



Strategic Sites Committee agenda

Date: Thursday 1 September 2022

Time: 2.00 pm

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

Membership:

A Bond, P Cooper, T Egleton, M Fayyaz, P Fealey, N Marshall, R Newcombe, J Ng, M Rand, A Turner (Chairman), J Waters (Vice-Chairman) and A Wheelhouse

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Strategic Sites Committee minutes

Minutes of the meeting of the Strategic Sites Committee held on Thursday 7 July 2022 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 10.00 am and concluding at 10.30 am.

Members present

P Bass, A Bond, P Cooper, P Fealey, R Newcombe, M Rand, A Turner (Chairman), J Waters (Vice-Chairman) and A Wheelhouse

Agenda Item

1 Apologies for absence

Apologies for absence had been received from Councillors Mohammad Fayyaz, Jackson Ng, Neil Marshall and Trevor Egleton. Councillor Paul Bass attended as a substitute for Councillor Ng.

2 Minutes

Councillor Richard Newcombe requested an amendment to Item 4, Declarations of Interest, fourth line. It should read, '...some of Councillor Newcombe's comments throughout the meeting **may be** relevant to the role.

Resolved: The minutes of the meeting held on 9 June 2022 were **agreed** as an accurate record and were signed by the Chairman subject to the amendment mentioned above.

3 Declarations of interest

Councillor Newcombe declared a personal interest in application 22/01/01750/APP as he represented Buckinghamshire Council on the Chilterns Conservation Board (CCB). Councillor Newcombe stated that he had had no part in any discussions in the CCB related to the application and felt able to take full part in the meeting and he was not, in any way, pre-determined.

During item 4, Councillor Newcombe declared a personal interest in that he was a local ward member for Wendover, Halton and Stoke Mandeville and wanted to put on record that the local members had been briefed with regard to the South East Aylesbury Link Road in general terms. Councillor Newcombe had also been present at a number of briefings and confirmed he had not made any comments in relation to the road in general or this application and was not pre-determined.

- 4 Application 22/01750/APP: Diversion of Overhead Cables - Link Road Between A413 Wendover Road and the B4443 Lower Road, Stoke Mandeville**
Proposal: Diversion of overhead cables.

Sue Pilcher, Principal Planner, referred to the update report which set out matters in respect of the Equalities Act and Human Rights Act and the receipt of the Construction Environmental Management Plan and a Construction Traffic Management Plan which had resulted in the proposed conditions 4 and 5 being updated. Heritage had confirmed that the proposal would not cause any harm to Hall End Farm House.

Speaking as the agent or on behalf of the applicant, Alan Owen, Matthew Stopforth and Rob Dumelow.

Resolved:

It was proposed by Councillor Patrick Fealey and seconded by Councillor Ashley Bond and agreed unanimously that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL (with an informative imposed on the decision notice that the Local Planning Authority expected local residents, businesses and Stoke Mandeville Hospital to receive advance notice informing them of any proposed power outages) subject to the receipt of the NatureSpace report in respect of Great Crested Newts and the agreement to the use of the District Licence, subject to the receipt of no new material representations, and the conditions as proposed and any others considered appropriate by Officers, or if this is not achieved for the application to be refused.



Report to Strategic Planning Committee

Application Number:	20/00510/APP
Proposal:	Erection of 130 dwellings, associated access and parking, landscaping and amenity space and the change of land from agriculture to use as sports pitches/recreational open space and informal open space.
Site location:	Land West of Moreton Road and Castlemilk, Buckingham, Buckinghamshire
Applicant:	Bellway Homes LTD and Avenue Farms LTD
Case Officer:	Mrs Nina Hewitt-Jones
Ward affected:	BUCKINGHAM EAST
Parish-Town Council:	BUCKINGHAM
Date valid application received:	11 February 2020
Statutory determination date:	Extension of time - 16 September 2022

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 others considered appropriate by Officers, or if this is not achieved for the application to be refused**

1.0 Summary & Recommendation/Reason for Planning Committee Consideration

- 1.1 This application is being reported to committee as 3 Parish/Town Councils have requested that it be considered by planning committee, Buckingham Town Council have confirmed that they will speak at the committee meeting. Councillor Stuchbury has requested that the application be referred to Committee on the grounds of the issues raised by Buckingham Town Council and his detailed comments are contained in Appendix A. Councillor Whyte has also requested that the application be referred to Committee and his detailed comments are contained in Appendix A.
- 1.2 The Site forms part of the strategic delivery of sites as defined in the adopted Vale of Aylesbury Local Plan (VALP) under policy D-BUC043 (Land west of AVDLP allocation BU1 Moreton Road, Buckingham) and is critical to the spatial strategy of the VALP, relevant to the Council's wider strategic development, and crucial to the implementation of an

adopted local plan. For these reasons the Director of Planning and Environment has considered this application appropriate for consideration at the Strategic Sites Committee.

- 1.3 The application seeks full planning permission for the erection of 130 dwellings, associated access and parking, landscaping and amenity space and the change of land from agriculture to use as sports pitches/recreational open space and informal open space.
- 1.4 The application site is VALP allocation site D-BUC043 which is one of two allocations for Buckingham which comprise the strategic allocation for the town in accordance with policy D2 of the VALP. The allocation which relates to this site of 14.9ha is allocated for 130 dwellings, sports pitches/recreation space, and green infrastructure with a number of criteria to be satisfied.
- 1.5 In terms of principle of residential development of this site Policy D2 (Delivering site allocations in the rest of Aylesbury Vale) and allocation D-BUC043 of the VALP are strategic policies and are now the most up to date policies of the development plan and takes precedence over the relevant policies of the Buckingham Neighbourhood Development Plan (BNDP) dated October 2015. Policy HP1 of the BNDP states that development will be supported within the Buckingham Settlement Area (BSA) for new housing at the sites set out in the accompanying table. This site is not identified within the Plan and is outside of the BSA and the proposed development would be contrary to BNDP policy HP1. However, this needs to be considered within the context of the adoption of VALP (September 2021) and policy D2 and the allocation D-BUC043 which are strategic policies in the Local Plan and are the most up to date. Policy HP1 conflicts with the VALP strategic policies and the guidance in the NPPF is clear that neighbourhood plans should not promote less development than set out in the strategic policies for that area or undermine those strategic policies (para 29 NPPF 2021). Neighbourhood plan policies when brought into force take precedence over existing non-strategic policies in a local plan covering the same area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently. In this case the VALP has been adopted subsequently and where there is conflict both the strategic and non-strategic policies of the VALP take precedence. The principle of the residential development of the site is therefore considered acceptable.
- 1.6 The proposal would deliver both market and affordable housing, with a good mix of size and type of dwellings, including Category M3 compliant wheelchair accessible and Category M2 accessible/adaptable units, being provided and overall would make a significant contribution to housing supply in the area. The Local Planning Authority can currently demonstrate a five-year supply of housing, albeit this site is relied on as part of that deliverable supply.
- 1.7 Furthermore, the proposed development would generate economic benefits in terms of those jobs associated with the construction works and longer term with the resultant increase in local population.
- 1.8 It is concluded that overall, the principle of the proposal would accord with the most up to date part of the development plan, that is VALP policy D-BUC043 which allocates the site for residential development.
- 1.9 Weighing all the relevant factors into the planning balance and having regard to the Development Plan and the NPPF as a whole, in applying paragraph 11 of the NPPF planning permission should be granted without delay, though it will be necessary to ensure that a satisfactory s106 agreement is completed first to satisfactorily mitigate the impact of the

proposal. Having regard to s38(6) of the PCPA, it is concluded that there are no material considerations that indicate a decision other than in accordance with the Development Plan.

- 1.10 Therefore, it is recommended that Members grant a resolution to approve, subject to the satisfactory prior completion of a s106 agreement to secure the matters set out in this report, and with appropriate conditions as proposed or should the s106 not be satisfactorily completed for the application to be refused by officers under delegated authority.

2.0 Description of Proposed Development

Site Description

- 2.1 The site is located in north Buckinghamshire, approximately 1.2km northeast of Buckingham town centre. The village of Maids Moreton is located to the northeast of the site.
- 2.2 The red edge site comprises approximately 11ha of farmed land and lies immediately to the west of the existing Phases 1 and 2 of the wider development along Moreton Road to the northwest edge of Buckingham.
- 2.3 The site comprises two large agricultural fields to the west of manor farm, an access track to the north, and residential development to the east. The southern boundary of the site is bordered by the rear gardens of existing residential dwellings fronting Bradfield Avenue. The application site forms an extension to existing residential development (Phase 1 and Phase 2), with access proposed off two existing roads from the Phase 1 scheme.



- 2.4 This application relates to the third phase of development at the wider site. Adjacent to the eastern boundary lies phase 1 of development (application ref: 06/01809/APP) comprising 200 dwellings, from which access to the site is to be obtained. To the north of this is phase 2 (application ref: 13/01325/APP), comprising 80 dwellings. Both earlier phases are now fully complete.
- 2.5 The adjoining built environment is characterised by relatively modern residential development, with properties along Bradfield Avenue and Gilbert Scott Road adjoining the

site to the south and the recently completed housing development to the east.

