed the most appropriate form of communication). Local Councillors were also contacted at the same time. A total of 32 responses were received, comprising a mix of support and objection comments. The SoCI sets out in detail the key issues raised by the consultation feedback received and how any changes were made to the scheme as a result. It should also be noted that the Council consulted publicly on this site allocation (for residential use) as part of the preparation of the VALP.

2.20 The proposal, for up to 200 dwellings, and 7, 500sqm of B1/B2 floorspace with a site area of c.8.5 hectares exceeds the EIA thresholds set out within Schedule 2, 10 (b) of the 2017 EIA Regulations. Accordingly, the proposal has been screened under Regulation 6 of the EIA Regulations. It is considered in light of the available information and having regard to the

location and nature of the proposed development and having regard to the selection criteria for screening Schedule 2 development as set out in Schedule 3 of the 2017 EIA Regulations, the proposal would be unlikely to have any significant environmental effects, and as a result is not considered to be EIA development.

### **3.0 Relevant Planning History**

3.1 There is no recent planning history relevant to this site, or to the consideration of this application.

### **4.0 Representations**

4.1 The application has been subject to the relevant consultation, notification and publicity.

4.2 Aylesbury Town Council, Coldharbour Parish Council and the Aylesbury Society have all objected to the proposal. The detailed grounds for objection are set out in Appendix A.

4.3 At the time of writing 11 individual representations of objection have been received from members of the public, and one neutral comment. In addition, objections have been received from Councillors Andy Huxley and Sarah Hughes - refer to Appendix A for a summary of the grounds for objection raised.

### **5.0 Policy Considerations and Evaluation**

5.1 In considering the application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for this area comprises of:

- Buckinghamshire Minerals and Waste Local Plan 2019 (BMWLP)
- Vale of Aylesbury Local Plan (15th September 2021)

There is no Neighbourhood Plan covering this area

In addition, the following documents are relevant for the determination of the application:

- National Planning Policy Framework (NPPF)
- National Planning Policy for Waste (NPPW)
- National Planning Practice Guidance (NPPG)
- National Design Guide (NDG)

Whilst accepting that the NPPF (2021) does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.

5.2 The following Supplementary Planning Guidance/Documents are relevant to the

application;

- Supplementary Planning Guidance, Sport & Leisure Facilities – August 2004
- Sport and Leisure Facilities SPG Companion Document Ready Reckoner – August 2005
- Aylesbury Garden Town Masterplan (2020)

5.3 The following matters are considered to be key for consideration in the assessment of this proposal;

- Arrangement of employment and residential uses and the Development Plan context;
- The amount of affordable housing proposed;
- Whether the proposed (indicative) design, layout and open space would be of acceptable quality;
- Effects of the proposals on the character and appearance of the surrounding area;
- Quality of proposed accommodation for prospective residents;
- The impact of the development on the local highway network, access arrangements and parking;
- Sustainable transport measures;
- The effect of the development on ecology and biodiversity;
- Landscaping, public open space and green infrastructure (including trees)
- Sustainability credentials and the strategy to meet the challenges of climate change and reduce carbon emissions;
- Consideration of technical matters, including flood risk, drainage, land contamination, noise environment, odour and air quality;
- Local infrastructure impacts and s106 contributions to be secured

## **6.0 Principle and Location of Development**

Vale of Aylesbury Local Plan Policies:

S1 (Sustainable Development for Aylesbury Vale)

S2 (Spatial Strategy for Growth)

D-AYL115 Rabans Lane, Aylesbury

D1 (Delivering Aylesbury Garden Town)

D6 (Provision of Employment Land)

E2 (Other Employment Sites)

6.1 VALP Policy S1 requires all development to comply with the principles of sustainable development, as set out in the NPPF (i.e. to perform an economic role, social role and environmental role). The policy seeks to ensure all development is sustainable and follows the Framework's presumption in favour of sustainable development.

- 6.2 The spatial strategy for growth is set out through VALP Policy S2. The Plan makes provision for the delivery of at least 28, 000 new homes across the Plan period (2013 – 2033). This growth is to be concentrated in sustainable locations, such as Aylesbury, which is projected to accommodate 16, 207 new homes across this period. The spatial strategy for the area also makes provision for at least 27 hectares of employment land and associated infrastructure to support this planned growth.
- 6.3 The new homes required to support growth should be accommodated through the effective use of previously developed land in sustainable locations, this is set out in VALP Policy S7. The application site is previously developed land and is in a sustainable location.
- 6.4 The larger VALP site allocations AGT3, AGT4, AGT5 and AGT6 are key components to the delivery of planned growth for Aylesbury, and these allocations are expected to provide significant levels of new employment floorspace when detailed proposals come forward for these sites.
- 6.5 VALP Policy D1 identifies the application site, Rabans Lane (D-AYL115), as one of the smaller allocated sites in VALP, to accommodate Aylesbury’s planned housing growth. Notwithstanding that this doesn’t make reference to provision of employment land through the allocation, it is a sustainable location where strategic housing and employment growth is considered to be acceptable, as set out in VALP Policy S2. New employment land in this location will also further contribute to the employment growth that is needed and planned for Aylesbury, and by doing so the proposed development supports the Plan’s sustainable development objectives, as well as the NPPF.
- 6.6 Provision for employment growth to accompany growth in homes, in the Aylesbury Vale area is critical to the development of a sustainable Garden Town and such growth is expected to develop in accordance with the vision for Aylesbury Garden Town (VALP Policy D1). Some of the employment challenges to achieving this are to; deliver employment in the most sustainable locations to support and complement housing growth and produce mixed use development which reduces the need to travel; provide a diverse and flexible range of employment sites and premises for new and existing businesses, by maintaining a flexible supply of employment land and premises in Aylesbury; and encouraging existing companies to remain and grow within the area. This section will go onto discuss how the proposed development will help to address some of the employment challenges, and deliver growth in a way that is sustainable and addresses VALP Policy D1. This is discussed further below at paragraph 6.18.
- 6.7 Rabans Lane site allocation (D-AYL115) is allocated for 200 dwellings, and a range of site specific requirements are set out within Policy D1 for this site to come forward. The following are identified as key site specific requirements in any development proposal;

- The site will make provision for at least 200 dwellings at a density that takes account of adjacent residential character;
- Proposal should accord with the principles identified in Policy D1 Delivering Aylesbury Garden Town;
- Site should be accessed via Rabans Lane with the provision of pedestrian and cycle linkages to the existing gemstone routes through the site;
- Development must provide any transport improvements required including the provisions of a footpath along the length of Rabans Lane;
- A Transport Assessment will be required;
- Surface water modelling shall be undertaken and a strategy provided;
- An identified water supply constraint is likely to require infrastructure upgrade by Thames Water to serve the level of growth on site. An assessment of sewerage capacity will be required in consultation with Thames Water;
- Retain buffer of vegetation including enhancements of the deciduous woodland which is a priority habitat next to the railway and to the adjacent TW site as well as providing a buffer between the adjoining employment areas and housing provision.

6.8 Continuing provision of land and premises suitable for employment uses is needed, of a type and scale appropriate to the characteristics of the local area. This should provide sufficient opportunities for employment needs to be met locally. This will be achieved by the protection of suitable existing employment sites from other forms of development, existing commitments and allocations, as set out in VALP policies E1 and E2.

6.9 VALP Policy D6 supports employment development in sustainable locations, through the appropriate re-use or replacement of an existing building provided this is well designed, appropriate to its context having regard to the scale of the proposal, location and impact on the surrounding area. As set out below, it is considered the proposed development is laid out in such a way that it will provide appropriate replacement of the existing employment land on the eastern side of Rabans Lane, and situated within the 'key' Rabans Lane Industrial Estate.

6.10 'Key' employment sites are identified through VALP Policy E1; these larger sites are considered to contribute significantly to the employment land supply for B class uses. Due to this sites are safeguarded for appropriate class E, B2 and B8 uses, and other employment generating uses where these have an acceptable impact. Uses that do not provide direct, on-going local employment opportunities will not be permitted on these sites. The Rabans Lane Industrial Area is one of the identified 'key' employment sites protected by policy E1. It should be noted that this policy designation which safeguards existing employment generating uses applies to the smaller eastern parcel of land only. The larger western parcel of land, which in this proposal is where the majority of proposed housing is to be situated and the new employment floorspace is to located is outside of the designated 'key' employment area. This part of the application site is not protected for

employment uses through VALP Policy E1. The loss of this parcel as employment floorspace has already been accepted through the allocation of the site for residential development within the VALP (Rabans Lane site allocation -D-AYL115) in the adopted VALP, without any requirement for employment floorspace to be provided.

- 6.11 The NPPF sets out that economic objectives are an important element of the overarching objective of the framework, which is to achieve sustainable development. To help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.
- 6.12 In the context of achieving sustainable development objectives, paragraph 9 of the NPPF states that 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.
- 6.13 At the heart of the NPPF is a presumption in favour of sustainable development. However, 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.
- 6.14 Through policies set out in the framework the NPPF seeks to build a strong and competitive economy. Planning policies and decisions should help 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.
- 6.15 Paragraph 82 (d) of the NPPF states that planning policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.
- 6.16 Chapter 11 of the NPPF encourages local planning authorities to make the effective use of land in meeting the need for new homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. As much use as possible should be made of previously developed, or brownfield land.

6.17 Paragraph 122 of the NPPF states that, planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan, it should (a) reallocate the land for a more deliverable use that meets needs (as part of any plan update), and (b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

*Employment Land:*

6.18 The loss of the existing employment floorspace (c. 22, 575 sqm) from the western parcel of land is accepted. This loss of employment (without replacement) is supported by the VALP site allocation D-AYL115, Rabans Lane, as such this does not require further justification. This site allocation is intended to support planned housing growth, in respect of the western parcel of land only.



Figure 1.1 – Existing site

6.19 The eastern parcel of land, which is outside of the boundary of the site allocation (D-AYL115) is allocated as a 'key' employment site in the VALP, through Policy E1. The policy primarily supports uses within classes E, B2 and B8, and not other uses that do not provide on-going local employment opportunities. The proposed development would result in the demolition of 1 Rabans Lane (c. 4, 315 sqm of existing B class floorspace) and loss of employment from the 'key' Rabans Lane Industrial Area, and would see new housing coming forward on this site, as well as the neighbouring cleared site (former 2 Rabans Lane). The loss of this eastern parcel of land as employment land, which is sited on the fringes of, but within the 'key' Rabans Lane employment area, and its proposed replacement with housing is not in accordance with VALP Policy E1. However, the proposal seeks to mitigate this loss through the inclusion of replacement employment floorspace,



which is to be accommodated on the larger western parcel of land. The justification for the proposed approach, which is not in conformity with policies D-AYL115, Rabans Lane either, is addressed in the following paragraphs.



Figure 1.2 - Proposed site layout

- 6.20 While there is a conflict with Policy E1 with the intention to develop a parcel of employment land for residential, new, replacement employment floorspace is proposed on the western parcel of land, with 7, 500sqm of flexible B2 / B8 floorspace proposed at the western most end of the site. This replacement employment floorspace is within the residential site allocation D-AYL115. This provision of employment land would result in a net increase (of c.3, 185sqm) in B class employment floorspace across both the east and west parcels of land taken as a whole. While it is acknowledged that the inclusion of new employment floorspace on the western parcel of land is not a specific requirement of VALP Policy D1, site allocation Rabans Lane (D-AYL115), its inclusion seeks to off-set the loss of employment land as a result of development on the eastern side of Rabans Lane. There are demonstrable benefits to the inclusion of new employment floorspace as part of the redevelopment proposals which will be considered in more detail below.
- 6.21 The distribution of uses proposed does not fully accord with VALP policies D1 and E1, while acknowledging the policy conflict-the employment proposals would be beneficial as they will deliver a net increase overall in B class floorspace, replacing older employment floorspace with modern, high quality and flexible employment floorspace. This will have a positive impact on local employment opportunities, creating jobs for local people during the construction period and longer term when operational, and is an economic benefit of the scheme that is afforded positive weight. At the same time the proposals will also deliver the quantum of new housing that is required to accord with VALP Policy D1, and a policy compliant level of affordable housing which is a significant benefit of the scheme.

- 6.22 Approaching the site in a comprehensive manner, as is proposed, allows the proposed employment floorspace to be located at the western most end of the site. By arranging the land uses in this way it means a generous buffer is able to be created between the proposed housing and the neighbouring AHWRC and Thames Water treatment works, which by their very nature are nearby uses that have the potential to present residential amenity issues for future occupiers. The creation of this generous buffer and the separation this proposed layout achieves is welcomed from a residential amenity perspective, and it is considered this layout is logical and it will benefit future residents of the development and their amenity.
- 6.23 In response to initial comments raised by Economic Development Officers about the distribution of uses proposed not being fully aligned with planning policy, and a concern expressed about the proposed demolition of 1 Rabans Lane additional employment information was submitted by the applicant to further justify the approach that is being proposed.
- 6.24 The supporting employment information identifies that the age of the existing building at 1 Rabans Lane is a contributing factor why the distribution of uses has been proposed in the form set out. This existing building dates back to the 1960's and it said to be dated, inefficient in energy terms and obsolete in terms of layout. It is submitted these shortcomings mean that the building would not be attractive to the market in its current conditions and that it would be unviable to invest in its upgrade so that it could potentially be re-let on the open market. This type of larger, industrial / warehouse accommodation is said to not be desirable in this location. The market seeks edge of town, or out of town locations for larger sized units such as this, where they are closer to key transport links. The buildings at 2 Rabans Lane were demolished in 2012 as it was not possible to re-let them and this still stands as a vacant, cleared site.
- 6.25 The proposed employment floorspace would comprise of 18 units arranged as two terraces, ranging in floor area of between 200 and 500sqm. The proposed development has been designed to provide flexibility for end users to combine a number of units, should they require this. The wider Rabans Lane industrial area typically comprises units that are 50sqm up to 200sqm, so the size of the units proposed (and the in-built flexibility to adapt them to suit user needs) would provide ideal accommodation for tenants who are outgrowing existing premises within the industrial estate, and want to scale up, but who also want to remain in the area. The units are also likely to be of a size which will be attractive to businesses moving into the area who want to benefit from the lower rents of Aylesbury compared to other places and support SME businesses in Buckinghamshire's growing sectors.
- 6.26 AVE's land and commercial property portfolio comprises 125 units on the Rabans Lane Industrial estate, which is managed by Akeman Asset Management LLP (AAM). AAM have a

strong track record of allowing existing tenants to move to larger premises within their portfolio, and the same would apply with any existing business wanting to relocate from premises on the existing industrial estate to the proposed new B2 / B8 floorspace.