- 2.6 Immediately to the north of the site is a private road/track beyond which to the north-east is Buckingham Rugby Club. The village of Maids Moreton lies further north. On the eastern side of Duck Lane, beyond the Rugby Club is the Maids Moreton Conservation Area.
- 2.7 The site itself is not located within a Conservation Area, nor does it contain any listed buildings nor any in the near vicinity. Some distance to the south is the Buckingham Conservation Area, while further to the northwest of the site lies the Chackmore Conservation Area and beyond that Stowe Conservation Area and the Grade I Stowe House and its associated Registered Park and Garden.
- 2.8 The site is located in Flood Zone 1 and there are no existing structures within the site.
- 2.9 There is a public right of way (BUC/33/1) which runs northwards through the existing residential development to the east of this site and then continues northwards (MMT/4/1) towards Maids Moreton.

Proposal

- 2.10 The application seeks full planning permission for the erection of 130 dwellings, associated access and parking, landscaping and amenity space and the change of land from agriculture to use as sports pitches/recreational open space and informal open space.
- 2.11 The application is accompanied by a full suite of drawings (Appendix C) and the following documents:
- a) Design and Access Statement prepared by Barton Willmore;
 - b) Transport Assessment and Travel Plan prepared by WSP;
 - c) Heritage Statement prepared by RPS;
 - d) Archaeological Written Scheme of Investigation prepared by Archaeologica;
 - e) Flood Risk Assessment prepared by HAC Consulting Ltd;
 - f) Landscape Visual Impact Assessment prepared by Aspect;
 - g) Arboricultural Impact Assessment prepared by Aspect;
 - h) Ecological Assessment prepared by Aspect;
 - i) Sustainability Statement prepared by Turley
- 2.12 Following negotiations in November 2021 amended plans were submitted in February 2022. The updated plans include the following changes:

Design/Layout Changes

- A review of allocated on-plot parking has been undertaken with a reduction in on-plot parking and the provision of unallocated on-street spaces as advocated by officers.
- Garages have been pulled forward to reduce driveway lengths.
- Disabled parking spaces have been relocated adjacent to the properties they serve.
- A rear parking court introduced at the rear of plots 117 and 118
- Amended parking court to the rear of no. 82 to provide wider spaces and incorporate green space into garden of plot 80.
- Parking to plots 128-130 rearranged.

House Type/Finishes

- Roof pitches amended according to roof material as requested to introduce variety. 35 degrees for slate, with 40-45 degrees for other tiled roofs.
- A reduction in the amount of slate roof proposed as requested with greater use of plain tile.
- Chimneys added to larger house types.
- Amended mix of elevation materials with less use of light stock brick as requested.

VALP Policy/Allocation

- EVC charging points will be provided in accordance with prevailing standards.
- Cycle parking is provided by garages or sheds/cycle stores where no garage is provided.
- Contours added showing depths of ponds to demonstrate they will appear as naturalistic features as requested.

2.13 A Landscape and Visual Technical Note was also submitted in February 2022 which responds to the November 2021 comments from The Gardens Trust.

2.14 Following positive discussions between the Applicant and Highways and the LLFA, a note on highways and an updated FRA has been submitted in March 2022.

2.15 A minor amendment was made on 28 April 2022 with the submission of an updated Affordable Housing Layout plan which identifies the requisite 7no. wheelchair user dwellings as plots 25, 30, 120, 122, 124, 128 and 130 (all be ground floor units). The revision plan also shows car spaces for those plots at the required dimensions. In addition, the Applicant has confirmed that wet rooms will be provided instead of bathrooms for the proposed M4(3) wheelchair units.

2.16 Following discussion with officers on 5th May 2022, Aspect Landscape on behalf of the Applicants have prepared potential wireframe viewpoint montages of the site which have been submitted as minor additional information on 31 May 2022.

2.17 Minor revisions to the proposed materials were submitted on 17 May 2022. The updated materials proposed are:

Walls –

- Ibstock Lambourne Orange Multi
- Ibstock Leicester Multi Cream Stock
- Ibstock Leicester Red Stock
- Ivory Render

Roofs –

- Forticrete SLB Slate Grey
- Forticrete Gemini Mixed Russet
- Marley Etermit Clay Plain Tile mixed brindle

3.0 Relevant Planning History

Reference: 06/01809/APP

Development: Residential development comprising 200 flats and houses with associated parking and public open space

Decision: Approved

Decision Date: 23 May 2007

Reference: 09/02306/APP

Development: Erection No.5 dwellings with garages and ancillary works

Decision: Approved Decision Date: 15 June 2010

Reference: 10/00409/APP

Development: Erection of No.16 dwellings, garages, road and ancillary works (amended proposal)

Decision: Approved Decision Date: 13 May 2010

Reference: 11/02724/APP

Development: Erection of 80 No. dwelling units with associated parking, landscaping and open space provision

Decision: Refused Decision Date: 20 March 2012

Reference: 10/A0409/NON

Development: Non-material amendment to planning approval 10/00409/APP - Removal of ground floor bay window from flank wall of plot 104

Decision: Approved Decision Date: 10 January 2012

Reference: 06/A1809/NON

Development: Non material amendment to planning approval 06/01809/APP

Decision: Approved Decision Date: 28 March 2012

Reference: 13/01325/APP

Development: Erection of 80 dwellings with associated parking, landscaping and open space provision.

Decision: Approved Decision Date: 21 August 2013

Reference: 14/02601/AOP

Development: Outline application with access to be considered at this stage for the erection of up to 130 dwellings and full planning permission for the change of use from agricultural land to sports pitches/recreational open space and informal open space.

Decision: Called-in and refused by SoS Decision Date: 19 July 2017

This application (14/02601/AOP) was reported to the AVDC Strategic Development Management Committee (SDMC) on 3 occasions. On 11th March 2015 Members agreed for the proposal to be deferred and delegated with a view to approval subject to the satisfactory completion of a s106 and appropriate conditions. During the processing of the s106 there was a material change in circumstances in that the BNDP had made progress and was approaching the final stages. A further report was prepared for the SDMC on 2nd September 2015 in light of the change in circumstance, although again recommending approval. The BNDP was made on 30th September 2015. A further report was referred to the SDMC on that date. However, no decision could be made as the Secretary of State had on that day issued an Article 31 Direction in order to provide him with an opportunity to

consider whether or to intervene if the Council wished to grant consent. A further report to the SDMC on 27th April 2016 updated Members in relation to revised Highways comments and set out a revised balancing exercise taking into account the changes to the Council's Housing Land Supply which had dropped to 4.5 years (January 2016 position statement). Members resolved to defer and delegate to officers for approval subject to the addition of a Highways contribution in the s106 and subject to the lifting of the Article 31 direction. On 25 May 2016, the SoS directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that the application be referred to him instead of being dealt with by the local planning authority. The proposal was considered at a 6 day public inquiry beginning on 7th February 2017, following which the Inspector reported a recommendation of approval to the SoS. The SoS subsequently disagreed with the Inspector's recommendation and made the decision to refuse planning permission in his letter dated 19 July 2017. A copy of the SoS decision letter is attached at Appendix C of this report.

Reference: 20/00004/SO

Development: Screening Opinion

Decision: Environmental Impact Assessment Not Required Decision Date: 27 July 2020

- 2.18 The development has been screened under the Environmental Impact Assessment Regulations (An EIA Screening Opinion Request was submitted on 20 December 2019) and the local planning authority has concluded that an environmental impact assessment will not be required in this case.

3.0 Representations

- 3.1 Buckingham Town Council, Maids Moreton Parish Council, and Akeley Parish Council object to the application and their responses are set out in full at Appendix A of this report.
- 3.2 The Buckingham Society also object and the response is set out in full at Appendix A of this report.
- 3.3 Statutory site publicity has been given to the application and all public representations received are summarised in Appendix A of this report. Appendix A also contains a summary of consultation responses to this application.

4.0 Policy Considerations and Evaluation

Introduction

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".
- 4.2 The development plan for this area comprises:
- Buckinghamshire Minerals and Waste Local Plan 2019 (BMWLP)
 - Vale of Aylesbury Local Plan (VALP) (15th September 2021)
 - Buckingham Neighbourhood Development Plan (BNDP) (made 2015)

- 4.3 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (PPG) are important material considerations, and legislation at Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is accepted as a higher duty.
- 4.4 The main issues to consider are the principle of development in this location, whether it provides for a satisfactory level of affordable, other housing types and a suitable mix to meet community needs, landscape and settlement character informed by a landscape led approach, the impact on the transport network and whether it will promote sustainable transport modes, environmental issues including the impact on climate change, flooding and drainage including consideration of sewerage capacity and water supply, ecology, provision of amenity space, use of natural resources and building sustainability, and whether it makes provision for infrastructure contributions to mitigate impacts.