- 6.27 The evidence the applicant has submitted, to justify the nature and need for the proposed development, is provided in the form of an Employment Technical Note (Feb 2021). This indicates that the current commercial market within Aylesbury is pointing to relatively low availability of B-Class floorspace in the area. The current low level of vacancy and strong interest in any availability is indicative that there is a requirement for the additional B2 / B8 floorspace, and the proposed employment floorspace would fill a demand, providing the market with units of between 200 – 500sqm. There is a very low level of vacancy across the AVE portfolio in Aylesbury, between 0% - 2% in the last 2.5 years. This low vacancy rate gives confidence that there will be demand from the market for this proposed B-Class floorspace. The vacancy information submitted also shows that there is an established gap in the market for this type of grow on space, of units of 200-500sqm, which the proposal will help to fill.
- 6.28 The proposed B-Class employment floorspace can be expected to generate a greater number of jobs than the site currently does representing another economic benefit. Using the industry standard 'Employment Densities Guide' and based on floorspace and type of use class, the proposed development can be expected to generate between 160 and 208 jobs. The situation at present is that the existing unit on the eastern side of Rabans Lane employs c. 12-14 people. The larger existing unit on the western side of Rabans Lane employs c. 40-60 people, this is the allocated housing site and there is no requirement for the latter to be replaced within the policy. It can be expected therefore that there would be a significant net increase in the number of people employed across the site as a result of the proposed development, especially taking into consideration the loss of employment expected from the Rabans Lane site allocation (D-AYL115). The net increase in jobs that would be created is a planning benefit of the scheme which is afforded moderate weight.
- 6.29 Economic Development Officers are supportive of the employment proposals. The proposed investment into Aylesbury and the provision of further new, modern employment floorspace has been positively received, and is seen as encouraging especially as there is a general prevalence of older, not fit for purpose stock in the area. This also aligns with the Buckinghamshire Economic Recovery Plan, which is built on the foundations of the Local Industrial Strategy and which is supportive of local investments and offering choice to businesses and supporting start-ups and SMEs as the dominant business size in the Buckinghamshire economy.
- 6.30 The provision of new housing and new modern employment floorspace would make effective and efficient use of previously developed brownfield land and will help to contribute to delivering two of the main threads of sustainable development, as supported by the development plan policies and the NPPF.

6.31 Whilst it is recognised the distribution of land uses proposed is not fully in accordance with VALP policy, for the reasons outlined above the proposal reflects a comprehensive redevelopment of the allocated site and the land immediately around. As discussed, there are a number of evidenced benefits that emerge from this proposal. There is strong justification supported by evidence provided by the applicant for the introduction of B-Class employment floorspace to the allocated site on the western side of Rabans and the use of the eastern parcel of the site for housing delivery. The proposed approach while not fully in accordance with the VALP in terms of the arrangement of uses proposed does not hinder the delivery of new housing. The proposals can still deliver a scheme of up to 200 dwellings that fulfils the policy requirements of allocation D-AYL115 in terms of housing delivery, and when taken as a whole, the proposal across both sites still meets the aspirations of VALP. The identified conflict with the VALP is outweighed by the economic benefits that will arise. This is subject to other material considerations, such as residential amenity, and highway impacts as set out within this report.

### **Housing Need, Affordable Housing and Housing Mix**

Vale of Aylesbury Local Plan Policies:

S2 (Spatial Strategy for Growth)

H1 (Affordable Housing)

H6a (Housing Mix)

H6c (Accessibility)

- 6.32 The objectives and vision of the VALP include, provision to be made for balanced sustainable growth which will deliver new housing and jobs to meet the needs of new and existing residents, and that provision is made for the housing and employment needs of the new and existing population.
- 6.33 VALP policy S1 states that all development must comply with the principles of sustainable development set out in the NPPF (i.e. play an economic role, a social role and an environmental role) and contribute positively to meeting the vision and strategic objectives for the Aylesbury Vale area, and fit with the intentions and policies of the VALP.
- 6.34 VALP makes provision for the delivery of at least 28, 600 new homes over the planned period. In accordance with the spatial distribution Aylesbury is expected to accommodate the greatest proportion of this housing growth, with the growth of 16, 207 new homes, as set out in VALP Policy S2.
- 6.35 One of the aims of the NPPF is to significantly boost the supply of housing and the advice is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 8 of the Framework sets out that achieving sustainable development means supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.

*Housing Need:*

- 6.36 The 2021 Five Year Housing Land Supply Position Statement for the Aylesbury Vale area shows that the Council can demonstrate 5.47 years' worth of deliverable housing supply against its local housing need in this area. 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.
- 6.37 This allocated site is included in the trajectory for deliverable housing sites and calculation for the 5 years' worth of deliverable housing supply against its local housing need. Delivery of this important housing allocation will help to meet planned growth for Aylesbury, over the Plan period. The adopted VALP shows that the proposal would contribute to housing land supply within the next 5 years and would assist in there being an adequate supply to meet objective needs.
- 6.38 There is no reason that the site could not be delivered within the next five-year period which would be a benefit in terms of meeting the on-going need for housing.

*Affordable Housing:*

- 6.39 VALP Policy H1 states that residential developments of 11 or more dwellings gross or sites of 0.3ha or more will be required to provide a minimum of 25% affordable homes on site. There are no relevant Neighbourhood Plans which would indicate a higher level of affordable housing is required. Therefore 25% affordable housing is an acceptable level for this site. The type, size, tenure and location of affordable housing will be agreed with the council, taking account of the council's most up-to-date evidence on housing need and any available evidence regarding local market conditions.
- 6.40 Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.
- 6.41 The proposal is for 25% of all homes on site to be affordable housing, though the tenure split has not been confirmed at outline stage this would be secured through the S106 agreement. It is stated in the submission that affordable homes would be interspaced with market housing and would be indistinguishable visually, effectively this would be a tenure blind development. An affordable housing plan shall be secured through s106 agreement to demonstrate this. To comply with VALP housing policies the new homes shall include 15% Category 3 of Document M wheelchair accessible housing and remainder to meet Category 2, accessible / adaptable housing. Details of this to be secured either through planning condition or s106 agreement.
- 6.42 Accordingly, in terms of overall provision of affordable homes there is no conflict with VALP Policy H1. The overall offer of 25% of units as affordable homes would accord with adopted

policy, the NPPF and provide a policy compliant level of affordable housing. This would create mixed and balanced communities and is a significant benefit of the development.

#### *Housing Mix:*

- 6.43 VALP Policy H6a states that the housing mix for new developments will be negotiated having regard to the council's most up-to-date evidence on housing need, available evidence from developers on local market conditions and shall be in general conformity with the council's latest evidence and Neighbourhood Development Plan evidence where applicable for the relevant area.
- 6.44 As this is an outline proposal with all matters reserved apart from access, the final housing mix is a detail that would come forward at Reserved Matters stage, and these further details are to be the subject of a condition. The indicative mix that has been provided for the outline application is as follows, and this seeks to acknowledge the housing requirement for more two and three bedroom dwellings:
- 1bedroom dwelling up to 20%
  - 2bedroom dwelling up to 35%
  - 3bedroom dwelling up to 50%
  - 4bedroom dwelling up to 30%

#### *Accessibility:*

- 6.45 VALP Policy H6c states that all development will be required to meet and maintain high standards of accessibility so all users can use them safely and easily. The policy sets out requirements for accessible and adaptable dwellings which will need to be demonstrated as being complied with. As this is an outline proposal with all matters reserved apart from access it has not been demonstrated that the relevant accessibility standards are met. The applicant acknowledges this point by, stating that "in accordance with Policy H6c of the VALP, all the dwellings would meet category 2 accessible and adaptable dwelling standards". To ensure conformity with policy H6c accessibility standards a planning condition is recommended to secure this provision, and policy compliance would need to be demonstrated at Reserved Matters stage.
- 6.46 Having regard to the above matters it is considered that the development would make a significant contribution to housing supply and the provision of a policy compliant level of affordable housing, which could be secured via S106 agreement. This accords with VALP Policy H1, the NPPF and will be a significant benefit of the development. The tenure split, dwelling mix and location of affordable and market housing will also be secured through the s106 agreement and / or use of planning conditions, as appropriate.

## Transport matters and parking

Vale of Aylesbury Local Plan Policies:

T1 (Delivering the Sustainable Transport Vision)

T3 (Supporting Local Transport Schemes)

T4 (Capacity of the Transport Network to Deliver New Development)

T5 (Delivering Transport in new Development)

T6 (Vehicle Parking) and Appendix B (Parking Standards)

T7 (Footpaths and Cycle Routes)

T8 (Electric Vehicle Charging)

- 6.47 VALP policies T4 D-AYL115 require that the application is supported by a Transport Assessment (TA) to demonstrate that the impact of the development is acceptable. The submitted TA considers highways and transport matters associated with the proposed development. This TA was updated during the course of the application's consideration, an Addendum was submitted in March 2021. To supplement the TA, a Framework Travel Plan has also been developed and is to be considered alongside the TA.
- 6.48 NPPF Paragraph 110 advises the following: "In assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport can be, or have been taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - d) 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"
- 6.49 Paragraph 111 of the NPPF states that: "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 6.50 Paragraph 113 of the NPPF states that "All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."
- 6.51 The proposed development is located to both the east and west of Rabans Lane, in close proximity to the existing Rabans Lane junction with Brunel Road. Rabans Close is located immediately south-west of the site.

*Access:*

- 6.52 As proposed, to serve the employment development two new vehicular accesses from Rabans Close (each 7.3m wide) will be provided, 70m apart. Adequate visibility splays are

achieved from both of these accesses. These are solely to serve the employment development. Internally, there will be an access road that will loop around this part of the site providing access to all units and the associated parking and servicing areas. A new pedestrian footpath is to be provided along the Rabans Close site frontage, and this will extend into the site at both access points to provide pedestrian access.

- 6.53 Access is a detailed matter for which approval is being sought as part of the outline proposals. To serve the residential development access will be provided to each of the two sites from new priority junctions with Rabans Lane via right turn lanes. To serve the western parcel a 6m wide access is included, and to serve the eastern parcel a 9.5m wide access is included. Adequate visibility splays are achieved from both new access points. The existing vehicular access points with Rabans Lane would be closed up.
- 6.54 Highway officers are of the view that the proposed accesses of Rabans Lane and Rabans Close have adequate capacity for the proposed development.
- 6.55 The illustrative Site Plan layout is based on a grid pattern arrangement of connecting internal roads, this revised layout is the end result of considerable discussion between the Councils Urban Design specialist, Highway Officers and the applicant. It has been demonstrated that minimum road widths of between 5.5m and 6m can be provided on the internal primary routes, and minimum road widths of 4.8m can be provided on the internal secondary routes. This allows for greater manoeuvrability at critical points and is acceptable, as demonstrated by tracking drawings provided. The detailed design of the internal roads and crossings (internally) would be considered further at reserved matters stage when layout details come forward. It is expected that the details of layout to follow as part of a reserved matters application will be aligned with the general guidance found within Manual for Streets and should reflect discussions that have taken place to date. It shall be demonstrated that the internal street design complies with Manual for Streets.
- 6.56 All roads (internally) will need to be designed to accommodate an 11.2m refuse vehicle, this is in line with Buckinghamshire Council standards. This has been shown to be achieved, based on the indicative site layout, notwithstanding this, vehicle tracking should be provided as part of any future Reserved Matters application to demonstrate this is still achievable.
- 6.57 Pedestrian access to the residential development is provided via a continuation of the footways from Rabans Lane through each site access. Additional pedestrian and cycle access points are to be provided from Rabans Lane and Rabans Close to serve the larger western parcel; in total there will be four additional pedestrian and cycle access points. The eastern parcel will also benefit from a new pedestrian and cycle access from Brunel Road. These new access points will help to improve pedestrian and cycle connectivity in the area. Internal footway widths of 2m have been shown to be accommodated on the Illustrative Masterplan, which is acceptable, and this shall be confirmed at reserved matters stage.



6.58 As part of the aforementioned pedestrian access proposals a 3m wide footway / cycleway with 2m verge will be provided adjacent to Rabans Lane eastbound, either side of the site access. This will maintain the existing route of the Emerald Way and ensures connectivity to existing local footway and cycleway networks. As the footway turns the corner into Rabans Close it reduces to 2m wide.

*The Gardenway Route:*

6.59 The newly proposed Gardenway - *'an orbital park and walking, cycling and wheeling avenue encircling Aylesbury'* is intended to run adjacent to the site, and after further discussions and consultation with the Gardenway Team the applicant has agreed to futureproof the site and safeguard an area along the front of the site to connect with this route in the future. The Tiger Crossing proposed along Rabans Lane will help provide a safe connection between the site and the surrounding area. These improvements would help to increase the attractiveness of more sustainable modes of transport and would assist in reducing the use of the private motor vehicle, in turn reducing pressure on the local highway network.

6.60 In order to help secure future delivery of this route, it has been agreed with the applicant that the existing footway along the site front will be upgraded to a 3m wide footway/cycleway, and a raised table provided within the site entrance. The additional land required to upgrade this area to Gardenway standards will be safeguarded in the event the Gardenway proposals come forward along this section of Rabans Lane, and this is secured by planning condition. This addresses VALP Policy T1 as it will assist in the delivery of pedestrian, cycle and public realm improvements to deliver the Aylesbury Garden Town vision.

6.61 The fact the proposals have been developed to accommodate the Gardenway in the future, should that sustainable transport scheme come forward, are a benefit both in terms of sustainability and connectivity.

*Parking:*

6.62 It has been demonstrated that vehicle parking can be provided at an appropriate standard, in line with VALP Policy T6 (and Appendix B: Parking Standards), and paragraph 105 of the NPPF.

6.63 A total of 179 parking spaces are proposed to serve the employment development, including appropriate disabled parking and electric vehicle parking provision. Whilst this is in excess of standards the approach allows flexibility to respond to future demand and user demand, and is an approach accepted by Highway officers.

- 6.64 The illustrative Site Plan for the outline residential development demonstrates that up to 449 parking spaces could be accommodated to serve the quantum of residential development proposed (up to 200 dwellings). Of this total, 289 spaces could be allocated and 160 un-allocated. Parking can be provided in different ways in the layout indicated, consisting of; allocated perpendicular bays, allocated tandem bays, unallocated parking court bays, other / unallocated visitor perpendicular and parallel parking bays. The total number of parking spaces indicated is slightly in excess of adopted standards, by some 14%. Highway officers raise no concerns with this level of provision. It is acknowledged that this is not the final number of parking spaces that will serve the development. When detailed Reserved Matters proposals relating to layout come forward, with further details of the housing mix also confirmed the parking requirements will be subject to further review and there is flexibility at this detailed design stage to reduce the number of spaces overall as required, as well as reduce the number of tandem bays (if that is preferred), or alter the over mix of parking bay types and/or reduce the overall number of spaces as appropriate.
- 6.65 Electric vehicle charging provision is included; the employment development proposes 10% of the total parking provision will be designated for electric vehicle charging, and the residential scheme will provide 1 electric charging bay per dwelling house and designate 10% of the apartment parking areas as electric vehicle charging. This is in accordance with VALP policy T8, and such provision is to be secured by planning conditions.
- 6.66 Cycle parking is proposed for the employment development; 20 covered cycle spaces are included. Residential cycle parking provision isn't identified in any level of detail in the outline proposals; however, this is a detail that can be addressed at Reserved Matters stage.

*Traffic Modelling:*

- 6.67 In their consideration of the proposal Highway Officers requested that further modelling data be provided, including the flows from the Aylesbury Strategic Model, to help assess the impact on the existing network and identify if any mitigation is required. Further clarification was sought over differences between the distribution of the vehicle movements to and from the employment and the residential aspects of the site that are contained in the original TS. Raw traffic data was requested to test its accuracy, and confirmation that the traffic queue data was representative of the current situation.
- 6.68 With regards to the query raised about the distribution of the traffic at the Rabans Lane/Bicester Road roundabout, the applicant's consultant has explained that this is down to two different data sets being used. Highways officers are satisfied with the explanation. The raw traffic data requested has been provided, and Highway Officers raise no further questions.
- 6.69 Further modelling assessments including the Aylesbury Strategic Model have now been undertaken for a number of scenarios. This modelling shows that the main areas for

concern are the Rabans Lane/Brunel Road mini roundabout and the Rabans Lane/Bicester Road mini roundabout, outside of this immediate local road network the impact diminishes.

- 6.70 With regards to the Brunel Road mini roundabout junction and capacity issues identified in the AM peak, the applicant proposes a scheme to remove the roundabout and replace it with a priority junction with the major arm running from Brunel Road to Rabans Lane north. This priority junction is shown to alleviate any capacity issues in both the AM and PM peaks, and would overcome Highways concerns in this location.
- 6.71 Vehicle tracking has been undertaken to ensure that the proposed junction works to the Brunel Road mini roundabout can accommodate all large vehicles likely to visit the site. This tracking shows that a 16.5m long articulated vehicle could use the junction in all directions without interfering with the opposite carriageway.
- 6.72 The TA Addendum includes a Road Safety Audit (RSA) for the whole site, including the Brunel Road/Rabans Lane junction alterations, as discussed. Overall, Highway Officers are satisfied the problems highlighted within the RSA have been addressed, or can be addressed at the detailed design stage. It is the Council's preference that these highway works are undertaken by the applicant and overseen by the Council under a S278 agreement. The applicant is amenable to this arrangement. A planning condition is recommended which secures these works prior to the occupation of the 50<sup>th</sup> dwelling, this will ensure timely delivery of works ahead of the development being completed.
- 6.73 The RSA shows further capacity issues at the Bicester Road/Rabans Lane mini roundabout. The assessment shows that the vehicles from the proposed development would have minimal impact on this junction when compared to the existing issues and the background traffic flows. Whilst the impact at this junction would not be enough to warrant the applicant undertaking the signalisation of this roundabout, Highway Officers do consider it justifiable to seek some contribution towards the 'A41 Bicester Road Primary Public Transport Corridor' (PPTC) scheme. Due to the strategic nature of the local highway network to the north of the site it has been agreed to seek a financial contribution of £45,000 based on 4% of the total cost of the potential works, and this is to be secured through s106 agreement.

#### *Travel Plan:*

- 6.74 A Framework Travel Plan (FTP) has been submitted, which sets out the measures proposed to promote non-car modes of travel for the development. The main aims of the FTP are to; Reduce the traffic generated by the development, and Promote healthy lifestyles and a sustainable, vibrant local community
- 6.75 The FTP confirms the sustainable travel measures to be implemented as part of the build design and marketing proposed to encourage sustainable travel amongst the eventual occupants. The Travel Plan will be implemented by the developer(s)/end users of the site in liaison with Buckinghamshire Council.
- 6.76 Full and further developed Travel Plans for both the employment development and the

residential development are to be secured by conditions, and will be subject to future monitoring and review.

6.77 In summary, there are no outstanding concerns from a highway perspective, subject to recommended planning conditions and the following s106 obligations being secured, that will make the development acceptable in planning terms;

- £45,000 (BCIS indexed) to be used towards the future signalisation of the Rabans Lane/Bicester Road or other works identified within the A41 Primary Public Transport Corridor improvement scheme;
- £150,000 (BCIS indexed) to be used towards the provision of a new Tiger crossing on Rabans Lane (exact location to be determined);
- £2,500 (BCIS indexed) towards the S106 Agreement monitoring
- £1000 (BCIS indexed) per annum for 5 years for the auditing of the Travel Plan (£5,000 in total from this site)

### **Raising the quality of place making and design**

Vale of Aylesbury Local Plan Policies:

BE2 (Design of New Development)

BE4 (Density of New Development)

D1 (Delivering Aylesbury Garden Town / D-AYL115, Rabans Lane, Aylesbury)

Aylesbury Garden Town Masterplan (2020)

6.78 The focus of VALP policy BE2 (Design of New Development) is on local distinctiveness, and development is required to be appropriate to its context; and individual identity that either complements or forms an attractive contrast with its surrounding is encouraged.

Furthermore, the site specific requirements of allocation D-AYL115 are that proposed density should take account of the adjacent residential character to the north of the railway line. Proposals should also take account of the design and delivery principles for Aylesbury Garden Town, identified in VALP Policy D1.

6.79 The NPPF sets out that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development.

6.80 The rationale for the indicative, proposed design and layout is set out in detail in the Design & Access Statement and the addendum Design and Access Statement, submitted in March 2021.

### *Employment Development (Full application):*

6.81 Arranged over two parallel blocks the proposal will accommodate 18 new employment units for B2 / B8 use (with ancillary B1(a) floorspace). The proposal is for a range of different unit sizes to meet a range of different end user needs. The layout offers flexibility as there is also the ability to combine units in order to meet future tenant demand. Block A is single storey, and c.8.32m in height. Block B accommodates a mezzanine floor and is c.

9.98m high. These building heights are in keeping with the character of the surrounding industrial estate, and there is also a functional need to provide a minimum 5m high clearance for the servicing / delivery entrances. The delivery / servicing entrances are inward facing and are not faced towards the residential part of the site.

- 6.82 Both blocks A and B run parallel to the north-west site boundary and are surrounded by internal access road, circulation routes, parking and servicing areas. Function dictates that the site needs to be predominantly hard surfaced for access, parking, servicing and circulation requirements. Landscaped areas are proposed around the site edges primarily, and small pockets of landscaping have been incorporated throughout the rest of the site, where these are feasible. Appreciating that there are certain operational requirements to ensure the site can effectively operate, the soft landscaping proposed will help to soften the overall layout without compromising the end use and strikes an appropriate balance. A landscaped strip between the edge of the employment area and the western boundary of residential area is shown to be included. This is an important landscape feature as it will help provide separation and screening between the two different uses, and details of robust, structural landscaping will be expected to be proposed here as part of any detailed reserved matters application relating to landscaping. This will help ensure a strong landscaped edge is created between the employment and residential uses. Details of hard boundary treatment (i.e. fencing) for this part of the site are also secured by condition.
- 6.83 The employment part of the site directly adjoins the landscaped green corridor running adjacent to the railway, along the northern boundary. This provides a link to the residential part of the site, and the pedestrian and cycle route that is to run through this part of the site, and connecting to Rabans Lane. Connections to the Emerald cycle way and the aspirational Gardenway route will also be improved due to the proposed layout. 6.84
- The materials palette for the employment development will be in keeping with the surrounding industrial character. External cladding systems are proposed for external walls and roofs. Elevations are broken up with the incorporation of glazing areas and roller shutters. This approach is appropriate in this context. Further details of finished materials are to be secured by planning condition to ensure a high quality development is achieved.

*Residential Development (Outline application):*

- 6.85 All matters are reserved at outline stage except for access, the outline application does not provide any detail to be approved at this stage regarding layout and built form. The proposal has been assessed against indicative plans submitted, in particular the amended illustrative site plan, Landscape Strategy and addendum to the Design and Access Statement.
- 6.86 The illustrative plans submitted are not being treated as the final layout of the scheme, but does help to demonstrate how the proposed quantum of development can be accommodated on site in an acceptable form and layout.

- 6.87 VALP policy BE2 sets out that good design of the built environment and landscape as part of new development is a key priority in preserving and enhancing the quality of the built environment in Aylesbury Vale. A design-led approach is required that respects the vernacular character of towns and villages. New developments should respect existing character. It is also vital that new development reflects the scale and characteristics of its surroundings and adds to the built quality of the area.
- 6.88 In accordance with policy BE2 all new development proposals shall respect and complement the following criteria:
- a. The physical characteristics of the site and its surroundings including the scale and context of the site and its setting.
  - b. The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials.
  - c. The natural qualities and features of the area, and
  - d. The effect on important public views and skylines.
- 6.89 The importance of good design is also reflected within the NPPF (Chapter 12). Paragraph 126 of the Framework states the following; “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”.
- 6.90 Paragraph 130 of the NPPF provides a range of criteria (a-f) against which new development should be assessed to ensure that developments are delivering well designed places. This includes, ensuring that development is visually attractive, sympathetic to local character, establish a strong sense of place, optimise the potential of the site (including green and other public space) and creating places that are safe, inclusive and accessible.
- 6.91 The Framework goes onto say at paragraph 134 that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 6.92 The outline, residential element of the proposal provides for a mix of housing typologies (including housing and apartments) at two and three storeys in height to deliver up to 200 new homes. This equates to up to 64 units on the eastern parcel, at a density of 51.7 dwellings per hectare (dph). Within the western parcel, up to 136 units are provided at density of 28.6 dph. This equates to an overall density of 33 dph across the site as a whole.
- 6.93 The taller three storey buildings indicated are dispersed across the site, and in some cases are shown closer to existing industrial buildings and proposed as a transition between the larger massing of existing non-residential buildings within the surrounding industrial area. Three storey residential buildings are proposed at the western most end of the site to separate the western parcel of land from the proposed new employment area further to the west. Lower densities are proposed within the centre of the site, where the main public open space is indicated as being provided, and also buildings close to the green corridor

will also be predominantly two storeys.

- 6.94 While matters of scale, density and massing are reserved for future consideration the outline application is supported by a Design and Access Statement (DAS) (including Addendum, submitted in March 2021). The Addendum contains a series of indicate section plans to demonstrate storey heights across the site. Any future Reserved Matters application concerning matters such as building heights and density shall be in general conformity with the Addendum (and original DAS). This will help ensure a high quality development comes forward at Reserved Matters stage, and which contains appropriate building heights, buildings of an appropriate scale and form along with a suitable layout and adequate public open space provision.
- 6.95 A large central area of public open space is shown that would serve the development, this is large enough in area to incorporate a Local Equipped Area for Play (LEAP). The eastern parcel of land is to incorporate a smaller Local Area for Play (LAP). There are also a number of green landscaped areas that flank the edges of the site, along Rabans Lane, Rabans Close and the illustrative site plan accommodates a green corridor along the northern edge of the site, running alongside the railway, which will provide opportunities for informal use. All new houses will also be afforded private amenity areas. The illustrative site plan and public open space plans demonstrates that based on the indicative layout sufficient amounts of Major Open Space (MOS) and Incidental Open Space (IOS) can be accommodated on site to support the quantum of development proposed, this accords with the accessible natural greenspace standards (ANGSt) set out in VALP policy I1. Planning conditions will secure this minimum level of open space provision is delivered as part of any Reserved Matters applications that come forward and its future management and long term maintenance secured through s106 agreement.
- 6.96 The illustrative site plan has evolved following input from the Councils Urban Design specialist, notwithstanding that detailed design (appearance) of the proposal is a reserved matter. A number of areas of concern were raised initially, this following review of the scheme layout originally submitted, and these concerns were resolved following a number of productive meetings with the applicants, culminating in the revised site layout indicated. Should outline permission be forthcoming, it is encouraged that further discussions take place with the Council's Urban Design specialists and relevant officers, to ensure a high quality and well considered scheme is presented in any future Reserved Matters applications.
- 6.97 In summary, it is considered the indicative outline residential proposals are appropriate in terms of layout, scale and density. Development of this site would provide an acceptable transition between the Rabans Lane Industrial Area and the established residential area on the northern side of the railway line. It would deliver a quantum of new housing that satisfies the VALP site allocation and optimises the potential of the site, as required by the NPPF. It is concluded the outline proposals are capable of delivering a high quality and sustainable development, appropriate for the location and context. The detailed employment proposals are appropriate in this context, and their appearance will be in

keeping with the surrounding commercial area. The arrangement of employment and residential uses on the site makes effective and efficient use of this brownfield site, in accordance with the policies in the VALP and the NPPF.

### **Amenity of existing and future residents**

Vale of Aylesbury Local Plan Policies:

BE3 (Protection of the amenity of residents)

NE5 (Pollution, air quality and contaminated land)

*Amenity of prospective residential occupiers:*

- 6.98 VALP Policy BE3 seeks to ensure that good standards of amenity are provided for future residential occupiers, stating that planning permission will not be granted where the proposed development will not achieve a satisfactory level of amenity for future residents. The NPPF also refers to the need to achieve well-designed places, and that developments should achieve a high standard of amenity for future occupiers.
- 6.99 VALP Policy NE5 states that applicants may be required to submit a noise impact study or to assess the effect of an existing noise source upon the proposed development, prior to the determination of a planning application.
- 6.100 A Noise Assessment Report (NAR) has been provided, this was updated during the course of the application to take into account the (indicative) revised site layout. This NAR considers the potential noise impact of existing transportation noise sources, together with any impacts of the existing and proposed employment uses in the vicinity, on the proposed development. The methodology for the assessment was agreed with Environmental Health Officers, with an expectation that further noise assessments will be undertaken for the residential development at Reserved Matters stage.
- 6.101 The NAR concludes that with the recommended mitigation measures appropriate internal noise levels can be achieved for all dwellings and in all residential garden areas. The recommended mitigation will reduce noise levels to acceptable levels, and these details can be secured through use of conditions.
- 6.102 Environmental Health officers have assessed the proposal from a noise environment perspective and note that the NAR indicates that the site is subject to significant noise intrusion from road traffic, rail and existing industrial sources. The relationship of the proposed residential development to existing commercial / industrial buildings situated in close proximity to the eastern parcel have been considered through the NAR. Appropriate mitigation can though adequately deal with these impacts, there are, therefore, no noise objection raised by environmental health officers in principle to the proposed residential development, subject to appropriate conditions. It is recommended that a pre-commencement condition is secured requiring the approval in writing of the proposed



noise mitigation measures, including any necessary ventilation requirements. This is necessary to protect the residential amenity of future occupiers of the development, but also to ensure that any impacts arising from existing noise sources should be taken into account in the design of the mitigation for the individual residential buildings.

- 6.103 It should be noted that the acoustic assessment was carried out in a period when due to Covid-19 restrictions it was not possible to carry out any representative noise monitoring on the site and therefore some assumptions regarding the existing noise climate have had to be made, as previously mentioned this methodology was agreed with Environmental Health Officers. The final scheme of mitigation required will need to be verified by on site monitoring when details of the building structures and internal room layout are further developed, and this is expected at Reserved Matters stage.
- 6.104 There are no overriding concerns that future residents will not receive adequate daylight / sunlight conditions. The site can accommodate development in a layout that will ensure daylight / sunlight conditions within the site are not compromised for future occupiers. It is expected that appropriate daylight and sunlight studies would be provided to confirm this at Reserved Matters stage.
- 6.105 It has been confirmed that all dwellings will be designed to be of a size to meet the criteria set out in the Nationally Described Space Standards.
- 6.106 Notwithstanding that layout, scale and appearance are Reserved Matters, at this stage it is not envisaged that the proposed development would unduly harm the residential amenities of existing nearby occupiers. No residential properties are situated immediately adjacent to the application site for this to be of concern. The closest existing residential properties are to the north, on the opposite side of the railway line.