Principle and Location of Development

VALP: Policies S1 (Sustainable development for Aylesbury Vale), S2 (Spatial strategy for growth), S3 (Settlement hierarchy and cohesive development), S5 (Infrastructure), D2 (Delivery site allocations in the rest of Aylesbury Vale) & D-BUC043 (Land west of AVDLP allocation BU1 Moreton Road, Buckingham)

BNDP: Policy HP1 (Allocate land for 617 new dwellings)

- 4.5 Policy S1 of VALP requires all development to comply with the principle of sustainable development as set out in the NPPF, setting out the overall strategy for how this will be achieved. Policy S2 sets out the spatial strategy and distribution of development across Aylesbury Vale and seeks to concentrate strategic levels of growth and investment in sustainable locations. The VALP focuses the majority of growth in its Strategic Settlements, Aylesbury, Buckingham, Winslow, Wendover and Haddenham as well as adjacent to Milton Keynes. These policies coincide with policy S3 which requires development to be of an appropriate scale and sited in accordance with the settlement hierarchy. This positive approach to development seeks to ensure the wider needs of places and communities within Aylesbury Vale area are met, whilst minimising the need to travel, and optimising sustainable modes of travel. The VALP (2021) enables an integrated and balanced approach to the provision of homes, jobs and leisure with the aim of providing sufficient and appropriate infrastructure to meet future needs. Consequently, in planning for new development, policy S5 requires appropriate regard to be given to existing deficiencies in services and infrastructure provision.
- 4.6 Within the Settlement Hierarchy (2017), Buckingham is identified as a strategic settlement. The application site is allocated in the VALP for residential development Policy D2 (D-BUC043) and this supports the development of the site for 130 homes sports pitches/recreation space and green infrastructure; 110 homes to be delivered 2020-2025 and 20 homes to be delivered 2025-2033. The policy goes on to set out the following site-specific criteria:
- a) Provision of at least 130 dwellings at a density that takes account of the adjacent settlement character and identity
 - b) The site will be designed using a landscape-led approach The development design and layout will be informed by a full detailed landscape and visual impact assessment (LVIA)
 - c) An ecological management plan shall be submitted to and approved in writing by the council, covering tree planting, hedge planting, pond creation, provision of 2ha of mitigatory grassland and ongoing management of the site

- d) A tree protection plan is required for approval showing the height and position of protective fencing
- e) A hard and soft landscaping scheme is required to be submitted for approval
- f) Archaeological assessment and evaluation is required to be submitted to the council
- g) The scheme layout has regard to the findings of an archaeological investigation and preserves in situ any remains of more than local importance
- h) The development must provide a satisfactory vehicular access to be agreed with Buckinghamshire Council
- i) A surface water drainage strategy will be required for the site, based on sustainable drainage principles and an assessment submitted to the council for approval
- j) A foul water strategy is required to be submitted to and approved in writing by the council following consultation with the water and sewerage undertaker.
- k) An assessment of sewerage capacity and water supply will be required in consultation with Anglian Water. The water supply network is likely to require an upgrade by Anglian Water to serve the level of growth on the site. The Buckingham Wastewater Treatment Works needs upgrading and the delivery of the site will need to be aligned with investment in Anglian Water's Asset Management Plan.
- l) A financial contribution will be needed towards funding appropriate elements of the Buckingham Transport Strategy
- m) Amenity land which is to be provided with a NEAP and LEAP with sports pitches. The amenity land, subject to agreement, would be transferred to the Town Council following a maintenance period and a commuted sum paid to the Town Council for the upkeep of that land.

4.7 The site lies outside the built framework of the town and the identified Buckingham Settlement Area (BSA) as designated through the BNDP.

4.8 BNDP Policy HP1 states that *'development will be supported within the boundary settlement area for new housing as set out in Table 1 and as shown in the site allocation plans... provided the development meets the requirements set out in the policies of this plan.'* The site is not one of the allocated sites within the BNDP and in fact was rejected as a suitable site through the BNDP process.

4.9 However, this needs to be considered within the context of the adoption of VALP (September 2021) and policy D2 and the allocation D-BUC043 are strategic policies in the Local Plan and are the most up to date. Policy HP1 conflicts with the VALP strategic policies and the guidance in the NPPF is clear that neighbourhood plans should not promote less development than set out in the strategic policies for that area or undermine those strategic policies (para 29 NPPF 2021). Neighbourhood plan policies when brought into force take precedence over existing non-strategic policies in a local plan covering the same area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently. In this case the VALP has been adopted subsequently and where there is conflict both the strategic and non-strategic policies of the VALP take precedence. Given allocation D-BUC043 of the VALP, the development of the site for residential purposes is acceptable in principle as it is supported by the most up to date part of the development plan.

- 4.10 The BSA runs along the southern and eastern boundaries of the site and incorporates the existing residential properties within the completed phases 1 and 2, to the west of Moreton Road and the dwellings within Bradfield Avenue and Gilbert Scott Road to the south of the site. In settlement pattern terms, the site relates well to the existing adjacent built-up residential area, although it would extend built development further northwest than currently existing in this area this has been accepted by the allocation of the site for residential development.
- 4.11 Having regard to the above, the principle of development as proposed in this location would be acceptable. As set out later in the report the Highway Authority are requesting that the s106 includes a comprehensive package of off-site and onsite mitigation measures to improve the sites connectivity by sustainable modes. It is considered that these measures would reinforce the locational sustainability of the site to an acceptable level.

Affordable Housing and Housing Mix

VALP: D-BUC043 (Land west of AVDLP allocation BU1 Moreton Road, Buckingham), H1 (Affordable Housing), H6a (Housing Mix), H6b (Housing for older people), H6c (Accessibility), H5 (Custom/self-build) and SPD affordable housing

BNDP: HP3 (allocate land for self-build), HP4 (Provide diverse housing mix), HP5 (Provide affordable housing)

Housing Supply – General Position

- 4.12 The latest (April 2022) Five Year Housing Supply Position Statement for Aylesbury Vale area identifies that there is a 5 year supply of deliverable housing sites for the five-year period 2021-2026 and 5.2 years for the five-year period 2022-2027 (from 1 April 2022). 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. It also assesses the deliverability of sites against the new definition set out in the NPPF glossary. This site is included as one of the deliverable sites in that supply as part of the VALP allocation BUC0043 with delivery of units within the 5-year period and beyond.
- 4.13 The site would therefore contribute to the five-year housing supply as well as the longer term and provide associated benefits in meeting the ongoing need for housing. There is no reason that the site could not be delivered in line with the identified trajectory period which would be a significant benefit.
- 4.14 Further benefits would arise as a result of the related construction jobs and in the longer term to the local economy through the increased population, which would contribute to the local economy, and this matter is afforded considerable weight.

Affordable Housing

- 4.15 VALP Policy H1 states that a minimum of 25% of dwellings on sites of 11 dwellings or more should be affordable. It also sets out a number of additional criteria that will need to be met in relevant circumstances, including that such housing will need to take account of the Council's most up to date evidence of housing need and any available evidence regarding local market conditions.
- 4.16 BNDP policy HP5 requires sites of 1 hectare or over (or 25 dwellings or more) to provide 35% affordable housing, subject to viability, and should be accompanied by an affordable housing plan setting out mix, location and phasing. It also refers to the latest evidence of affordable housing need as set out in the HEDNA.

- 4.17 The VALP Inspector’s Report noted that some neighbourhood plans required higher percentages (than in the VALP policy) and that these were justified at the time of the making of those plans. These policies exist side by side and the fact that BNDP policy HP5 requires a greater proportion does not mean that it is inconsistent with VALP policy H1 which sets a minimum requirement. Therefore, in this case, the higher BNDP policy applies.
- 4.18 The applicant has confirmed a willingness to meet this higher policy requirement and for this provision to be secured via a s106 agreement. Given that this is a full application the submitted drawings demonstrate the proposed tenure mix (75% rented and 25% shared ownership), overall mix of housing sizes and types, avoidance of clustering.
- 4.19 In addition, and in order to further address VALP policy H6c which requires that all development will meet and maintain high standards of accessibility so all users can use them safely and easily, 15% of the affordable housing units will be Category 3 of Document M (M3) compliant wheelchair accessible housing and the remainder will meet category 2 (M2) - accessible/adaptable housing.
- 4.20 The scheme would therefore provide a higher level of affordable housing in accordance with policy HP5 of the BNDP rather than policy H1 of the VALP subject to the above requirements being secured via s106 agreement. This would be a significant benefit of the development.

Housing Mix

- 4.21 Local and national policy requires a mix of dwelling type and size to be delivered to ensure that it meets current demand and provides for inclusive and mixed communities. In addition, national policy states that local planning authorities should plan for the needs of people with disabilities and the PPG refers to households with specific needs. VALP policy H6a requires a mix of housing to be provided and H6c requires that all development meets and maintains high standard of accessibility.
- 4.22 In terms of the market housing mix, VALP policy H1 sets out that this should satisfy the most up to date evidence at the appropriate time; at this time these requirements are set out in the HEDNA. BNDP policy HP4 requires that on developments of more than 50 dwellings, there should be a wide mixture of housing types from 1 to 5 bed dwellings. The following tables set out the proposed housing mix and compares that to the HEDNA percentage:

Market Housing	Number	Percentage	HEDNA %
1 bed flat	0	0%	4%
2 bed flat	0	0%	4%
2 bed house	9	11%	13%
3 bed house	48	57%	52%
4 bed house	22	26%	21%
5 bed house	5	6%	6.5%
Total	84		

Affordable Housing	Number	Percentage	HEDNA %
1 bed flat	6	13%	9%
2 bed flat	6	13%	6%
2 bed house	12	26%	38%
3 bed house	18 (1 bungalow)	39%	38%
4 bed house	4	9%	9%
5 bed house	0	0%	0%
Total	46		

n.b. percentages may not equal 100% due to rounding

- 4.23 As shown in the tables above, the application provides a mix of dwelling types ranging from one to two bedroom flats and two to five bedroom dwellings that would reflect the percentage mix set out in the HEDNA. This mix of units would be distributed across the site to reflect the character and constraints of the different parts of the site.
- 4.24 It is considered that the proposed housing mix would accord with VALP policy H6a, BNDP policy HP4, NPPF guidance and the HEDNA.