## **Environmental issues**

Vale of Aylesbury Local Plan Policies:

NE5 (Pollution, air quality and contaminated land)

C3 (Renewable Energy)

### *Contaminated land:*

- 6.107 VALP policy NE5 is relevant, this seeks to ensure that unacceptable risk to people's health, the natural environment or water quality is not posed by development proposals. Contaminated land assessments are often required to demonstrate conditions and establish if remediation is required.
- 6.108 The application is supported by a Phase I Geo-Environmental Desk Study Report (July 2020). This report concludes that due to previous uses on the site and due to the presence of a number of other potential sources of contamination such as above ground storage tanks, made ground and asbestos the overall risk present at the site is assessed to be

moderate. In light of this, Environmental Health Officers recommend that a Phase II Intrusive Investigation is completed at the site in order to accurately quantify these risks and to establish if any remedial works are required prior to redevelopment taking place. This can be secured by use of planning condition(s) where appropriate.

*Air quality:*

- 6.109 Environmental Health Officers are satisfied with the methodology used to underpin the AQA. During the construction phase it is concluded that the risk of dust and the human health effects are not negligible for all the activities which will be undertaken during this phase of the development. Therefore, site specific mitigation will need to be implemented to ensure the dust effects from these activities will be 'not significant'. The recommended mitigation measures, such as the requirement for a Dust Management Plan during construction can be secured through planning condition (s).
- 6.110 For the operational phase of the proposed development the AQA predicts the concentrations of nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) at the existing identified sensitive receptors within the opening year of the proposed development, at 2021, and for a future year of 2034 both with and without the proposed development. Results from these assessments show that all predicted NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations are below the relevant objectives and limit values. It is therefore concluded that the effect of the proposed development on human health is 'not significant'. Environmental Health Officers confirm their agreement with these AQA findings.
- 6.111 The scheme also proposes to incorporate measures which would further reduce emissions, for example, the provision of electric vehicle charging points on site and the provision of a Travel Plan to promote more sustainable modes of travel.

*Odour:*

- 6.112 The Aylesbury Household Waste Recycling Centre (AHWRC) is located to the north west of the site and the Thames Water sewage treatment works are to the north west (c. 200m away). Whilst there is a potential that the proposed dwellings could be affected by odours from the sewage plant it is considered this is only likely to occur very occasionally, and the advice from Environmental Health Officers is this would not be considered significant, only occurring under very specific atmospheric conditions. They also confirm that no complaints in relation to odour from the sewage works have ever been received from either the businesses or residences located to the south east of the sewage works.
- 6.113 Thames Water have made comments on the application and have requested the applicant undertakes and provides an Odour Assessment to assess site conditions (due to the proximity of the treatment works). This request was duly considered and advice sought from Environmental Health Officers about its necessity and reasonableness. Advice

received from Environmental Health is, given that there is existing housing much closer (approximately 80m) to the sewage works which is a location far more likely to be affected by the prevailing wind it would be difficult to justify asking for an Odour Assessment for this site, or indeed implementing any of it's findings.

- 6.114 With regard to the AHWRC site the nature of the waste disposed at this site and the fact that it is not stored for prolonged periods on the site limits the potential impacts from odour. Again, there is existing housing closer to this site and the proposed properties will be located behind the proposed employment units at the western most end of the site. For these reasons Environmental Health Officers do not consider odours from this nearby site to be a potential amenity issue for future residents.

*Utilities:*

- 6.115 A fuel pipeline runs close to the site's north west boundary. The applicant has engaged with the pipeline owner (Exolum) about the extent of works proposed in the north west part of the site to see if the pipeline would be affected. No objection is raised to the proposal.
- 6.116 Thames Water have requested planning conditions, relating to the impact of residential development on the water network infrastructure capacity. It is recommended such conditions be secured.

*Sustainability and energy strategy:*

- 6.117 VALP Policy C3 is relevant; this states that all development schemes should look to achieve greater efficiency in the use of natural resources including measures to minimise energy use, improve water efficiency and promote waste minimisation and recycling. Developments should also minimise, reuse and recycle construction waste wherever possible. Planning applications involving renewable energy development will be encouraged provided that there is no unacceptable adverse impact. In seeking to achieve carbon emissions reductions, the council will assess developments using an 'energy hierarchy' (Be Lean, Be Clean, Be Green).
- 6.118 At the heart of the NPPF is a presumption in favour of sustainable development, and to achieve this development shall mitigate and adapt to climate change, and support a reduction in carbon emissions.
- 6.119 Energy and carbon savings are to be achieved through passive design and energy efficient design features (Be Lean). No existing decentralised energy networks are located near to the site to which a future connection could be deemed possible (Be Clean). The search area is set out in the Energy and Sustainability Statement, this document also contains justification why it is not deemed to be economically feasible to install a CHP unit on site.
- 6.120 Means of reducing energy and carbon emissions for the development have been explored, through the use of renewable technologies (Be Green). Of the renewable technologies

considered Air Source Heat Pumps (ASHP) are considered most viable for the residential development.

- 6.121 For the development as a whole it has been demonstrated that there is potential for a total of 20.31% carbon reduction from a base Part L (2013) compliant build. Further details of the final Energy and Sustainability Strategy for the residential development would need to be provided at Reserved Matters stage and secured through planning condition(s).
- 6.122 The applicant has set out that the residential development will meet the relevant water efficiency requirements set out in policy C3, achieving a limit of 110 litres/person/day. This is to be secured by planning condition.
- 6.123 Electric vehicle charging provision is being accommodated, it is proposed that 10% of all parking spaces for both the employment development and 10% of all spaces for the residential development will be active electric vehicle charging spaces. This accords with VALP policy T8. This provision is welcomed and shall be secured by planning conditions.

### **Flooding and drainage**

Vale of Aylesbury Local Plan Policies:

I4 (Flooding)

I5 (Water Resources and Wastewater Infrastructure)

- 6.124 Development proposals should minimise the impacts of and from all forms of flood risk, and VALP policy I4 sets out a criteria based approach for how this should be done, depending on the size of the site and whether a site is located in Flood Zone 1, 2 or 3. All development proposals must adhere to the advice in the latest version of the SFRA in terms of Sustainable Drainage Systems (SuDS). The impacts of climate change should be taken into account also as part of this.
- 6.125 Paragraph 167 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere. 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.
- 6.126 Paragraph 169 of the NPPF says that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should amongst other things, a) take account of advice from the Lead Local Flood Authority (LLFA).
- 6.127 A Flood Risk Assessment (FRA) supports the application, and this sets out that according to Environment Agency mapping the site is located within Flood Risk Zone 1; having a less than 1 in 1000 annual probability of river or sea flooding in any given year. Residential ('more vulnerable') development is considered appropriate within Flood Zone 1.
- 6.128 Environment Agency mapping also confirms the site has a very low to high risk probability of surface water flooding, with the majority of the site at low risk. Small pockets of

medium and high risk areas exist on site, and these can be addressed as part of the proposed sustainable drainage system for the developed site. The risk from ground water flooding on site is considered to be low, this is based on investigations undertaken into existing boreholes on the site.

- 6.129 The proposed (indicative) surface water drainage strategy splits the site into three separately defined sites' (A, B and C). Each section will manage surface water within that specific area, and discharge to the existing Thames Water surface water drainage network. It is noted that infiltration has been discounted as there is risk of contamination due to the past uses of the site; therefore, the LLFA has not requested infiltration rate testing.
- 6.130 Site A; The commercial area of the development will manage surface water runoff via permeable paving, bio-retention areas, rain gardens and underground attenuation. Surface water runoff will then discharge at a rate of 45l/s to the Thames Water network.
- 6.131 Both Site B (western parcel) and Site C (eastern parcel) have used the same principles to manage surface water runoff; runoff will be managed via tanked permeable paving and ponds with additional attenuation storage below components. The ponds are referred to as 'infiltration ponds' will provide attenuation, however runoff will not be infiltrating into the ground rather water will be stored within attenuation tanks underground and then discharged to the surface water network. These ponds have been designed to be accommodated within areas of public open space, and this is considered an appropriate approach. The proposed discharge rates for the site as a whole will provide a 35% betterment compared to the existing discharge rates.
- 6.132 The attenuation storage has been designed to accommodate runoff from all storm events up to and including a 1 in 100 year + 40% climate change storm event with a 10% allowance for urban creep in the residential areas. The LLFA requests that a plan showing the direction of exceedance flows be provided and secured by planning condition.
- 6.133 An indicative surface water drainage scheme has been developed to address local and national policy, noting that VALP Policy I4 and the NPPF require that flood risk to nearby land and property is not increased as a result of new development. Due to this being an outline application the details provided are indicative. The LLFA is satisfied with the details provided and raises no objection, subject to the imposition of conditions to require further details of a detailed surface water drainage scheme. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This shall be submitted with any future Reserved Matters application. A maintenance schedule for the surface water drainage scheme also needs to be provided at detailed design stage. It should include the maintenance tasks which are required, the persons responsible for undertaking maintenance and frequency by which these will be undertaken. The LLFA has requested this is secured by planning condition also. These conditions are required to make the scheme acceptable.
- 6.134 In summary, subject to the imposition of appropriate conditions, the LLFA is satisfied the

indicative drainage scheme has demonstrated the proposal can accommodate adequate measures to manage drainage and flooding issues and not increase the flood risk to nearby land and property. Conditions have also been recommended by Thames Water, these relate to the existing water and surface water network, and their ability to accommodate the needs of development, it is recommended these be secured. The proposed development would be in accordance with VALP policy I4 and the NPPF, subject to appropriate conditions.

### **Landscape Issues, Green Infrastructure and Open Space**

Vale of Aylesbury Local Plan Policies:

S1 (Sustainable Development for Aylesbury Vale)

D1 (Delivering Aylesbury Garden Town)

NE4 (Landscape Character and Locally Important Landscape)

NE8 (Trees, Hedgerows and Woodland)

I1 (Green Infrastructure)

I2 (Sports and Recreation)

I3 (Community Facilities, Infrastructure and Assets of Community Value)

Aylesbury Garden Town Masterplan (2020)

- 6.135 The layout for the employment development maximises opportunities for landscaping, where possible, recognising this is constrained by operational needs (i.e. servicing and access requirements of larger vehicles). It is proposed to provide a new landscape strip along the Rabans Close frontage, this will be planted with shrubs and new trees, to enhance the streetscene. Landscaped edges are proposed around all sides of the commercial development, where there will opportunities for new tree planting across the site. The landscaping proposals for this part of the site will enhance the commercial development, soften the environment, and provide new green infrastructure (i.e. trees). A detailed soft landscaping scheme will be secured by planning condition.
- 6.136 With regards to the residential development as landscaping is a reserved matter an indicative Landscape Strategy has been provided, and full details of landscaping proposals would be required at the next stage (i.e. Reserved Matters). The indicative plan(s) submitted are not being treated as the final landscaping and open space provisions on site as this could potentially come forward in a different form at Reserved Matters stage. The application site is not situated within a designated, or highly sensitive landscape.
- 6.137 The detailed landscape strategy that will be needed at Reserved Matters stage will need to demonstrate that the scheme design includes a high quality landscape strategy that is cognisant of Aylesbury's Garden Town status, the Aylesbury Garden Town Masterplan, and relevant VALP policies. This is important to ensure an appropriate setting is created, that will help assimilate built elements into the landscape and deliver the Garden Town Masterplan vision. The indicative plans show that there is the ability to deliver a well landscaped scheme, though this will need to be developed further.

6.138 The indicative landscape strategy demonstrates how the proposed residential development can be integrated within the existing built up area, and provide the following landscape and green infrastructure benefits;

- Retaining key established trees on the site boundaries, and enhancement of boundary landscaping to create high quality frontages which incorporate native hedgerows and hedgerow trees;
- Enhancing the woodland buffer along the northern boundary, incorporating the planting of new trees and area of wildflowers;
- Tree lined streets to provide high quality residential setting;
- Provision of a central open space to provide a natural green setting, and provision of other useable open space (with varied opportunities for play and recreation) and new green infrastructure;
- Enhance the setting of the employment development with new landscaping, including new trees;
- Use of a broad planting palette across the site, including the planting of native species;
- Incorporation of attenuation areas for surface water drainage;
- Incorporation of new foot and cycle links, including safeguarding for future implementation of the Gardenway route

6.139 The proposals have been assessed against VALP Policy I1, which places a requirement for this development to provide equal to or in excess of the minimum amounts of Incidental Open Space (IOS), Major Open Space (MOS) and Equipped/Designated Play Space (EDPS) on-site. The total amounts required for each are still to be determined by the final bedroom mix, however this final mix is not known at this stage, and this detail would come forward as part of any Reserved Matters application (for Layout).

6.140 As the final bedroom per dwelling mix has yet to be determined this outline application must demonstrate that it is capable of providing the following on-site public open space provision at least, and this is based on the indicative dwelling/bedroom mix;

- 6,234m<sup>2</sup> Incidental Open Space (IOS)
- 5,344m<sup>2</sup> Major Open Space (MOS)
- 1,113m<sup>2</sup> Equipped/Designated Play Space (EDPS)

6.141 Assessment based on the indicative proposed Site Plan (Rev E) has determined that the on-site requirements for IOS and MOS can be met with the quantum of development proposed – 1.3 hectares of open space can be accommodated as shown on the indicative plans, which is broadly in line with the accessible natural green space standards (ANGsT), as set out in the VALP (Appendix C: Policy I1). There is though considered to be a 55% shortfall in on site EDPS, which will be reflected accordingly in the calculation for the Sport and Leisure contribution that the residential development will attract at Reserved Matters stage.

6.142 Green infrastructure is a planned network of high quality multi-functional green spaces;

IOS and MOS can be accommodated on site in accordance with the requirements of VALP policy I1, and integrated within the development, this will provide essential new green infrastructure (in excess of 1.3 hectares) that accords with ANGST, and will assist in delivering a high quality and sustainable development. This meets the visions of the VALP and the Garden Town Masterplan. The detailed reserved matters will need to come forward in general accordance with the public open space provision plan submitted, so that the quantum of IOS, MOS and EDPS is not less than 1.3 hectares, which has been demonstrated that is capable of being integrated within the development. To secure this a planning condition / s106 obligation is recommended.

- 6.143 As referred to above, a sport and leisure contribution is required in accordance with the 'Sport and Leisure Facilities SPG Companion Document: Ready Reckoner' (August 2005), which will be dependent upon the final approved bedroom per dwelling mix. The exact level of contribution would need to be determined at reserved matters stage when the final dwelling mix proposed is known, and will need to reflect the identified shortfall in the provision on site of EDPS. This contribution would be secured by a s106 legal agreement, which by doing so will address the requirements of VALP policy I2.
- 6.144 A tree planting strategy is indicated, which will provide new green infrastructure and support the visions of the Garden Town Masterplan. Further details of this strategy would need to come forward as part of any Reserved Matters application for landscaping. Based on the indicative strategy there would be a net increase in tree stock on site, which is welcomed and is a benefit. Existing established trees are to be retained on site. It is considered likely that the proposal would (at detailed design stage) be able to come forward in such a form that it would meet with the requirements of VALP policies NE8 and I1.
- 6.145 The proposals will deliver landscape benefits through enhanced landscaping, retention of existing important landscaping, new green infrastructure (including publicly accessible open space and equipped play), and new walking and cycle routes (including safeguarding of land for the Gardenway route) and the planting of new trees. This supports the Garden Town vision and relevant VALP policies and is in line with the site allocation requirements.
- 6.146 In summary, the proposed development is (subject to further details being provided at Reserved Matters stage), capable of providing for an acceptable amount of landscaping, open space and green infrastructure to meet the requirements of VALP. These matters can be secured through appropriate planning conditions / s106 obligations.

### **Ecology, Biodiversity and Impact on Trees**

Vale of Aylesbury Local Plan Policies:

NE1 (Biodiversity and Geodiversity)

NE5 (Pollution, Air Quality and Contaminated Land)

NE8 (Trees, Hedgerows and Woodland)

I1 (Green Infrastructure)



- 6.147 VALP Policy NE1 seeks to ensure the protection and enhancement of biodiversity. A net gain in biodiversity on minor and major developments will be sought. These gains must be measurable using best practice in biodiversity and green infrastructure accounting. The Council will, where appropriate, expect ecological surveys for planning applications.
- 6.148 NPPF paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.149 Paragraph 180 of the NPPF states that when determining planning applications, local planning authorities should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.
- 6.150 The application is supported by an Ecological Appraisal (EA) report, and an update EA (dated February 2021) which provides an assessment of the proposed development in relation to the effects it would have on ecology, biodiversity and nature conservation. The appraisals have been informed by a Phase 1 site survey, protected species surveys and a Biodiversity Impact Assessment (BIA).
- 6.151 The submitted EA confirms that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and that none of the designations within the surrounding area are likely to be adversely affected by the proposals. Any indirect impacts to Special Areas of Conservation (SAC) have been ruled out on the basis of the Habitat Regulations Assessment (HRA) previously carried out in relation to the VALP.
- 6.152 In terms of existing ecological features, the site at present comprises buildings and hard standing surrounded by areas of amenity grassland, dense scrub and tall ruderal vegetation. Some ornamental hedgerows are also found on site. The existing woodland which runs in a corridor along the north-east side of the site is to be retained and protected under the proposals. No important ecological features have been found on site, therefore any habitat loss will be of negligible significance.
- 6.153 Protected species surveys carried out have found limited opportunities for protected species, though some features were found that provide potential opportunities for bats and reptiles. Existing trees on site provide limited opportunity for roosting bats. One Pine tree identified as having 'low potential' for roosting bats is in any event being retained under the proposals. A reptile survey found that this species group were absent from the grassland and scrub areas in the north-west of the site. No evidence for the presence of badgers was found on site.
- 6.154 VALP policies and the NPPF promote the conservation and enhancement of ecology and biodiversity. The site at present is of low ecological value and the proposals present the opportunity to secure net gains in biodiversity and ecological enhancements, including

additional native scrub planting, the provision of features for hedgehogs, new roosting opportunities for bats, and more diverse nesting habitats for birds.

- 6.155 A BIA has been carried out using the DEFRA metric (v2.0), which demonstrates that a 15% increase in habitat biodiversity units, and a 93% in linear biodiversity units will result following implementation of the proposals as set out in the submitted assessment. The aforementioned ecological and biodiversity enhancements proposed, and the biodiversity net gain that can be achieved is welcomed and this is a benefit afforded moderate weight in the planning balance.
- 6.156 The Councils Ecology Officer has commented on the proposals, having reviewed the EA and the BIA, taking account also of updated / additional information submitted during the course of considering the application. No objection is raised on ecological grounds, subject to the imposition of certain recommended conditions.
- 6.157 It has been demonstrated that a range of ecological enhancements can be secured, and that biodiversity net gain is achievable on site. Overall, it is considered that the mitigation proposed, to be secured through planning conditions and / or S106 agreement will result in a development that will be in accordance with VALP policies NE1, site allocation D-AYL115 and the NPPF.

*Impact on Trees:*

- 6.158 VALP policy NE8 seeks to enhance and expand existing trees and hedgerows within the Aylesbury Vale Area.
- 6.159 The application is accompanied by an Arboricultural Survey and Impact Assessment (AIA). The tree survey has been carried out in accordance with guidance contained within BS5837:2012. The site's principal trees, those that are considered to make the greatest contribution to the amenity of the site are found around the peripheries of the site; adjacent to Rabans Lane and Rabans Close frontages, and the north-eastern site boundary where existing mature trees provide an important screen to the railway.
- 6.160 The proposed development would result in loss of 54 individual trees, five groups of trees, one hedge and the partial clearance of a further group of trees. None of the trees identified for removal by the AIA are Category A trees. Category B trees identified for removal are unavoidable due to the site layout and the importance of making efficient use of the site. The survey confirms that there are no trees on, or within close proximity to the site the subject of a Tree Preservation Order. Trees to be lost as a result of development are mostly categorised as lower quality trees and are Category B, C and U, and where possible limited to trees within the interior of the site not readily appreciable from the public realm.
- 6.161 The proposed (indicative) Landscape Strategy demonstrates how the site can be developed to accommodate replacement tree planting. This will help to mitigate the unavoidable tree loss, secure enhancements to the tree population, and ensure that the existing corridor of mature trees that is found along the north east edge of the site,

adjacent to the railway, is protected and retained, as well as principal trees located along the Rabans Lane and Rabans Close frontages. The protection and retention of these mature groups of trees is in accordance with site allocation D-AYL115 and their integration into the proposed development a welcomed part of the strategy. As landscaping is a matter reserved through this outline application further details of the landscaping strategy (including new tree planting) will need to be demonstrated at reserved matters stage and / or secured through conditions.

- 6.162 On the basis of the illustrative site plan, Landscape Strategy and DAS (including DAS Addendum) it is considered that a detailed landscape strategy could come forward at Reserved Matters stage, that makes adequate provision for new tree planting across the site to balance out the trees that would be lost through redevelopment. The development would accord with VALP policies NE8, D-AYL115 and the NPPF and ensure proposed tree loss is appropriately mitigated against, subject to the imposition of planning conditions to secure new planting and set out tree protection measures to be implemented to safeguard existing mature trees that are to be retained on site.

### **Infrastructure and Developer Contributions**

Vale of Aylesbury Local Plan Policies:

S5 (Infrastructure)

I3 (Community Facilities, infrastructure and assets of community value)

Sport and Leisure Facilities SPG Companion Document: Ready Reckoner

- 6.163 Having regard to the statutory tests in the Community Infrastructure Levy (CIL) regulations and the National Planning Policy Framework it is considered that the following planning obligation(s) are required to be secured within a completed section 106 agreement if the application is considered to be acceptable:

- a) Affordable Housing: A minimum of 25% of all units on site to be provided as affordable homes (tenure to be confirmed).
- b) Education contribution (precise level of contribution to be confirmed at reserved matters stage when the final bedroom mix is established).
- c) Sport and Leisure contribution (To be calculated based on the formula set out in the Sport & Leisure SPD and Ready Reckoner Companion Document. Precise level of contribution to be confirmed at reserved matters stage when the final dwelling mix is proposed).
- d) Secure a minimum provision of open space (including equipped play areas).
- e) Open Space land and equipped play areas to be transferred to a Management Company, who is to be responsible for its future maintenance and long term management.
- f) A whole life Maintenance and Management Plan for Sustainable Urban Drainage System/Surface Water Drainage System.
- g) Highways contributions for the following improvement works;

- £45,000 (BCIS indexed) to be used towards the future signalisation of the Rabans Lane/Bicester Road or other works identified within the A41 Primary Public Transport Corridor improvement scheme;
- £150,000 (BCIS indexed) to be used towards the provision of a new Tiger crossing on Rabans Lane (exact location to be determined);
- £2,500 (BCIS indexed) towards the S106 Agreement monitoring
- £1000 (BCIS indexed) per annum for 5 years for the auditing of the Travel Plan(s) (£5,000 in total from this site)

(n.b. other highway works to be delivered require the applicant to enter into s278 agreement with the Local Highway Authority)

6.164 The applicant has confirmed that they agree to these contributions/obligations and that they are willing to enter into a legal agreement to secure these. A draft agreement is currently being progressed to secure these and is the subject of on-going discussion between the parties.

#### *Health Facilities:*

6.165 VALP Policy I3 requires consideration of the need for community facilities and infrastructure including doctor's surgeries.

#### *Primary care*

6.166 The CCG were consulted in August 2020, and again in March 2021. No representation has been received from the CCG.

#### *Acute and community healthcare*

6.167 The impact on acute and community healthcare is a material consideration. The NHS England funds the CCG who commissions the Buckinghamshire Healthcare NHS Trust (BHT) to provide acute and community healthcare services to Buckinghamshire. This includes community, planned and emergency (major trauma and A&E), acute hospital medical and surgical care and specialist and tertiary health care. Part of the BHT catchment extends into Oxfordshire.

6.168 BHT have requested contributions towards hospital services and the council have been in discussion with the BHT regarding contributions sought in general terms towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation in the development. In summary, BHT advise that the contract value for their funding is based on the preceding years activity levels and does not take into account future planned housing though some element of demographic growth is factored in. Some additional funding is provided but this can depend on achieving surplus targets / improvement goals. BHT claim there is a 'funding gap' created by the lag between the new residents moving into the area and the date by

which the government funding is actually received. The BHT emphasise that the contribution sought is to mitigate the impacts of a permanent gap in funding, not a lag, as the gap is not recovered retrospectively and will have a financial impact on the Trust, thus there is no double counting. Therefore, BHT seeks a contribution of £391, 205.00.

- 6.169 BHT goes on to say that the Trust's hospitals and community services are at full capacity in provision of acute and planned healthcare and frequently experience major pressures and inability to cope with the increasing patient demand, with bed provision a key factor. The BHT considers that the population and household increase associated with the proposed development will significantly impact on the service delivery and performance.
- 6.170 The BHT further note that based on the anticipated population from the proposed development, the demands generated over a 12-month period (including in respect of A&E admissions, day care, emergency and outpatient admissions), have been set out and a cost per person generated based on the 'cost per activity'. The BHT emphasise that the costs are related to the specific activities in the area of the site and therefore directly related to the development. They are based on the previous years' activity rates and provide an average figure for the previous 12 months – BHT argue that whilst these cannot be exact it provides a reasonable methodology.
- 6.171 BHT in general correspondence have provided a number of appeal decisions which have varied outcomes. These have not been specifically submitted in relation this case.
- 6.172 In considering any request for a financial contribution, the council would need to be satisfied that BHT has provided evidence and adequate justification to demonstrate in accordance with the CIL Regulations how the sums are necessary to make the development acceptable in planning terms or how they are directly related to the development or fairly and reasonably related in scale and kind to the development. (CIL Regulation 122).
- 6.173 There has been considerable discussion with BHT dating back to early 2019 regarding the request for contributions. Officers have raised concerns that the information provided to date is inadequate to enable the Council to conclude that their request meets the CIL tests in relation to the requested contributions towards service costs.
- 6.174 There are still a number of outstanding concerns relating to the request for contribution towards the cost of running services:
- a) Funding: Evidence used to justify the demand for funding and if directly related to development. Concerns over whether the funding gap is a genuine gap or a lag in funding having regards to the existing national funding mechanism for BHT, including funding for extra patients arising from predicted population flows as planned population increases are included in ONS projections. The ONS projections should be updated over the lifetime of the development including planned population updated.
  - b) Availability of funding from sources other than through the CCG.

- c) Evidence related to data and methodology used, sources and underlying assumptions, indicators of population per household, assessing the impact of new development compared to existing infrastructure requirements of the existing population including the appropriate allowance for concealed households and new population not otherwise in the local system.
- d) Evidence in establishing the direct link to development based on activity rates and population attendances / access to each of those activities, and allowance for services provided to residents by other Trusts.
- e) Funding use and monitoring: the need to connect the use directly to the specific development leads to questions over whether the additional funding would benefit the patients from a development, rather than reduce the need for central subsidy or be used to fill an existing deficit, and how the spend can be reasonably monitored and is capable of a reasonable degree of enforcement.
- f) Phasing of any contributions related to anticipated delivery rates

6.175 The Council has been working collaboratively with BHT in order to assess the potential for CIL compliant contributions for alternative provision in the way of capital costs arising from new development rather than revenue costs in light of the concerns raised. There has been some progress on this (capital costs) but there are issues which remain unresolved. No request for capital costs has been submitted in relation to this application.

6.176 Paragraph 34 of the NPPF states that plans should set out contributions expected from development, for infrastructure including health. The BHT request for such contributions has not been made through the local plan process leading up to the adoption of VALP. The requested contribution has not been the subject of viability testing through the VALP process. The BHT representations were submitted in October 2020 in relation to this application. Whilst discussions have taken place with BHT as set out above the information provided to date is considered inadequate to satisfy the council that CIL Tests are met.

6.177 Officers have taken a judgement as to whether or not it is appropriate to delay the consideration of the application, for information which may or may not satisfy the CIL tests. At this point it is not certain whether a CIL compliant s106 methodology may be able to be achieved and this may take several months to work through.

6.178 The delay and uncertainty over this matter must be weighed against the potential delay and potential prejudice to the delivery of an important housing allocation in Aylesbury to meet the planned growth for this area. It can be seen from the section on housing land supply above that such delay will put further pressure on housing land supply and will create difficulties in relation to the Council's ability to meet a five-year supply. This undermines important objectives in the NPPF which seeks to ensure an adequate supply to meet objective needs. For these reasons it is considered that the BHT request is outweighed as a matter of judgement at this stage by the significant delay and prejudice that would result in determining this application if the issues above were first required to

be resolved particularly since, at present there is no guarantee that the methodology and contributions will be found to be CIL compliant.

6.179 In addition, the provision of the playspaces and other public spaces on-site, and with new infrastructure that supports walking and cycling provision and more active travel for future residents and employees, the proposal encourages people to adopt a healthier lifestyle which is a net benefit in the round. Subject to appropriate details coming forward at Reserved Matters stage, on balance, the proposed development could provide adequately for healthcare facilities in accordance with VALP policy and having regards to the CIL regulations.

6.180 In light of the above factors, it is concluded that a contribution for healthcare facilities has not been fully justified.

6.181 No CIL Charging Schedule is currently adopted for the Aylesbury Vale area.

## **7.0 Weighing and balancing of issues / Overall Assessment**

7.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

7.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

7.3 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

7.4 The concerns and objections of the Town Council, Parish Council, Aylesbury Society and members of the public have been duly noted and considered, and addressed within the above report.

7.5 As set out above it is considered that the proposed development would accord with most of the development plan policies, and where it does not this has been acknowledged within the above sections. There is policy conflict in respect of VALP Policy E1, this is due to some of the proposed residential development being located on the eastern side of Rabans Lane.

As well, the proposal is not fully in accordance site allocation D-AYL115, which is due to the inclusion of employment floorspace on the western side of Rabans Lane, not a requirement of the allocation. As demonstrated in the employment section of the report there are material considerations which need to be taken into account. The proposal represents a comprehensive approach to development of the site. This is beneficial in terms of the residential amenity. However, the approach adopted ensures there is to be no net loss of employment floorspace and indeed provides a net increase in floorspace. At the same time housing numbers are able to be delivered in line with site allocation D-AYL115, boosting housing supply. On balance, overall this is not considered to conflict with the objectives of the policies in the VALP and the Development Plan as a whole, and is considered acceptable.