Custom/self-build

- 4.25 VALP policy H5 expects developments proposing 100 dwellings and above to provide a percentage of custom/self-build plots. The VALP policy advises that the overall numbers/proportion of provision be determined on a site-by-site basis having regard to the evidence of demand and viability.
- 4.26 The latest evidence of demand for this type of dwelling is set out in the Bucks Self Build Report (last updated 25 March 2022). This indicates that in the last recorded year 33 individuals are registered. The document indicates that of those 11 are registered on the part 1 list (those which is the Council's duty to meet demand). Of these 12% have expressed an interest in Buckingham. This equates to c.2 households (1.32 exactly).
- 4.27 In this regard, it is considered that a 5% proportion of the proposed market housing (4 plots) should be sought as custom/self-build plots, and a plan detailing the location of these proposed plots has been submitted, ref: 24913 PL-09. This approach is consistent with the recent resolution to grant application 19/00148/AOP which relates to the other Buckingham allocated site in the VALP (D-BUC046). The obligation would be secured via the s106 agreement, and would include the requirement to submit, and have agreed, a suitable marketing strategy prior to the commencement of the development. Subject to the details of the approved marketing strategy the custom/self-build plots are to be delivered as fully serviced plots prior to the first occupation of more than 75% of the market dwellings.
- 4.28 On this basis, for the reasons outlined above, no conflict with either VALP policy H5 or BNDP policy HP3 arises.

Conclusions in respect of housing matters

- 4.29 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 higher level of affordable housing consistent with policy HP5, which is to be secured via s106.
- 4.30 Overall, it is concluded that the proposal would provide a good range of housing, with an appropriate percentage of affordable housing to contribute to meeting the needs of the community and overall housing supply of the district, and provision of an appropriate proportion of custom/self-build plots. On this basis the development would accord with the Development Plan policy, in particular VALP policies H1, H5, H6a, H6c, D2, and BUC043, BNDP policies HP3, HP4 and HP5 and the guidance set out in the NPPF. In so far as the development is policy compliant neutral weight is attributed to this in the planning balance however significant weight is accorded to the higher level of affordable housing and the economic benefits arising from the development.

Transport matters and accessibility

VALP: T1 (Delivering the sustainable transport vision), T2 (Supporting and Protecting Transport Schemes), T3 (Supporting local transport schemes), T4 (Capacity of the transport network to deliver development), T5 (Delivering transport in new development), T6 (Vehicle Parking), T7 (Footpaths and cycle routes), T8 (Electric Vehicle Parking), and D-BUC043 (Land west of AVDLP allocation BU1 Moreton Road, Buckingham)

BNDP: I1 (New disabled access requirement for new pedestrian routes)

- 4.31 Policy D-BUC043 requires a satisfactory vehicular access to be agreed with Buckinghamshire Council and a financial contribution towards the appropriate elements of the Buckingham Transport Strategy (BTS) will be required.

Sustainable Location

- 4.32 Within the Settlement Hierarchy (2017), Buckingham is identified as a strategic settlement. It is therefore accepted that Buckingham is a sustainable location for new housing development as one of the main towns. Buckingham, amongst the other larger settlements, acts as a service centre for other smaller and larger villages surrounding it.
- 4.33 There are a range of facilities and amenities within acceptable walking and cycling distance of the site, with existing footways and cycleways.

Access

- 4.34 Two points of vehicular access to the housing development are proposed continuing the roads of Shetland and Lincoln from the existing phase 1 development, these roads (Lincoln and Shetland) have already been constructed to facilitate future development. These accesses would consist of 5.5m wide carriageways with 2m wide footways either side. Narrower 4.8m wide shared surface roads would be used to provide the internal circulation routes within the proposed development.
- 4.35 The existing access serving the phase 1 development would remain and is not altered by this proposal. It is noted that there are existing points along Whitehead Way and Lincoln where the road narrows, however, visibility at both of these existing road narrowings is acceptable for vehicles to wait to pass each other, such that the Highways Authority raise no objection. In addition, vehicle speeds are likely to be low along these residential roads and there have been no recorded collisions in these locations.
- 4.36 The site layout has been revised to include continuous footways on both sides of the proposed spine road carriageway which loops through the proposed development from Lincoln to Shetland, and on the western side of the proposed development. The proposed

shared surfaces have also been amended to serve less than 25 dwellings and on cul-de-sacs only, in line with the requirements of the Highway Authority. It is considered that the proposal would provide satisfactory vehicular access and layout.

Transport Assessment

- 4.37 The application is accompanied by a Transport Assessment (TA). Following discussions between the Council's Highways Officer and the Applicant further details have been submitted in Technical Note 1: Response to comments from BC Highways, Technical Note 2: Old Gaol Junction Review and an updated Phase 1, 2 and 3 Travel Plan, as well as a number of amended plans.
- 4.38 The TA utilises the TRICS® database to provide an indication of the likely traffic generation arising from the development proposal. The Phase 2 TRICS® trip rates were compared with trip rates from Phase 1, which were derived from traffic counts at the two junctions of Whitehead Way with Moreton Road and cross-checked against the latest sites contained within TRICS®. This analysis concluded that the application of the Phase 2 TRICS® trip rates to this current proposal would provide a robust traffic assessment, and the Highway Authority are satisfied with this approach. The proposed development is likely to generate 77 two-way vehicle trips in the morning peak and 59 two-way vehicle trips in the evening peak.
- 4.39 The TA suggests that lane markings are introduced on the Moreton Road approach to the Moreton Road / Stratford Road / Market Square (Old Gaol) Roundabout to identify two separate approach lanes. The Applicant notes that, the previously proposed development of the Site (14/02601/AOP) included a financial contribution requested by the Highways Authority to mitigate the impact of the proposal, towards the design and provision of a left-turn filter slip at the A422 Stratford Road / A413 roundabout. The scheme remains part of the Buckingham Transport Strategy and the applicants continue to support a contribution towards the delivery of the scheme and or other elements of the Buckingham Transport Strategy, for the betterment of the wider network in Buckingham. Highway mitigation would be secured by way of s106 obligation, as set out in paragraph 5.200 Below.
- 4.40 A full Travel Plan was submitted in support of the proposed development, with an anticipated reduction in vehicle trips from those set out in para 1.8, and a trip discount was applied to the trip rates. The traffic assessments within the original TA assessed 53 two-way trips in the morning peak and 52 two-way trips in the evening. It has however come to Officers attention that there is an error in the predicted future year trip generation figures quoted within the Applicant's TA, and the Council's Highways Officer clarifies this: In the 2025 morning peak, the development is anticipated to generate 61 vehicle movements, and in the 2025 evening peak, the development is anticipated to generate 47 vehicle movements. These are the correct figures which should have been used in the traffic assessments. In terms of difference, in the morning peak there would be an additional 7 vehicle movements generated by the development compared to that assessed, and in the evening peak there would be a reduction of 5 vehicle movements. Given that the difference in vehicle movements is low, it is not proposed to re-run the modelling assessments, as this minor difference would not have any material effect on the assessments, and the impact of the development on the town centre will not materially change. The assessments conclude that the development will add to congestion on the highway network within the town centre, however satisfactory highway mitigation is proposed.

- 4.41 Additionally, the applicant has recently submitted additional transport information in the form of Technical Note (TN) 2 which seeks to address local objections that the cumulative traffic impacts of this current planning application and the consented development at Walnut Drive / Foscombe Road, Maids Moreton have not been adequately assessed. Specifically, the traffic impact at the Old Gaol Roundabout, Buckingham.
- 4.42 The TN2 explains that the traffic modelling set out within the original TA used background traffic growth factors derived from TEMPro v7.2 for the future assessment year of 2025. TEMPro takes account of committed housing developments identified within adopted local plans, and as both Phase 3 Moreton Road and the consented development at Maids Moreton are allocated sites within the VALP this was considered sufficient.
- 4.43 Local objectors have raised concerns that because Maids Moreton and Buckingham are not within the same Middle Layer Super Output Area (MSOA), and the growth factor from the MSOA in which Phase 3 Moreton Road is located has been used, that the additional traffic from the consented development at Maids Moreton has not been taken into account. In order to provide further robustness, the applicant carried out a further traffic analysis to further assess the cumulative traffic impact of Phase 3 Moreton Road and Maids Moreton on the Old Gaol Roundabout, Buckingham.
- 4.44 It is noted that this new traffic assessment takes account of an anomaly within the previous assessment of the Travel Plan measures which is helpful. The TA previously assessed 53 two-way trips in the morning peak and 52 two-way trips in the evening peak, whereas this assessment considers 61 two-way trips in the morning peak and 47 two-way trips in the evening peak for Phase 3 Moreton Road.
- 4.45 The Phase 3 Moreton Road development would result in 47 vehicle movements in the morning peak and 38 vehicle movements in the evening peak heading along the A413 Moreton Road to and from Buckingham town centre. The additional work within the TN2 indicates that in combination, Phase 3 Moreton Road and Maids Moreton increase traffic at the Old Gaol Roundabout by 80 vehicle movements across the morning peak hour and 57 vehicle movements in the evening peak hour. This represents a 4 – 5% traffic increase compared to the 2025 baseline situation.
- 4.46 The results of the Old Gaol Roundabout assessment show that it is currently operating with an RFC (The RFC (Ratio of Flow to Capacity) value indicates the extent to which traffic flows on an intersection arm approach capacity) over 0.85 on Stratford Road in the morning and evening peak periods. The junction performance is predicted to become worse in 2025 with higher RFCs on all three arms and in particular on Stratford Road. The modelling of the 2025 with both Phase 3 Moreton Road and the Maids Moreton development scenarios shows that, in the morning and evening peak periods, the RFCs and queues would only increase marginally. The Moreton Road and Market Square approaches to the Junction remain within the theoretical threshold with an RFC of 0.85 with the developments in place. It is also worth noting that the traffic assessments account for all development traffic using the Old Gaol Roundabout, however some of the development traffic heading to Buckingham town centre may choose to use other available roads such as Addington Road.
- 4.47 Local objectors raise concern with additional development traffic using College Road / Mill Lane to access the A422, however the Phase 3 Moreton Road development would result in 14 vehicle movements in the morning peak and 9 vehicle movements in the evening heading to and from Maids Moreton along the A413 Moreton Road. As such, if some of this

traffic should choose to use College Road / Mill Lane it would be minimal and would not have a material traffic impact on the highway network in and around Maids Moreton.

- 4.48 The applicant concludes that the additional traffic analysis clearly indicates that the relative impact of committed and proposed development flows on the operational capacity of the Old Gaol Roundabout would be negligible. The Highways Authority are satisfied with this additional traffic assessment, and that the proposed development would not have a severe impact on the operation and safety of the highway network.
- 4.49 The proposed development would be subject to various s106 obligations and planning conditions, including a financial contribution of £260k towards the Buckingham Transport Strategy. The strategy aims to remove vehicle trips with an origin and destination through or around Buckingham from the town centre, and this reduction in through traffic will improve town centre conditions and allow the impact from local trips associated with allocated local plan sites to be offset. The financial contribution is consistent with other planning applications in the Buckingham area. In addition, pedestrian, cycle, public transport, and highway improvements are to be secured, as well as a Travel Plan.
- 4.50 The Highways Authority have thoroughly assessed the traffic impacts of the development proposal and are satisfied that the impact of the development can be fully mitigated.

Travel Plan

- 4.51 A full Travel Plan was submitted in support of the proposed development, with an anticipated reduction in vehicle trips of 9% for Phase 3 by 2025. Whilst colleagues in Transport Strategy initially raised concern that the Travel Plan is unlikely to achieve such targets, they did acknowledge it is likely to reduce vehicle trips by 5%. However, an updated Travel Plan has been submitted which provides greater clarity on the pedestrian, cycling and public transport infrastructure improvements. On the basis of the updated Travel Plan, Transport Strategy colleagues are now satisfied that the reduction in car use and vehicle trips is achievable and realistic.
- 4.52 Some local objectors have raised concern regarding the Travel Plan and its robustness to reduce vehicle trips. The latest Travel Plan includes various pedestrian, cycle, and public transport improvement measures, and has been reviewed by a Senior Highways Development Management Officer and the Council's Travel Plan Officer. As stated above the Officers deem the Travel Plan satisfactory to achieve a 9% reduction in vehicle trips. The Travel Plan is a live document, and the implementation of the Travel Plan and a £5,000 monitoring fee is to be secured via s106 obligation to achieve the 9% target. Additional measures could be sought to achieve the Travel Plan targets, if required.

Public Transport, Walking and Cycling

- 4.53 The nearest bus stops to the site are located on Moreton Road, around 250m to 500m walking distance which is in line with the recommended 300m walking distance to bus stops (CIHT's 'Buses in Urban Developments' guidance).
- 4.54 Whilst, bus services are limited along Moreton Road (the 151 service at around 9am, Monday to Friday, and a couple of other return journeys during the day), the Council's Passenger Transport Team do not seek any financial contributions towards bus services, and it is noted that bus stop infrastructure (bus shelters, seating and accessible kerbing) has been introduced at the two nearest bus stops to the site along Moreton Road, as part of Phase 2 development. More frequent bus services are available from Buckingham Town

Centre, which is approximately 1.2km from the site, although it is noted that this exceeds the recommended walking distances to bus stops.

- 4.55 Walking, cycling, public transport and highway improvements are to be secured by way of s106 obligation, as set out in para 5.200 Below. These include new hard-standing, bus shelters and Real Time Passenger Information (RTPI) systems at the Moreton Road bus stops.
- 4.56 The proposed footpaths connecting the development to the boundary with Bradfield Avenue to the south and Hill Radnor on the eastern side of the site would be suitably surfaced and lit and proposed to improve pedestrian permeability. A zebra crossing was implemented along Moreton Road, to the south of the northern access to Whitehead Way as part of Phase 1 development.
- 4.57 It is noted that some residents would be able to walk or cycle to the town centre to access the more frequent bus services, and that improvements to local cycling infrastructure and the provision of cycle stands both in the town centre and near the bus hub for cycle/bus connection, which are to be secured via the s106 (para 5.200), would assist improved access to regular bus services.

Car Parking

- 4.58 Policy T6 of the VALP (and Appendix B) requires an optimum level car parking provision of 1.5 spaces per 1 bed unit, 2 spaces per 2 bed unit, 2.5 spaces per 3 bed unit, 3 spaces per 4 bed unit, and 3.5 spaces per 5+ bed unit. The policy sets out optimum standards and the level of parking they specific should be provided within the curtilage unless specific circumstances can justify deviating from them. The standards identify exception standards.
- 4.59 Policy T8 of the VALP requires the provision of parking bays and charging points for electric vehicles in new developments. One electric vehicle dedicated charging point is required per house with garage or driveway, and for flats at least 10% of parking bays shall be provided with dedicated electric vehicle charging points.
- 4.60 In respect of car parking provision, this is provided on plot and in garages with some dedicated parallel on-street parking bays, and allocated parking spaces to the front of some dwellings. Following negotiations, the number of plots with tandem parking spaces has been reduced and it is noted that, where proposed, tandem parking is related to a single dwelling; there are no communal tandem parking spaces proposed and each dwelling would manage their use of parking as necessary. Also, the design of the proposed road layout with a 4.8m carriageway and the provision of some dedicated parallel parking bays is likely to deter ad hoc on-street parking.
- 4.61 The most recent amended layout plan reviewed the allocated on-plot parking in order to design out the overprovision of spaces and to introduce the provision of dedicated, but unallocated (visitor) on-street spaces as advocated by the council's Urban Design Officer, garages have been pulled forward to reduce driveway lengths, and the allocated disabled parking spaces have been re-located to be adjacent to the properties they serve. A rear parking court has been introduced at the rear of plots 117 and 118, and the parking court to the rear of plot 82 has been revised to provide wider spaces and to incorporate more green space into garden of plot 80.
- 4.62 Whilst Appendix B of the VALP recommends that rear parking courts are not to be provided, it does allow rear parking courts to be considered where it is part of a coherent overall layout, small and overlooked by dwellings and secured. In this case, the proposed

rear parking courts are small scale and well related to the layout of dwellings. The use of these small parking courts has allowed the layout of the dwellings to be less rigid and for the frontages to be less car dominated in parts of the development. The courts, although not secured by gates, would be well overlooked to provide active surveillance, and would be located adjacent to the plots which they would serve.

- 4.63 Where front court parking is proposed it would be located to the front of plots which it would serve, and sufficient space has been incorporated in between sections of parking for appropriate planting to reduce the visual dominance of the cars in the street.
- 4.64 Parking spaces of 2.5m by 5m are proposed, which is slightly narrower than the 2.8m by 5m spaces required by VALP. The scheme was designed when the previous policy in AVDLP was current and the car parking spaces were 2.4m by 4.8m. However, subsequently the VALP has been adopted and larger spaces are required. The developer has responded by increasing the size of spaces to 2.5m by 5m. The proposed driveways are slightly longer, which would avoid parked vehicles overhanging footways and shared surfaces. Also, driveways are generally 3.3m wide, which would help to provide access to/from parking spaces and provide side/rear access to cycle parking and bin storage. Accessible parking spaces are proposed to be 3.5m by 5m. Again this is slightly smaller than required by the current standards which are 5.1 by 3.8m (1.2m of this may be shared between two adjacent spaces).
- 4.65 The proposed 2 bed and 4 bed dwellings would be served by the optimum level of car parking provision, as would the majority of the other units, however, the designing out of car dominated frontages and use of parallel on-street parking bays has reduced the allocated parking provision for some of the dwellings but increased the number of visitor bays proposed.
- 4.66 The optimum VALP parking standard for a development of this scale and housing mix would seek a total of 315 spaces (all allocated), the proposal would however provide a total of 320 parking spaces to serve the 130 proposed dwellings (279 allocated spaces and 41 visitor spaces); whilst there would be less on plot allocated spaces than required by VALP there would in total be an overprovision of 5 parking spaces within the development. Overall, it is considered that the proposed number of parking spaces would be acceptable given the sustainable location of the site, the proposed Travel Plan, and the number and size of proposed parking spaces would be broadly in line with the aims of the VALP. However, it is acknowledged that the size of parking spaces is less than the policy requirements and therefore fails to fully comply with Policy T6 and to which negative must be given.
- 4.67 In accordance with VALP policy T8 the Applicant has confirmed that EVC charging points will be provided to all dwellings with a driveway or garage, the TN1 (Feb 2021) states at paragraph 4.2.6 that on-plot EV charging points will be provided within garages. VALP policy T8 advises that EV parking bays should be 3m x 6m in dimension on the basis that some cars are charged from the front or back and others are charged at the side, and this would allow for cable and connector around these vehicles and allow sufficient room to avoid cables and their inherent trip hazards and the like. Driveways between dwellings are a minimum of 3m wide which allows for cables. 12 maisonettes/flats are proposed; policy T8 requires at least 10% of parking bays serving flats to be EV charging bays (e.g., 2 bays). The two dedicated EV spaces serving the proposed flats would be 3m x 6m. The provision of EV charging points would be controlled by condition.