- 7.6 Full and detailed consideration has been given to the specific issues arising from the scheme and, as set out within this report, this demonstrates the suitability of this allocated site and proposal, or the means by which it can be made acceptable.
- 7.7 Overall, taking into account all of the material planning considerations, and having assessed the proposals against the Development Plan and the identified conflict with this Plan, and having given consideration to other relevant planning policies, policy documents and published guidance, it is concluded that the proposals will deliver a range of direct benefits that ensure that there are demonstrable economic, social and environmental benefits to arise as a result of development. Overall the proposal would be in conformity with the VALP and any conflict identified with this Plan is outweighed by the identified benefits and the scheme would meet the NPPF objective to achieve sustainable development.
- 7.8 It is concluded that full and outline planning permission should be granted, subject to planning conditions and the completion of a satisfactory s106 agreement to secure the obligations as set out above.

## **8.0 Working with the applicant / agent**

- 8.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 8.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 8.3 In this instance the applicant did not seek any pre-application advice, despite this officers have worked positively and proactively by ensuring the applicant/agent was updated of any issues after the submission of the application, and giving the opportunity to address any such issues. Considerable negotiation and regular dialogue has taken place between the applicant and officers to resolve issues and agree changes to the proposal, as such amended plans and other amended technical information have been received during the



course of the application, as set out within this report. Officers worked pro-actively with the applicant/agent to resolve issues throughout the consideration of this application. The application was considered by the Committee where the applicant/agent had the opportunity to speak to the Committee.

## **9.0 Recommendation**

- 9.1 The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report, subject to the receipt of no new material representations, and the conditions as proposed and any other considered appropriate by Officers, or if these are not achieved for the application to be refused.
- 9.2 The proposed planning conditions are as follows:

### **Approved Plans List**

1. The development hereby permitted shall not be carried out except in accordance with the following approved plans unless otherwise first approved in writing by the Local Planning Authority:

6092\_P101  
6092\_P102  
6092\_P200G  
6092\_P201E  
6092\_P202C  
6092\_P203E  
6092\_P204C  
6092\_P205A  
6092\_P206A  
3002.14  
3002.15

Reason: to secure the proper planning of the area and by virtue of Sections 91 to 95 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

### **Full Planning Conditions (in respect of employment development)**

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. No development above ground shall take place on the employment buildings hereby permitted until details and sample panels of all the external surface materials proposed to be used on the buildings have been submitted to and approved in writing by the Local Planning Authority. Sample panels shall be made available on site, for inspection by the Local Planning Authority, which shall be notified in writing of their availability. Thereafter the development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the development in accordance with VALP policy BE2.

4. No commencement of the employment development hereby permitted shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include but is not limited to the following:
  - a. Risk assessment of potentially damaging construction activities.
  - b. Identification of “biodiversity protection zones”.
  - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d. The location and timing of sensitive works to avoid harm to biodiversity features.
  - e. The times during construction when specialist ecologists need to be present on site to oversee works.
  - f. Responsible persons and lines of communication.
  - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and times and activities during construction when they will need to be present to oversee works.
  - h. Use of protective fences, exclusion barriers and warning signs.
  - i. Contingency/emergency measures for accidents and unexpected events, along with remedial measures.
  - j. Measures for removal of any invasive species within the site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: The reason for this pre-commencement condition is to ensure that a suitable CEMP has been agreed in advance of works commencing in order to minimise the construction impacts on biodiversity and to comply with VALP policy NE1.

5. Prior to commencement of works on the employment development (excluding any works of demolition) details of a surface water drainage scheme for that part of the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
  - a. Permission from Thames Water for additional connections to existing surface water drainage network
  - b. Confirmation of discharge rates and points of connection to existing network
  - c. Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
  - d. Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
  - e. Existing and proposed discharge rates and volumes
  - f. Full construction details of all SuDS and drainage components
  - g. Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
  - h. Calculations to demonstrate that the proposed drainage system does not surcharge for the 1 in 1 year storm event, can contain up to the 1 in 30 year storm event without flooding. Any onsite flooding between the 1 in 30 year and the 1 in 100 year plus climate change storm event should be safely contained on site
  - i. Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
    - i.Flow depth
    - ii.Flow volume
    - iii.Flow direction

Reason: The reason for this pre-commencement condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk and to comply with VALP policy I4.

6. Prior to the occupation of the employment development a whole-life maintenance plan for the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long term maintenance of the drainage system as required under Paragraph 165 of the NPPF.

7. Prior to the commencement of works on the employment development (excluding any works of demolition) and notwithstanding any indications illustrated on drawings already submitted, a detailed scheme of soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. It shall include but is not limited to the following:
  - a. Indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those that are to be retained, together with tree protection measures and protection plans.
  - b. Planting (including trees, shrubs, seeding, other plants and grass) plans.
  - c. Written specifications (including soil depths, mulching, cultivation, watering/irrigation, staking and other operations associated with tree, plant and grass establishment).
  - d. Schedules or plans noting species, planting sizes and proposed numbers/densities
  - e. For sustainable tree planting, the soft landscape works shall incorporate underground systems and provide a sufficient area of growth medium for long term tree growth where tree development is compromised by hard landscaping such as pavements, highways, car park areas and structures (if there is hardstanding on more than one side of proposed tree planting then underground systems must be implemented).
  - f. A programme of planting.
  - g. Provision of appropriate tree planting and boundary treatment and/or screening between the employment development and the residential development
  - h. Details of existing contours and any proposed alteration to ground levels such as earth mounding shall also be provided.

Submitted soft landscape details shall reflect the principles shown in drawing number 7143/ASP3 Rev D ('Landscape Strategy Plan').

Details of maintenance, replacement and management of the soft landscaping to ensure that it is maintained over the lifetime of the development shall be provided. The development shall be carried out fully in accordance with the approved soft landscape details thereafter, in accordance with an agreed timescale and shall be fully maintained in accordance with the approved maintenance and management plan, unless otherwise agreed in writing by the Local Planning Authority.

The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the agreed timescale for implementation.

Reason: The reason for this pre-commencement condition is to ensure the satisfactory landscaping of the site includes retention of existing features, in the interests of visual amenity and biodiversity enhancements and to comply with VALP policies BE2, NE1 and NE8.

8. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenity and biodiversity enhancements and to comply with VALP policies BE2, NE1 and NE8.

9. Prior to commencement of development (excluding any works of demolition) and notwithstanding the submitted detail, full details of tree planting including available soil volume and a plan of aftercare, taking into account the guidance out in BS8545:2014 shall be submitted to and approved in writing by the Local Planning Authority

Reason: The reason for this pre-commencement condition is so that details are approved to ensure the development is undertaken in a way which ensures a satisfactory standard of tree care and protection, in order to minimise damage to the trees during building operations and to comply with VALP policy NE8 and the National Planning Policy Framework.

10. No site clearance works or development shall take place until an Arboricultural Method Statement and Tree Protection Plan (in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction'). has been submitted to the Local Planning Authority for its approval. The Method Statement and Protection Plans shall provide, as required, details of methods of construction within root protection areas and details showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. This shall comprise a barrier complying with Figure 2 of British Standard 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan.

Once approved the protective fencing shall be erected prior to the commencement of any works or development on the site (including any works of demolition, vegetation or site clearance). The approved fencing shall be retained and maintained until all building, engineering or other operations have been completed on site. No work shall be carried out or materials stored within the fenced area without prior written agreement from the Local Planning Authority. The development shall be carried out in accordance with the approved Tree Protection Plan and Method Statement.

Reason: The reason for this pre-commencement condition is to ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction and in the long term interests of local amenities and to comply with VALP policy NE8.

11. Prior to the commencement of development above ground on the employment development and notwithstanding any indications illustrated on drawings already submitted, a detailed scheme of hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority. It shall include but is not limited to the following:
  - a. Excavations
  - b. Proposed finished levels and/or contours
  - c. All forms of different boundary treatment and means of enclosure, which shall include solid, close boarded fencing provided on the boundaries of the proposed employment development. This shall be a minimum 2.2m high along the western boundary and a minimum 2.4m high along the boundary adjacent to the railway
  - d. Parking layouts
  - e. Other vehicle and pedestrian access and circulation areas
  - f. Hard surfacing areas (e.g. surfacing materials) and their permeable qualities
  - g. Details of any street furniture, seating, refuse or other storage, signs, external lighting (including associated levels of luminance and its location)

All hard landscaping works shall be carried out in accordance with the approved details, and an approved implementation programme details of which shall also be submitted prior to the commencement of development above ground. The developer shall complete the approved hard landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

Reason: To ensure that the appearance of the development is not detrimental to the character or appearance of the area and for reducing flood risk, and to protect residential amenity of existing and future occupiers.

12. No part of the employment development hereby permitted shall be occupied until the new means of access has been sited and laid out fully in accordance with the approved drawings and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access within the Public Highway".

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

13. The employment development hereby permitted shall not be occupied until the internal roads and footways which provide access to it from the existing highway have been laid out and constructed fully in accordance with the approved details.

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

14. No part of the employment development hereby permitted shall commence (including demolition and /or site clearance works) until a Construction Transport Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority. The CTMP, to include details of but is not limited to the following:
- a. Areas of parking for vehicles of site personnel, operatives and visitors
  - b. Storage of plant and materials as well as loading and unloading arrangements
  - c. Construction Traffic Management (to include the co-ordination of HGV deliveries, all other deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction and a programme of works (including measures for traffic management) so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900 hours) and PM Peak (1630-1800 hours) periods);
  - d. Estimate of the number of HGV movements (with an agreed daily maximum for HGV movements)
  - e. Proposed construction vehicle routing to the site, to be identified on a plan
  - f. Measures to prevent the deposit of materials on the highway
  - g. Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
  - h. On-site turning areas for construction and delivery vehicles
  - i. Any temporary lighting
  - j. Protection of the carriageway and any footway users at all times during construction
  - k. Protection of contractors working adjacent to the highway, and
  - l. Erection of maintenance hoardings, security fencing and scaffolding on/over pavements
  - m. Hours of construction work and deliveries
  - n. Details of wheel and chassis underside washing facilities
  - o. The mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes
  - p. A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development
  - q. Details of waste management arrangements
  - r. Storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils)

- s. Details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas as a result of the construction programme
- t. Contact details of personnel responsible for the construction works and how these details will be communicated to the local community.

The approved CTMP shall be adhered to throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The reason for this pre-commencement condition is to ensure the development can be constructed in such a way that throughout the construction period of the proposed development its impacts can be managed, and in the interests of highway safety, the convenience of highway users and to minimise danger to highway users throughout the construction period.

- 15. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out fully prior to the initial occupation of the employment development hereby permitted and that parking and manoeuvring area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with the VALP.

- 16. Prior to occupation a minimum of 10% of spaces of the total parking provision for the employment development shall be provided with active electric vehicle charging points. The EVC apparatus shall thereafter be retained and maintained in an operative state in perpetuity.

Reason: In the interests of promoting sustainable travel opportunities and to comply with VALP policy T8.

- 17. No part of the employment development hereby permitted shall be occupied until a full Travel Plan for the employment units, has been submitted to, and approved in writing by the Local Planning Authority. This Plan shall also be in general accordance with the 'Buckinghamshire County Council Travel Plan Good Practice Guidance'. The Travel Plan shall set out measures to reduce single occupancy journeys by the private car and indicate how such measures will be implemented and controlled. The Travel Plan shall include a full analysis of the modal split at existing sites and indicate targets for modal shift in the forthcoming years.

The approved Travel Plan shall be implemented upon first occupation of the development and subject to annual review as per details to be set out within the approved Travel Plan,



unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt the Travel Plan will require the appointment of a Travel Plan Co-ordinator.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with national and local transport policy and to address sustainable transport policies in the VALP.

18. Prior to the commencement of the employment development (except for demolition), a contaminated land assessment and associated remedial strategy, together with a timetable of works, should be submitted to and approved in writing by the Local Planning Authority.

a. The contaminated land assessment shall include an intrusive site investigation. This must include soil, soil gas, surface and/or groundwater sampling as relevant and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

b. A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority and approved in writing-prior to any remediation works commencing on site.

Reason: The reason for this pre-commencement condition is to ensure that the potential contamination of the site is properly investigated, the risks to the planned end user group(s) quantified, and its implication for the development approved are fully taken into account prior to works commencing. in accordance with the National Planning Policy Framework and VALP Policy NE5.

19. Prior to the first occupation or use of any part of the employment development, the agreed approved remediation strategy shall be carried out in full and a validation report including details of the completed remediation works and quality assurance certificates shall be submitted to and approved in writing by the Local Planning Authority.

If during the works contamination is encountered which has not previously been identified, then this additional contamination shall be fully assessed in accordance with the requirements of Condition 1 (b) above and an appropriate remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the potential contamination of the site is properly dealt with and the risks to the planned end user group(s) minimised in accordance with the National Planning Policy Framework.

20. Prior to commencement of development above ground a Landscape and Ecological Management Plan (LEMP) relating to the employment development shall be submitted to,

and be approved in writing by, the local planning authority. The content of the LEMP shall include but is not limited to the following.

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organization responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity, and to comply with VALP policies NE1 and NE2.

21. The development hereby permitted shall be implemented in accordance with the agreed recommendations set out in the updated Ecological Appraisal from the consultant ecologist Aspect Ecology dated March 2021. Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made. The condition will be considered discharged following a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly is submitted to the Local Planning Authority.

Reason: To ensure that biodiversity is preserved and enhanced and 10% net gains in biodiversity are delivered in accordance with adopted VALP policy and the NPPF.

22. The energy strategy for the employment development, including measures to reduce carbon emissions through renewable technologies shall be carried out in accordance with the submitted Energy and Sustainability Statement (dated 24.07.20), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a resultant satisfactory standard of development, in accordance with VALP policy C3.

23. There shall be no outside storage of materials, goods, plant, machinery or equipment other than within the employment buildings hereby permitted.

Reason: In the interests of visual amenity and to ensure the approved parking areas and servicing are not impeded by any external storage.

24. Prior to the installation of all external plant, mechanical ventilation and extraction equipment, details of such equipment including the associated noise levels and any necessary means of noise mitigation, are to be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with these approved details and retained for the lifetime of the development.

Reason: In the interests of residential amenity and to minimise any noise impacts, in accordance with VALP Policy NE5.

Page Break

**Outline Planning Conditions (in respect of residential development)**

25. Approval of the details of the layout, scale, design and external appearance of any part of the residential development (herein after called the 'reserved matters') shall be obtained in writing from the local planning authority before that part of the development is commenced. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: Because the application is in outline (with all matters reserved except access) and as no details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

26. Application for approval of the reserved matters in respect of the outline phase of the development shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the requirements of the Town and Country Planning Act 1990.

27. The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last reserved matters to be approved.

Reason: In order to comply with the requirements of the Town and Country Planning Act 1990.

28. The details of the reserved matters submitted pursuant to condition 25 above shall be carried out in general accordance with drawing 7143.ASPD rev F ('POS Provision Plan') in so far as such details relate to the minimum quantum of major and incidental open space that is to be provided on site, and shall also be consistent with the maximum building heights and storeys as shown in the Addendum to the Design and Access Statement July 2020 (dated March 2021) accompanying the outline application. The overall quantum of landscaping to be provided, including existing features and / or areas for retention, new areas of planting, areas of public open space and any associated green infrastructure shall be in general accordance with the Landscape Strategy Plan (7143/ASP3 revD)

Reason: To secure the satisfactory development of this important site in accordance with the agreed principles and objectives and to ensure high quality design and standard of amenity is achieved.

29. No commencement of the residential development shall take place, except demolition, until a report detailing the proposed noise mitigation, including any necessary ventilation requirements is submitted, to and approved in writing by, the Local Planning Authority.