- 4.68 In accordance with the VALP housing allocation policy sports pitches are to be provided within the public open space area to the north of the site. The two proposed rugby pitches would complement and expand the existing provision at the adjacent Buckingham Rugby Club. Parking provision for the rugby pitches would be provided to the northeast of the site with its access off Phase 2 to the east of the site. The proposed rugby pitch parking would provide 10 spaces which is considered acceptable given that the proposed pitches are intended to provide an additional resource for the existing Buckingham Rugby Club, immediately to the north of the site, with changing and parking requirements being managed from their existing site. The proposed facility would be used as an extension to the existing Club and not a destination in its own right, as such the level of parking proposed is considered acceptable.
- 4.69 That no affordable home has a garage is a concern raised by the Town Council as contrary to the principle of tenure blindness. However, the VALP policy requires no such provision and there are numerous market homes proposed without garage provision thus the lack of garage provision would not visually differentiate the affordable homes from the market homes.

Refuse Collection

- 4.70 Refuse vehicle tracking plans have been provided and are considered acceptable. Further details of a collection strategy for the less accessible areas of the development would be dealt with by condition. However, it is likely that bins would be provided for in external areas in a convenient location within the garden for the dwellings and communal bin collection areas will also be provided as appropriate.

Conclusions in respect of transport matters/accessibility

- 4.71 It is concluded that the proposal would not have a harmful impact on the local highway network and would be served by safe and suitable access points and a range of sustainable transport choices to connect to local amenities and facilities, subject to appropriate conditions and obligations. In addition, an adequate quantum of parking spaces (including EV charging points and disability spaces) would be provided although the parking spaces are smaller than required by adopted policy.
- 4.72 Therefore, subject to appropriate obligations and conditions, the proposal would accord with local and national policy, in particular with the aims of VALP policies T1, T3, T4, T5, T7 and T8 and with the guidance set out in the NPPF. The proposal could be implemented without harm to highway safety and convenience and sufficient parking, cycle parking and electric vehicle parking would be secured by condition. However, the size of parking spaces fails to comply with policy T6 and negative weight must be attributed to this although it is recognised that the majority of transport and parking matters does comply with the relevant policies and are afforded neutral weight.

Countryside, Landscape and Settlement Character

VALP: D-BUC043 (Land west of AVDLP allocation BU1 Moreton Road, Buckingham), BE2 (Design of new development), NE4 (Landscape Character) and NE7 (Best and Most Versatile Agricultural Land)

Aylesbury Vale Landscape Character Assessment

- 4.73 The VALP policies seek to ensure that new development reflects the character of the existing settlement in respect of, amongst other things, local distinctiveness, scale and landscaping; that it respects and complements the physical characteristics of the site and

its surroundings, the historic scale and context of setting and the natural qualities and features of the area; and that it includes landscaping to help buildings fit in with and complement their surroundings. Furthermore, development should take a landscape led approach and have regard to Landscape Character Assessments, minimise impacts on visual amenity and be supported by appropriate mitigation to overcome any adverse impacts.

- 4.74 NPPF paragraph 174 seeks to ensure that development contributes to and enhances the natural and local environment by recognising the intrinsic character and beauty of the countryside and wider benefits from the natural capital. VALP policy D-BUC043 also emphasises that a landscape led approach should be taken, informed by a fully detailed Landscape and Visual Impact Assessment (LVIA).

Countryside / Settlement Character Impact

- 4.75 The site is located outside of the SBA as defined in the BNDP and is part of the open land surrounding the built-up area which contributes to the character of the wider landscape through its scale, lack of enclosure to the west and its irregular field pattern. The proposed residential development will inevitably result in the loss of its current open, natural appearance and intrinsic character and beauty of the site itself as referred to in paragraph 174 of the NPPF.
- 4.76 The site is not currently accessible by the public, having no public rights of way over it, however there are nearby public routes, however views of the site from those routes which are located to the east of the site are screened by either the intervening dwellings or the mitigation planting associated with the earlier phases of development (phases 1 and 2). On the other hand, it should be noted that a number of the residents of these earlier phases now have views over this site and they currently overlook the fields that make up the application site. As such the proposed development will be perceived to be within an area of open countryside that in settlement pattern terms, is outside the existing built-up limits of the settlement and thus will be seen as a built incursion into the countryside. The proposal will adjoin residential developments, phases 1 and 2, to the east of the site (west of Moreton Road), and to south of the site the properties in Gilbert Scott Road and Bradford Avenue.
- 4.77 The proposed layout would use land efficiently and create a well-defined boundary between the settlement and the countryside, satisfactorily complete the settlement pattern without impairing the character or identity of the settlement or the adjoining rural area. Suggestions that the development of this site would lead to greater coalescence with Maids Moreton cannot be given weight as this would have formed part of the assessment when considering the site for housing development and would have been adequately weighed in the planning balance at that stage. As the site was allocated within the VALP the impacts were considered acceptable.
- 4.78 The proposal will incorporate a landscaped buffer along its western boundary with undeveloped areas maintained to reflect existing field patterns. This would comprise a suitable transition to the open countryside beyond and provide an appropriate countryside edge to the development.
- 4.79 Overall, the allocation will extend the built-up area of the settlement to the northwest, however the proposal would relate well to the existing settlement pattern and the scale of change to settlement character for this part of the settlement as a result of the development would be limited.

Landscape Character and Visual Impact

- 4.80 As noted above, VALP policy NE4 seeks to ensure that development respects and complements the physical characteristics of the site and its surroundings, the historic context and the natural qualities and features of the area and recognises the individual distinctiveness of particular landscape character areas set out in the LCAs and minimises impacts on visual amenity and avoids the loss of important views and landscape features.
- 4.81 Policy D-BUC043 states that the site should be designed using a landscape led approach with the design and the application supported by an LVIA.
- 4.82 The Aylesbury Vale Landscape Character Assessment identifies that the site lies on the boundary between LCT 01 Wooded Ridge and LCT 02 Incised Valleys. The Landscape Character Areas are 2.4 Stowe Park Approaches and 1.7 Maids Moreton Plateau. Further to the northwest lies the Stowe Registered Parkland (1.4) which covers the Historic Park & Garden.
- 4.83 The Council's 'Strategic landscape and visual capacity study' provides the following commentary:
- "The site consists of a series of agricultural fields intersected by hedgerows along field boundaries (typically 2m high) and is bound by housing to the east and south with approximately 40 upper storey and oblique upper storey views into the site. The site rises to the west exposing the site to views further west such as distant views from a farmstead to the southwest and the elevated grade I Stowe Park and Garden which lies approximately 900m to the west. The character of the site is rural in nature with little evidence of urban fringe character. The site contributes to the character of the wider landscape through its scale, lack of enclosure to the west and its irregular field pattern."
- "Potential to develop 45% of the site, with the remaining area used to provide a green infrastructure buffer in the northern half of the site and along the western boundary to soften the edge of settlement and limit impact on surrounding landscape character."
- 4.84 The submitted LVIA Addendum (Aspect, January 2020) assesses any changes to the visual amenity arising from the proposed revised layout and subsequent changes to the surrounding environment. The views identified during the previous assessment (LVIA, Aspect, August 2014) have been revisited, with the assessment of effects on these views forming the basis of this LVIA Addendum to the original LVIA which provides a detailed assessment of the landscape character and visual impacts.
- 4.85 The submitted Landscape Strategy sets out how the development of the site responds to those potential impacts and indicates the areas of existing planting that will be retained as well as identifying new areas of planting within and around the site to seek to minimise the impacts of the development and assist in assimilating the development into this edge of settlement location. In addition, the use of lower density housing to the western development block would sensitively address long distance views across the agricultural landscape from the west.
- 4.86 The Applicant's LVIA Addendum concludes on visual effects that the change to the layout would result in no changes to the judgements made within the original LVIA. However, the recent development of Moreton Vale (phase 2, to the west of Moreton Road) has altered a number of the views from the northeast of the site as a result of that development, however, this change to the visual amenity had been considered previously within the 2014 LVIA; such it is considered that the judgements made within 2014 LIVA are still applicable.

- 4.87 It is considered that the applicant's LVIA addendum provides a reasonable assessment of the landscape and visual impacts. The proposed revised site layout shows that the landscape-led approach advocated by VALP policy BUC043 can be achieved with relatively generous areas of green infrastructure (GI) provided incorporating most of the existing valuable natural features that contribute to the existing character. These would be supplemented by suitable new planting including compensatory planting for those features that necessarily require removal to facilitate the development (e.g., breaks in hedgerow for site access points).
- 4.88 The Council's Landscape Officer notes that the site is rural in character, and it is agreed that the change from greenfield to housing would inevitably be harmful for this site and its surrounding landscape, bringing the urban edge further northeast past existing development into open countryside, although it is acknowledged that the proposal would relate well to the existing adjacent residential development.
- 4.89 The specific housing allocation policy requires a landscape led approach, which this proposal has adopted being accompanied by a LVIA and mitigating landscaping proposals. In terms of visual impact, it is considered that the landscape strategy proposals would assist in mitigating impact on the visual baseline.
- 4.90 As such it is considered that the proposal would accord with the landscape requirements of policy D-BUC043 of the VALP.
- 4.91 The application is accompanied by a detailed landscaping scheme, which would be secured by an appropriate planning condition. The proposed landscaping would comprise a suitable scheme of appropriate planting which would maintain, and in places enhance, the site and its surroundings.
- 4.92 Overall, it is considered that the proposal, due to it being the development of a currently undeveloped greenfield site would result in landscape and visual impacts but that these impacts are limited and would be satisfactorily addressed by the approach advocated in the site-specific policy D-BUC043. Given the extent of the development to the south and east it is considered that the proposal, whilst resulting in development that would intrude into the countryside surrounding this side of Buckingham, would nevertheless result in a clearly defined boundary to the settlement.
- 4.93 Thus, the proposal would accord with VALP policies D-BUC043 although the change to the landscape character does result in landscape and visual impact the landscape led approach required by D-BUC043 has resulted in acceptable mitigation and accords with NE4, and the guidance set out in the NPPF

Raising the quality of place making and design

VALP: D-BUC043 (Land west of AVDLP allocation BU1 Moreton Road, Buckingham), BE2 (Design of New Development), and BE4 (Density of new developments)

- 4.94 The above policies seek to ensure that development is responsive to its context and provides a high quality, sustainable design. The NPPF also emphasises that development should make effective use of land whilst at the same time safeguarding and improving the environment. The recent updated NPPF also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 4.95 Policy BUC043 requires that a landscape led approach be used, with the development design and layout being informed by a landscape and visual impact assessment (LVIA).