The report will detail the mitigation required in each dwelling to ensure that internal noise levels, from any external source, do not exceed those specified in table 4 of BS8233:2014 and that noise levels in bedrooms do not exceed 45dB LAmaxf more than 10 times per night. Any specific building ventilation requirements needed to ensure that the above levels can be maintained will also need to be detailed in the submitted report. The report shall also detail the mitigation required to ensure that noise levels in external amenity spaces do not exceed 55dB LAeq16hr.

Thereafter development shall be implemented fully in accordance with the approved report, including any necessary mitigation, and retained for the lifetime of the development.

Reason: The reason for this pre-commencement condition is to protect the residential amenity of future occupiers of the development by ensuring appropriate mitigation measures are to be implemented as part of the development, and to comply with VALP policies BE3 and NE5.

30. No commencement of the residential development hereby permitted shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include but is not limited to the following:
- k. Risk assessment of potentially damaging construction activities.
  - l. Identification of "biodiversity protection zones".

- m. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- n. The location and timing of sensitive works to avoid harm to biodiversity features.
- o. The times during construction when specialist ecologists need to be present on site to oversee works.
- p. Responsible persons and lines of communication.
- q. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and times and activities during construction when they will need to be present to oversee works.
- r. Use of protective fences, exclusion barriers and warning signs.
- s. Contingency/emergency measures for accidents and unexpected events, along with remedial measures.
- t. Measures for removal of any invasive species within the site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: The reason for this pre-commencement condition is to ensure that a suitable CEMP has been agreed in advance of works commencing, in order to minimise the construction impacts on biodiversity and to comply with VALP policy NE1.

31. At the same time as submitting details of the reserved matters for condition 25 above, and notwithstanding any indications illustrated on drawings already submitted, a detailed scheme of soft landscaping works for the residential development shall be submitted to and approved in writing by the Local Planning Authority. It shall include but is not limited to the following:
- a. Indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those that are to be retained, together with tree protection measures and protection plans.
  - b. Planting (including trees, shrubs, seeding, other plants and grass) plans.
  - c. Written specifications (including soil depths, mulching, cultivation, watering/irrigation, staking and other operations associated with tree, plant and grass establishment).
  - d. Schedules or plans noting species, planting sizes and proposed numbers/densities
  - e. For sustainable tree planting, the soft landscape works shall incorporate underground systems and provide a sufficient area of growth medium for long term tree growth where tree development is compromised by hard landscaping such as pavements, highways, car park areas and structures (if there is hardstanding on more than one side of proposed tree planting then underground systems must be implemented).
  - f. A programme of planting.

- g. Provision of appropriate tree planting and boundary treatment and/or screening between the employment development and the residential development
- h. Details of existing contours and any proposed alteration to ground levels such as earth mounding shall also be provided.

Submitted soft landscape details shall reflect the principles shown in drawing number 7143/ASP3 Rev D ('Landscape Strategy Plan').

Details of maintenance, replacement and management of the soft landscaping to ensure that it is maintained over the lifetime of the development shall be provided. The development shall be carried out fully in accordance with the approved soft landscape details thereafter, in accordance with an agreed timescale and shall be fully maintained in accordance with the approved maintenance and management plan, unless otherwise agreed in writing by the Local Planning Authority.

The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the agreed timescale for implementation.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity and biodiversity enhancements and to comply with VALP policies BE2, NE1 and NE8.

32. All planting, seeding or turfing comprised in the approved details of soft landscaping for the residential development shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenity and biodiversity enhancements and to comply with VALP policies BE2, NE1 and NE8.

33. Prior to commencement of development (excluding any works of demolition) and notwithstanding the submitted detail, for the residential development full details of tree planting including available soil volume and a plan of aftercare, taking into account the guidance out in BS8545:2014 shall be submitted to and approved in writing by the Local Planning Authority

Reason: The reason for this pre-commencement condition is so that details are approved to ensure the development is undertaken in a way which ensures a satisfactory standard of tree care and protection, in order to minimise damage to the trees during building operations and to comply with VALP policy NE8 and the National Planning Policy Framework.

34. For the residential development no site clearance works or development shall take place until there has been submitted to the Local Planning Authority for approval in writing an Arboricultural Method Statement and Tree Protection Plan (in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction'). The Method Statement and Protection Plans shall provide, as required, details of methods of construction within root protection areas and details showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a barrier complying with Figure 2 of British Standard 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan.

The approved protective fencing shall be erected prior to the commencement of any works or development on the site including any works of demolition, vegetation or site clearance. The approved fencing shall be retained and maintained until all building, engineering or other operations have been completed on site. No work shall be carried out or materials stored within the fenced area without prior written agreement from the Local Planning Authority. The development shall be carried out in accordance with the approved Tree Protection Plan and Method Statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition that is required to ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction and in the long term interests of local amenities and to comply with VALP policy NE8.

35. Notwithstanding any indications illustrated on drawings already submitted, prior to the commencement of works above ground, a detailed scheme of hard landscaping works for the residential development shall be submitted to and approved in writing by the Local Planning Authority. It shall include but is not limited to the following:
- a. Excavations
  - b. Proposed finished levels and/or contours
  - c. All forms of different boundary treatment, fencing, gates and means of enclosure, which shall include provision for solid, close boarded fencing provided on the boundaries of the proposed employment development. This shall be a minimum 2.2m high along the western boundary
  - d. Parking layouts
  - e. Other vehicle and pedestrian access and circulation areas
  - f. Hard surfacing areas (e.g. surfacing materials) and their permeable qualities
  - g. Details of any street furniture, seating, refuse or other storage, signs, external lighting (including associated levels of luminance and its location)

All hard landscaping works shall be carried out in accordance with the approved details, and an approved implementation programme details of which shall also be submitted prior to the commencement of works above ground. The developer shall complete the approved hard landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

Reason: To ensure that the appearance of the development is not detrimental to the character or appearance of the area and for reducing flood risk, and to protect residential amenity of existing and future occupiers.

36. No part of the residential development hereby permitted shall be occupied until the new means of access have been sited and fully laid out in general accordance with drawings 3002.19B and 3002.03A, and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway".

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

37. The residential development hereby permitted shall not be occupied until details of the estate roads and footways have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, and no dwelling shall be occupied until the estate road and any footways which provides access to it from the existing highway has been laid out and constructed in accordance with the approved details.

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

38. The Reserved Matters application seeking to determine matters of Layout shall include a scheme for parking (including cycle parking, motorcycle parking and disabled parking), internal access roads, turning and manoeuvring areas and footways. The detailed scheme for parking shall include provision of electric vehicle charging infrastructure to comply with the requirements of VALP policy T8. The EVC apparatus installed shall thereafter be retained and maintained in an operative state in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable travel opportunities and to comply with VALP policy T8.

39. The approved parking scheme shall be implemented and made available for use before the residential development hereby permitted is occupied and those parking areas shall not be used for any other purpose thereafter.



Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with VALP policies

40. Prior to the occupation of the 50th dwelling the highway works shown on drawing 3002.19B which relate to junction works at the Rabans Lane/Brunel Road roundabout, shall be laid out and constructed in general accordance with the approved details.

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

41. No part of the residential development hereby permitted shall commence (including demolition and /or site clearance works) until a Construction Transport Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority. The CTMP, to include details of but is not limited to the following:

- a. Areas of parking for vehicles of site personnel, operatives and visitors
- b. Storage of plant and materials as well as loading and unloading arrangements
- c. Construction Traffic Management (to include the co-ordination of HGV deliveries, all other deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction and a programme of works (including measures for traffic management) so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900 hours) and PM Peak (1630-1800 hours) periods);
- d. Estimate of the number of HGV movements (with an agreed daily maximum for HGV movements)
- e. Proposed construction vehicle routing to the site, to be identified on a plan
- f. Measures to prevent the deposit of materials on the highway
- g. Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- h. On-site turning areas for construction and delivery vehicles
- i. Any temporary lighting
- j. Protection of the carriageway and any footway users at all times during construction
- k. Protection of contractors working adjacent to the highway, and
- l. Erection of maintenance hoardings, security fencing and scaffolding on/over pavements
- m. Hours of construction work and deliveries
- n. Details of wheel and chassis underside washing facilities
- o. The mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes

- p. A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development
- q. Details of waste management arrangements
- r. Storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils)
- s. Details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas as a result of the construction programme
- t. Contact details of personnel responsible for the construction works and how these details will be communicated to the local community.

The approved CTMP shall be adhered to throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The reason for this pre-commencement condition is to ensure the development can be constructed in such a way that throughout the construction period of the proposed development its impacts can be managed, and in the interests of highway safety, the convenience of highway users and to minimise danger to highway users throughout the construction period.

42. No part of the residential development hereby permitted shall be occupied until a Full Travel Plan for the site has been submitted to and approved in writing by the Local Planning Authority. This Plan shall be in general accordance with the 'Buckinghamshire County Council Travel Plan Good Practice Guidance'. The Travel Plan shall set out measures to reduce single occupancy journeys by the private car and indicate how such measures will be implemented and controlled. The Travel Plan shall include a full analysis of the modal split at existing sites and indicate targets for modal shift in the forthcoming years.

The approved Travel Plan shall be implemented upon first occupation of the development and subject to annual review as per details to be set out within the approved Travel Plan, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt the Travel Plan will require the appointment of a Travel Plan Co-ordinator.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with national and local transport policy and to comply with VALP policy T1.

43. Prior to the occupation of the development the highway works shown on drawing 3002.24A, which includes the footway/cycleway upgrade works along the site boundary and the raised table at the site access, shall be laid out and constructed in general accordance with the approved details.

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

44. The land shaded in red on drawing no 3002.26 shall be provided as public open space upon first occupation to serve the development and safeguarded for future use as part of the Aylesbury Gardenway proposals. In the event that the Aylesbury Gardenway is provided by Buckinghamshire Council (or other delivery body including the developer) the shaded land shown on this plan shall be used as part of the Aylesbury Gardenway in lieu of public open space.

Reason: To safeguard the future provision of the Aylesbury Gardenway project and ensure the amenity of future occupiers in accordance with the Aylesbury Garden Town Masterplan and VALP policies T1 and S5.

45. No development above ground shall take place on the residential buildings hereby permitted until details and sample panels of all the external surface materials proposed to be used on the buildings, surfaces of the roads, footpaths, parking areas and courtyards have been submitted to and approved in writing by the Local Planning Authority. Sample panels shall be made available on site, for inspection by the Local Planning Authority, which shall be notified in writing of their availability. Thereafter the development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the development in accordance with VALP policy BE2.

46. No residential development, except for demolition, shall commence until a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and approved in writing by the Local Planning Authority.

a) The contaminated land assessment shall include an intrusive site investigation. This must include soil, soil gas, surface and/or groundwater sampling as relevant and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority and approved in writing-prior to any remediation works commencing on site.

Reason: The reason for this pre-commencement condition is to ensure that the potential contamination of the site is properly investigated, the risks to the planned end user group(s) quantified, and its implication for the development approved are fully taken into

account prior to works commencing. in accordance with the National Planning Policy Framework and VALP Policy NE5.

47. Prior to the first occupation or use of any part of the residential development hereby permitted, the agreed approved remediation strategy shall be carried out in full and a validation report including details of the completed remediation works and quality assurance certificates shall be submitted to and approved in writing by the Local Planning Authority.

If during the works contamination is encountered which has not previously been identified, then this additional contamination shall be fully assessed in accordance with the requirements of Condition 46 above and an appropriate remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the potential contamination of the site is properly dealt with and the risks to the planned end user group(s) minimised in accordance with the National Planning Policy Framework and VALP Policy NE5.

48. Prior to the commencement of the residential development above ground a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include, but is not limited to the following;
- a. Description and evaluation of features to be managed.
  - b. Ecological trends and constraints on site that might influence management.
  - c. Aims and objectives of management.
  - d. Appropriate management options for achieving aims and objectives.
  - e. Prescriptions for management actions.
  - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g. Details of the body or organization responsible for implementation of the plan.
  - h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity, and to comply with VALP policies NE1 and NE2.

49. The residential development hereby approved shall be implemented in accordance with the agreed recommendations set out in the updated Ecological Appraisal from the consultant ecologist Aspect Ecology (dated March 2021). Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made. The condition will be considered discharged following a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly is submitted to the Local Planning Authority.

Reason: In the interests of biodiversity, and to comply with VALP Policy NE1.

50. Prior to the commencement of works for the residential development (excluding any works of demolition), details of a surface water drainage scheme for these parts of the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include but is not limited to the following:

- j. Permission from Thames Water for additional connections to existing surface water drainage network
- k. Confirmation of discharge rates and points of connection to existing network
- l. Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- m. Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- n. Existing and proposed discharge rates and volumes
- o. Full construction details of all SuDS and drainage components
- p. Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- q. Calculations to demonstrate that the proposed drainage system does not surcharge for the 1 in 1 year storm event, can contain up to the 1 in 30 year storm event without flooding. Any onsite flooding between the 1 in 30 year and the 1 in 100 year plus climate change storm event should be safely contained on site
- r. Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
  - i. Flow depth
  - ii. Flow volume
  - iii. Flow direction

Reason: The reason for this pre-commencement condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163

of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk and to comply with VALP policy I4.

51. Prior to the occupation of the residential units a whole-life maintenance plan for the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long term maintenance of the drainage system and to comply with VALP Policy I4.

52. Prior to the first occupation of any of the residential dwellings hereby approved a Parking Management Plan shall be submitted for the approval in writing of the Local Planning Authority, which shall show how the approved scheme for vehicle parking (including Electronic Vehicle Charging Points), manoeuvring and cycle parking will be laid out and provided in full on completion of the final building(s), and also confirm management arrangements for the allocation of vehicle parking spaces on site for the completed development. Parking on site shall be provided in accordance with the approved Parking Management Plan thereafter and the vehicle and cycle parking as implemented shall be permanently maintained as approved and used in accordance with the approved Management Plan for the duration of the development and not used for any other purpose other than parking, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

53. At the same time as submitting details for the reserved matters pursuant to condition 25 above, a detailed energy strategy for the residential development, including measures to reduce carbon emissions through renewable technologies and reduce water consumption to a limit of 110 litres/person/day, shall be submitted to and approved in writing by the Local Planning Authority.

Residential development shall be carried out thereafter in accordance with the approved energy strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a resultant satisfactory standard of development, in accordance with VALP policy C3.

54. All walls, fencing, gates or other means of enclosure / boundary treatment shall be erected/installed in accordance with the approved details set out through condition 35 before the initial occupation of the residential development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, the approved means of enclosure / boundary treatment shall be retained and notwithstanding Class A, Part 2, Schedule 2 of The Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) no further gate, wall, fence or other means of enclosure shall be constructed without the approval in writing of the Local Planning Authority.

Reason: To ensure a satisfactory resultant appearance and standard of amenity of the site and in the interests of highway safety and convenience, in accordance with VALP policies.

55. Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A, B, D, E & F of Part 1 of Schedule 2 to the said Order shall be erected or constructed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: The nature and density of the layout requires strict control over the form of any additional development which may be proposed in the interests of maintaining a satisfactory residential environment. In order that the Local Planning Authority can properly consider whether any future proposals will constitute overdevelopment of the site or will in any other way be detrimental to the character of the locality.

56. The residential development hereby approved shall not be occupied until confirmation has been provided to the Local Planning Authority that either: -
- (i) all water network upgrades required to accommodate the additional flows to serve the residential development have been completed; or
  - (ii) a development and infrastructure phasing plan (for the residential development) has been agreed with Thames Water to allow the residential development to be occupied. Where a development and infrastructure phasing plan is agreed no residential occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

57. Application for the approval of Reserved Matters in respect of Layout shall provide further details of the proposed housing mix, types and sizes, including demonstration that the development will meet at least category 2 accessible and adaptable standards for all dwellings, as set out in Building Regulations Approved Document M4(2), and that a

minimum of 15% of the affordable housing will meet the requirements for M4(3) wheelchair accessible housing as set out in Building Regulations Approved Document M4(3), unless it has been demonstrated to the Council's satisfaction that it would be unviable to do so. Such details shall be submitted for the approval in writing by the Local Planning Authority and the development shall be implemented fully in accordance with the approved details thereafter, unless otherwise agreed in writing.

Reason: To ensure a mix of homes are provided to meet current and future housing requirements, and the need for accessible, adaptable and wheelchair user dwellings, as required to accord with VALP Policies H6a and H6c.

**List of approved plans:**

**Plan Reference**

6092\_P101  
6092\_P102  
6092\_P200G  
6092\_P201E  
6092\_P202C  
6092\_P203E  
6092\_P204C  
6092\_P205A  
6092\_P206A  
3002.14  
3002.15

**Appendix A: Consultation Responses and Representations**

**Appendix B: Site Location plan**



## **APPENDIX A: Consultation Responses and Representation**

### Councillor Comments

#### **Councillor Sarah James (objects):**

"I strongly object to this development which in my opinion has not been fully thought through.

The proposal for 200 dwellings equates to approx. 382 Adults & 380 children. A total of 762 people who will have no dedicated access to amenities.

This means that they will be using the Fairford leys shops and facilities which although could be good for business, will also have a huge impact on the village traffic and parking which is already bad. Our roads and village design were meant for the residents and to cope with that additional amount of vehicles is not sustainable. It will be vehicles as there is no access to public transport and it is potentially too far for people to walk in to the village centre.

As a chair of governors in a local primary school, the local schools cannot cope with additional demand for school places as there is already waiting lists and people travelling to some villages in order to get a school place. This is not how school should be - local schools where we can walk or cycle to is the way forward and our infrastructure cannot cope with more traffic on the roads, let alone our air quality through emissions.

On top of the school situation, there local Dr's are unable to take any more patients as they are also at capacity and their service levels are dropping to a dangerous point and therefore who is going to look after these people? Where are these 332 kids going to play?

I wouldn't let my child walk from there to Fairford leys or to Haydon hill in order to have a game of football or a play on the swings. These kids grown up - they will no doubt get vehicles of their own, which will then lead to more pressure on the roads and cause issues on the proposed development with parking.

Once again, a housing development is planned and proposed and will no doubt be passed without allowing for the basics to be in place first and without really understanding the impact this will have on the surrounding area's."

#### **Councillor Andy Huxley (objects):**

"I have known the area for some time now and always considered this as an employment area which it is. As a result the word location comes to mind when putting a residential development in the middle. I know there are flats already built. I took the time to do my own survey of residents of Haydon Hill. I contacted in excess of the 32 replies that were received from the leaflet drop. My findings were that they were nearly all against with very few neutral or for. Points have been made but I ask that my findings covered all the following:

LOCATION See above.

EMPLOYMENT: In an area which is dedicated for employment land being taken away for housing.

INCREASED No.OF CARS In a town that already suffers from gridlock. Adding to this doesn't help the situation.

SAFETY Adding to the number of cars does not help the safety issues when we are trying to get more people to walk and cycle.

TRANSPORT Concerns over creating adequate transport provision.

SCHOOLS Provision in local schools is at a premium.

SEWERAGE I live approx. 1 mile away and we do get a strong smell from the plant occasionally which I would have thought that would not be conducive for living accommodation.

PYLONS Again not ideal living in the area.

NOISE LEVELS Not ideal being in the middle of an industrial site, next to the refuse site and next to a railway line.

SHOPS No shops?

DOCTORS The new surgery will be at Berryfields and will an extra 400 minimum people get in let alone have to travel?

Transport again being key to those who might have to use public transport to get there. RAT-RUNNING We are seeing a large number of vehicles using the likes of Griffin Lane, Coldharbour Way, Rabans Lane and Meredith Drive as a rat-run. This will only add to the problem.

COMMUNITY SPACES Additional pressure on local play areas etc.”

And in response to the revised plans submitted and further round of public consultation in March 2021, Cllr Huxley wrote;

“On the 19th August I made my points in objecting to the application. Although there are amendments I have no reason to change the comments I made then.”

#### Parish/Town Council Comments

##### **Aylesbury Town Council:**

“**OBJECT** to this application on the following grounds:

- 1) failure to recognise and address the defined lack of local infrastructure and services provision in the locality within the application,
- 2) in part the area of proposed development is not residential in nature and therefore in conflict with the existing planning class and detriment to the existing area, this is in contravention of GP17 of the AVDLP
- 3) the Town Council supports the resident’s views stating lack of attractiveness due to location adjacent to the existing recycling centre and water processing plant.

And in response to revised plans submitted and further round of public consultation, in March 2021, Aylesbury Town Council wrote;

“Aylesbury Town Council maintain their previous objection comment”

##### **Coldharbour Parish Council:**

**Objects** to this planning application for the following reasons:

- “1. Increase in traffic in an already well used area of the town which will significantly impact the traffic flow on Coldharbour Way and the main town roads.
2. Lack of amenities and increase in traffic on Fairford Leys as people use the local shops, whilst good for business, will increase the problems we have with people parking on double yellow lines and Buckinghamshire Council not enforcing the current double yellow lines areas in Fairford Leys.

3. Impact on local doctor, dentist surgeries and the significant impact on local schools with no places available

We consider this proposal to be over-development of the site and the lack of proximity to any services means car usage will be the norm and is therefore not sustainable under the NPPF and Local Plan policies.”

### Consultation Responses

#### **Buckinghamshire Council, Highways DM:**

The final comments received confirm no objection raised in relation to site access arrangements, site layout and parking and /or trip generation and traffic impacts.

No objection to this proposal subject to the following S106 obligations being included in any planning permission

- £45,000 (BCIS indexed) to be used towards the future signalisation of the Rabans Lane/Bicester Road or other works identified within the A41 Primary Public Transport Corridor improvement scheme;
- £150,000 (BCIS indexed) to be used towards the provision of a new Tiger crossing on Rabans Lane (exact location to be determined);
- £2,500 (BCIS indexed) towards the S106 Agreement monitoring
- £1000 (BCIS indexed) per annum for 5 years for the auditing of the Travel Plan (£5,000 in total from this site)

Planning conditions are recommended.

#### **Buckinghamshire Council, Parks & Recreation Officer:**

A sport and leisure contribution is required which will be dependent upon the final approved bedroom per dwelling mix. This will need to be secured at Reserved Matters stage

There is a requirement for this development to provide equal to or in excess of the minimum amount of Major Open Space (MOS), Incidental Open Space (IOS) and Equipped/Designated Play Space (EDPS);

Based on the current proposed site layout (6092 P 109 rev E Proposed Site Plan):

On-site provision:

IOS:  $6,741\text{m}^2 + 300\text{m}^2$  (small areas surrounding LAP) = 7,041. Requirement met

MOS:  $6,157\text{m}^2 - 400\text{m}^2 = 5,757\text{m}^2$ . Requirement met

EDPS:  $500\text{m}^2$  ( $400\text{m}^2$  LEAP +  $100\text{m}^2$  LAP). Shortfall of  $613\text{m}^2$  (55%). Only 45% of requirement provided on-site.

The LEAP must adhere to the following requirements, which includes its minimum buffer distance from dwellings (20m), minimum buffer distance from residential boundaries (10m), minimum 20m x 20m dimensions, as well as it scoring a minimum of ‘Good’ against RoSPA’s play value assessment for both toddlers & juniors.

**Local Lead Flood Authority (Buckinghamshire County Council) and SuDS:**

No objection to the proposed development, subject to securing of the following recommended conditions;

1. Requirement for a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, and;
2. Prior to the occupation of the development a whole-life maintenance plan for the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance.

**Thames Water:**

Request planning conditions to secure / further details relating to;

- Odour Strategy
- Existing water network infrastructure

**Environment Agency:**

Unable to make a detailed assessment of the proposals due to workloads.

**Buckinghamshire Council, Education Services:**

Financial contribution required, amount to be calculated at reserved matters stage. This is required to expand existing primary and secondary school provision serving the development to mitigate its impact.

Primary and secondary schools in the area are currently at capacity. The contributions from this scheme would be allocated to the Council's expansion programme for the area to accommodate the increased demand from housing growth.

**Ecology Officer:**

Approve the updated Ecology Assessment and Biodiversity Net Gain Calculation. Condition the recommendations within the ecology report and secure the proposed enhancements with a CEMP and a LEMP condition(s).

**Buckinghamshire Council, Economic Development:**

No objection raised.

**Strategic Environment Team (Environmental Health):**

Noise: No objection raised, subject to recommended conditions.

Contaminated Land; No objection raised, subject to recommended conditions.

Odour; No objection raised.

Air Quality: No objection raised.

**Affordable Housing Officer:**

Development should secure a minimum of 30% of units as affordable (n.b. this response was provided before adoption of the VALP and policy H1, in September 2021)

**Planning Policy:**

No comments.

**Buckinghamshire Healthcare NHS Trust:**

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount £391,205.00 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document.

**Clinical Commissioning Group (CCG):**

No comments received.

**Crime Prevention Design Advisor – Thames Valley Police:**

Not in support of the employment proposals; highlighting concerns relating to detailed matters such as, boundary treatments, bin stores, use of laminate glass, CCTV and roller shutters.

In respect of the residential development the revised plans were welcomed, and it is considered these incorporate the general principles of CPTED (Crime Prevention Through Environmental Design). To aid the applicant moving forward to a number of detailed observations have been made.

**Buckinghamshire & River Ouzel Internal Drainage Board:**

You are advised that this site is outside the Boards district, in this instance the Board has no comment to make.

**Recycling and Waste:** More information needed. Vehicle tracking plan requested.

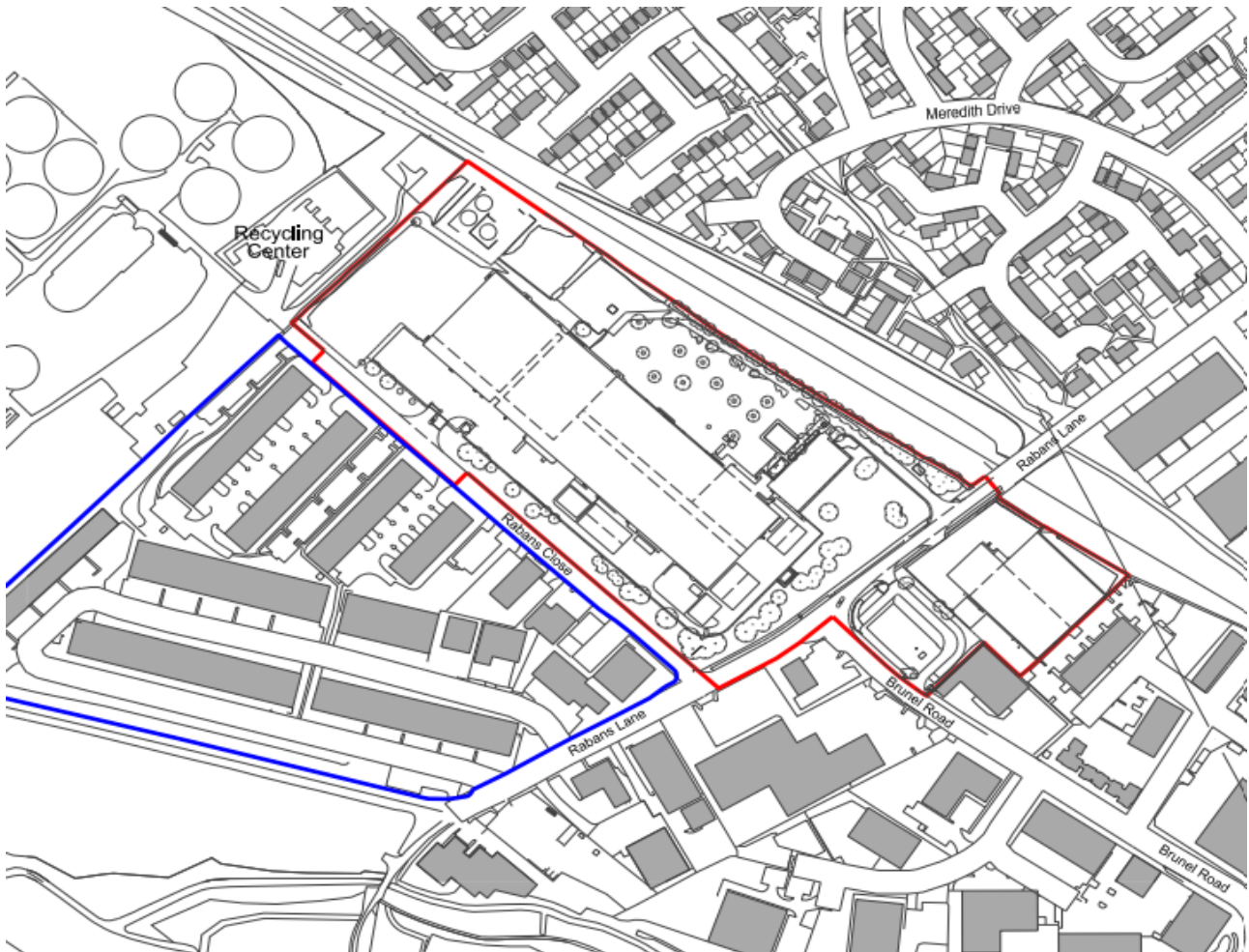
Representations received:

At the time of writing 11 individual representations of objection had been received from the public, and 1 neutral comment. The grounds for objection are summarised below;

- Loss of employment land and loss of jobs
- Increase in traffic
- Will result in vehicle 'rat running' through the Haydon Hill estate (in particular Meredith Drive and Dickens Way)
- Traffic calming measures are required to mitigate impacts of increased traffic in surrounding area
- Increased demand placed on local amenities (e.g. schools, GP surgeries and community uses)
- Insufficient mitigation proposed to minimise the effects of development
- Transport Assessment is based on out of date traffic information
- Rabans Close is already busy with HGV vehicles and vehicles visiting the recycling centre
- Harmful impact on the environment
- Council needs to work with statutory consultees to address comments they have raised
- Site unsuitable for residential use due to proximity to the railway, recycling centre and Thames Water treatment works. This will create noise and odour issues for future residents
- Inadequate public engagement was carried by the applicant out at pre-application stage
- Insufficient level of affordable housing
- Existing pedestrian footpath along Rabans Lane is too narrow
- Loss of trees

- Potential parking overspill
- Application cannot be considered objectively as the applicant (AVE) is in partnership with the Council
- Not compatible with existing industrial / commercial uses situated nearby on Brunel Road (i.e. noise and vehicle movements)

## APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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