- 4.96 The DAS sets out a number of design principles that have informed the development of the site alongside the LVIA. These design principles include:
- a. The opportunity to enhance the existing edge of Buckingham and Maids Moreton through sensitive, responsive development and an enhanced green interface.
 - b. Create a new area of Public Open Space to the north of the residential area, with 2 rugby pitches, children's play facilities, and landscaped amenity areas.
 - c. Strengthen the western landscape boundary with additional tree planting.
 - d. Well-defined perimeter blocks to make clear what is public and private space.
 - e. Create a legible route through the site from Shetland Road and Lincoln Road, for both pedestrian/cycle and vehicles.
 - f. Development will incorporate elements of traditional materials determined by the character assessment of north Buckingham, Maids Moreton and surrounding homes.
 - g. Provide above ground surface water attenuation in the form of attenuation basins.

Making Effective Use of Land

- 4.97 VALP allocation policy D-BUC043 (Criteria a) requires the provision of at least 130 dwellings on the site, at a density that takes account of the adjacent settlement character and identity.
- 4.98 The density of the proposed development would be similar to that on the adjacent sites (phases 1 and 2) to the east. It is considered that the proposed density offers an efficient use of land in this sustainable location. The proposed density would become lower towards the western side of the development to allow for a softer transition into the open countryside to the west.

Layout

- 4.99 Two vehicular accesses are to be provided off the Moreton Road (Phase 1) development, from Shetland to the north and Lincoln to the south and would join up to provide the primary movement route centred within the proposed development area.
- 4.100 The proposed internal layout of the development is organised around a hierarchy of streets from primary and secondary streets to shared surface areas and private drives. The proposed revised layout plan shows an accessible, legible, and permeable layout which would generally follow good urban design principles with the use of outward facing perimeter blocks. The proposal reflects the key characteristics of the earlier phases of the wider development but also has its own positive and coherent identity.
- 4.101 Pedestrian routes through the site would link the proposed development with the public open space and sport and recreation area to the north of the site and, from the adjacent existing developments.
- 4.102 The revised plans show the dwellings to be in a more informal, less regimented, layout which would better relate to this edge of settlement location.
- 4.103 Trees would be planted throughout the development in accordance with NPPF guidance which emphasises the importance of tree lined streets. In addition, a full landscaping scheme has been submitted which would enhance the site boundaries with additional tree, hedge, and shrub planting, and incorporates the creation of a pond and the provision of

mitigatory grassland in accordance with the requirements of the VALP allocation policy (D-BUC043).

- 4.104 The northern section of the site would provide the sport and recreation land which includes the provision of two rugby pitches and would relate well to the location of the existing Rugby Club to the northeast of the site, whilst also assisting the provision of a green buffer to the north of the development and allowing the existing hedgerow which intersects the wider site to be retained. Public access to this recreation land would be possible from within the proposed development as well as being accessible from the proposed access, both pedestrian and vehicular, off Twickenham Road (Phase 2), which connects up to the public footpath (BUC/33/1) and via the existing field access to the north which is shown on the landscape plan to be retained. It will also be accessible with vehicular access through phase 1 (Shetland and Lincoln) and pedestrian access from proposed footpath links to Hill Radnor and Bradfield Avenue.
- 4.105 To the south of the site a careful landscape treatment has been considered to ensure that the existing vegetation is retained whilst also incorporating the attenuation solutions and further native planting. This allows for a landscape buffer between the proposed dwellings and the existing dwellings to the south as well as assisting the transition to the wider rural landscape to the west of the site.
- 4.106 The amended plans include contours on the proposed drainage attenuation solutions to demonstrate that they would include shallow slopes which can be appropriately landscaped and appear more naturalistic features.

House Type/Finishes

- 4.107 The appearance of the proposed dwellings can be attributed to the traditional forms, proportions, colours and materials in the immediate surrounding area. The proposed architectural style would be traditional, with the use of brick sills and arched window heads, and various eaves and verge details. The proposed dwellings would be 2 storey in scale, with one of the proposed dwellings being a bungalow. The limited range of window styles comprising casement windows would be used, with cottage glazing bars to the front and exposed side elevations. A variety of house types are proposed, some with lean-to entrance porches across the site, and splayed bay windows with hipped roofs.
- 4.108 Following discussions amended plans were submitted which revised the roof pitches according to the proposed roof material for each plot to introduce variety e.g., 35-degree roof pitches where slate is to be used, with 40-45 degrees for other tiled roofs. The updated plans also include a reduction in the amount of slate roof proposed allowing for a greater use of plain tile, and chimneys have been added to larger house types.
- 4.109 The proposed materials would be a simple palette of three types of facing brick and an ivory render, and three types of roof tile. The proposed mix of elevation materials has been amended with less use of light stock brick to better reflect the existing development within the immediate adjacent area.
- 4.110 The proposed hard surface finishes would provide variety and interest whilst also aiding in identifying character areas and private driveways, parking areas and key nodal points within the development.

Design conclusion

- 4.111 The Council's Urban Design Officer has been involved with the evolution of the revised plans and is content with the proposed layout and design.

4.112 It is considered that the development of the site would achieve a high quality, beautiful and sustainable place and a sympathetic and fitting addition to the built form and settlement pattern in this location. The proposal would therefore accord with policies D-BUC043, BE2 and BE4 of the VALP and the guidance set out in the NPPF and is afforded neutral weight in the planning balance.

Amenity of existing and future residents

VALP: BE3 (Protection of the amenity of residents)

BNDP: DHE6 (Provision of good quality private outdoor space)

- 4.113 There are existing residential dwellings to the north-east, east, southeast and south of the proposed development site. Having regard to the separation distances to be maintained and the siting of the proposed dwellings, along with landscaping to be retained and new planting to be provided, it is considered that no undue loss of amenity would result to existing occupiers in terms of loss of privacy, overlooking or loss of sunlight.
- 4.114 Regarding the amenities of the future occupiers of the development it is considered that there would be an acceptable relationship given the windows to habitable rooms, the orientation of dwellings and separation distances. In addition, the proposed layout demonstrates that the level of proposed internal and external amenity space would create a satisfactory standard of accommodation for future occupiers.
- 4.115 It is therefore considered that the proposal would have an acceptable impact on neighbouring residential amenity and would create a satisfactory standard accommodation for future occupiers in accordance with policy BE3 of the VALP, policy DHE6 of the BNDP, and the guidance set out in the NPPF and is given neutral weight in the planning balance.

Building sustainability

VALP: policy C3 (Renewable Energy)

- 4.116 Policy C3 requires 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 over 10 dwellings are required to provide an energy statement, and a feasibility assessment for district heating (DH) and cooling utilising technologies such as combined heat and power (CHP), including biomass CHP or other low carbon technology, will be required for (m.) all residential developments of 100 dwellings or more.
- 4.117 A Sustainability and Energy Statement prepared by Turley Sustainability provides details of the way in which relevant local planning policies concerning sustainability will be satisfied. These include: the delivery of energy efficient homes which will deliver carbon savings beyond the requirements of the Building Regulations; dwellings designed to a water efficiency standard of 110litres/person/day; design of homes to utilise sustainable materials and construction methods to reduce resource use and impacts on the environment; and measures to manage waste during both construction and occupation to reduce waste and maximise recycling.
- 4.118 The energy statement explains that the dwellings are designed in accordance with the energy hierarchy and a fabric first approach to reduce energy use and carbon emissions, reducing energy use through the provision of on-site renewable energy generation (e.g., solar PV) to deliver 10% of the site's regulated energy. Details of the proposed solar PV are to be required by condition.

- 4.119 Within the energy statement there is a feasibility statement regarding a decentralised energy system, the conclusion is the development of thermally insulated, low density, high efficiency homes such as those proposed limits the heat demand of development and therefore the feasibility and viability of the installation of CHP and district heating. In this context it is considered that the installation of a heat network is unsuitable for this development.
- 4.120 Other sustainability measures are considered in the form of mixed tenure, provision of outdoor space, high standards of environmental construction and reference to Secured by Design standards.

Supporting high quality communications

VALP: policy I6 (Telecommunications)

- 4.121 In accordance with VALP policy I6, developers are expected to have explored the option of providing on-site infrastructure, including ducting to industry standards in any new residential development for efficient connection to existing networks. This policy accords with paragraph 114 of the NPPF which states that a reliable communications infrastructure is essential for economic growth and social well-being and that policies should prioritise full fibre connections to existing and new developments.
- 4.122 Paragraph 116 of the NPPF requires Local Planning Authorities to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communication services. Given the nature and location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development.
- 4.123 Overall, it is considered that the proposal would accord with policy I6 of the VALP and with the guidance set out in the NPPF in this regard and is given neutral weight in the planning balance.

Flooding and drainage

VALP: D-BUC043, I4 (Flooding), and I5 (Water Resources and Wastewater Infrastructure)

BNDP: I6 (Rainwater collection), I5 (Sewage Management)

- 4.124 The application site is located in Flood Zone 1. Policy I4 of the VALP seeks to ensure all development proposals adhere to the advice in the latest version of the SFRA incorporating drainage strategies amongst other criteria.
- 4.125 VALP policy BUC043 states that a surface water drainage strategy will be required for the site, based on sustainable drainage principles and an assessment submitted to the council for approval; a foul water strategy is required to be submitted to and approved in writing by the council following consultation with the water and sewerage undertaker; an assessment of sewerage capacity and water supply will be required in consultation with Anglian Water. The water supply network is likely to require an upgrade by Anglian Water to serve the level of growth on the site. The Buckingham Wastewater Treatment Works needs upgrading and the delivery of the site will need to be aligned with investment in Anglian Water's Asset Management Plan.
- 4.126 The Lead Local Flood Authority (LLFA) has reviewed the information provided in the Flood Risk Assessment (ref. 7456-MRP-SOLID-XX-XX-RP-C-FLOOD RISK ASSESSMENT - Phase 3 Moreton Road, 21.03.2022, Solid) and raises no objection to the proposed development

subject to an appropriate condition being placed on any planning approval that may be granted.

- 4.127 The FRA (4.3) includes reports of flooding on and around the eastern boundary of the site. The FRA has been amended and includes clarification that there have not been any subsequent reports since the initial publication of the Flood Risk Assessment in 2014.
- 4.128 The revised FRA details ground investigations which comprise of groundwater monitoring and infiltration rate testing. The findings of the investigations are detailed in the RSK Geosciences report (ref. 1921988 L02 00, 11.02.2022).

Surface water drainage

- 4.129 The surface water drainage strategy has been revised following the completion of infiltration rate tests in accordance with BRE 365. The revised scheme is shown on drawing No. HAC/7456/FRA1 Revision F. The infiltration rate testing indicated suitable infiltration rates, ranging from $6.52 \times 10^{-5} \text{m/s}$ to $9.29 \times 10^{-6} \text{m/s}$ in three locations within the Granular Glaciofluvial Deposits. The RSK Geosciences report (ref. 1921988 L02 00, 11.02.2022) highlights the need for on-going monitoring of groundwater levels due to the potentially confined nature of the Glaciofluvial Deposits. The LLFA have requested a condition to address this matter. However, on the basis of the ground investigations undertaken, the revised drainage plans show plots and garages 46 to 60, 106 to 109 and 126 to 127 are proposed to discharge into private soakaways in the rear gardens. In addition, the private driveways 46 to 60, 106 to 109 and 126 to 127 are proposed as self-drain permeable paving driveways.
- 4.130 It is the intention for the remainder of the residential development to drain to two detention basins in the west of the site and then ultimately outfall to the Anglian Water surface water sewer network.
- 4.131 Following initial comments from the LLFA in March 2020, the surface water drainage scheme serving the sports pitches has been revised. It is now proposed to drain this area via a swale and detention basin has been proposed to the south and southeast of the pitches. The drainage system will discharge into the adjacent ditch at Qbar controlled using a series of orifice plates.
- 4.132 The revised FRA includes a water quality assessment which demonstrates that surface water runoff can receive adequate treatment prior to discharging offsite. Concerns were previously raised around a rising main needed to serve plots 127 and 130; this has been resolved and it's intended for those plots to drain to Basin B via gravity.
- 4.133 In terms of the surface water drainage scheme, the principles are considered acceptable. The technical detail of the proposed SuDS scheme is to be dealt with by condition and the "whole-life" maintenance and management plan for the surface water drainage system is to be secured by a s106 Planning Agreement; to safeguard the maintenance and management of these features over the lifetime of the development due to the residual risk of surface water flooding to the site should the systems not be adequately maintained.

Foul drainage

- 4.134 With regard to foul drainage, Anglian water have confirmed sufficient capacity exists in the network to accommodate the projected demands of the proposed development (D-BUC043, criteria k).
- 4.135 The drainage drawing (HAC/7456/FRA1 Rev G) shows the proposed foul and surface water drainage. This strategy has been developed after consultation with Anglian Water. Two

pre-planning reports have been prepared by Anglian Water. The most recent report is dated 28.06.2022 and confirms that 'the development is in the catchment of Buckingham Water Recycling Centre, which currently has capacity to treat the flows from the development site.'. The report also states, 'Anglian Water are obligated to accept the foul flows from your development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.'

- 4.136 Also, the Secretary of State stated in respect of the previous application (Ref. 14/02601/AOP), that he was satisfied that there would be no harmful impact on foul or surface water.

Drainage Conclusion

- 4.137 It is concluded that the proposal will make appropriate provision for surface and foul water drainage and will secure measures to avoid/improve flood risk and will not result in increased flood risk elsewhere. The proposed development would therefore satisfy national policy and guidance and VALP policies D-BUC043, I4, and I5. This factor is afforded neutral weight in the planning balance.

Trees and Hedgerows

VALP: NE8 (Trees, hedgerows and woodlands) and D-BUC043

BNDP: DHE1 (Protecting existing trees and provision of trees in development)

- 4.138 The site is currently farmland. There are no existing structures within the site and no existing vehicular access. The site is split by a hedge that runs east to west through the northern half of the site. The perimeter of the site is enclosed by mature hedgerows of varying sizes, which are interspersed with mature trees. VALP allocation D-BUC043 (criteria d) requires a tree protection plan showing the height and position of protective fencing.
- 4.139 BNDP policy DHE1 seeks to ensure that wherever possible existing trees are retained. VALP Policy NE8 takes an approach that is consistent with the balanced approach of the NPPF in that it seeks to ensure that development enhances the district's tree resources, that development resulting in the loss of trees or hedgerows that make an important contribution to the character and amenities of the area will be resisted and that where the loss of trees is considered acceptable, adequate replacement with trees sympathetic to local tree species will be required. The loss of native hedgerows should be compensated for and a net gain achieved and retained/new hedgerows should where possible be protected by appropriate buffers. NPPF paragraph 174 states that decisions should contribute to and enhance the natural environment by recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of trees and woodlands.
- 4.140 The application is accompanied by an Arboricultural Impact Assessment (AIA) including a tree survey. This confirms that trees and hedgerows are restricted to the boundaries of the site.
- 4.141 As a result, it will be possible to satisfactorily protect the trees on-site and the majority of hedgerow save for limited sections which require removal to facilitate vehicular access and connectivity and surveillance of the area of open space to the north.
- 4.142 It is considered that the loss of these short hedgerow sections would not compromise the integrity of the retained spans and mitigation would be provided in the form of new

planting. The replacement planting would provide betterment to the existing tree cover of the site in terms of tree numbers, quality, distribution and canopy coverage.

- 4.143 It is concluded that the proposal would provide appropriate enhancement in terms of tree and hedge cover and would ensure that the new development will be satisfactorily assimilated into its countryside setting, and details of tree protection can be secured by condition, in accordance with policies NE8 and D-BUC043 of the VALP, policy DHE1 of the BNDP, and the NPPF and is afforded neutral weight in the planning balance.

Green networks and infrastructure (including public open space and sports provision)

VALP: I1 (Green Infrastructure), I2 (Sports and recreation) and Appendices C and D, and allocation D-BUC043

BNDP: CLH2 (Play provision for new developments)

- 4.144 The provision of multi-functional Green Infrastructure (GI) is an important element of the wider provision of infrastructure necessary to support healthy, sustainable communities in both urban and rural communities and the NPPF states that decisions should enable and support healthy lifestyles through its provision.

- 4.145 In general terms green infrastructure (GI) is the term used to encompass all 'green' elements of a scheme; it comprises a network of ANGsT (Accessible Natural Green Spaces) compliant high quality, multi-functional green spaces that are intended to improve connectivity of towns and villages and the wider countryside, primarily to provide for a connected network of 'green' links providing pathways for humans, animals and plants. It can include a wide variety of uses and habitats including woodland, water courses, ponds, footpaths, cycleways and other recreational routes and uses.

- 4.146 The approach set out in the BNDP policy is somewhat outdated in that it uses the more traditional approach of securing outdoor space based on standards related to play and recreation rather than the multi-functional approach that is now advocated through the NPPF. As such the relevant VALP policies carry greater weight.

- 4.147 VALP Policy D-BUC043 states that the site is allocated for '130 homes, sports pitches/recreation space and green infrastructure', highlighting the importance of that use to the overall development of the site. VALP policy I1 requires all development over 10 dwellings to provide for accessible natural green space to meet standards set out in Appendix C on site.

- 4.148 The standards for ANGsT at appendix C, set out the precise type of on-site provision depending on the nature and location of the proposal, existing open space provision in the area and the quantity of space needed. The standards clarify that in addition, the quantitative and access standards for areas of play (LEAPs, NEAPs, MUGAs and skateboard parks) as set out in the Fields in Trust (FiT) publication will be required.

- 4.149 The policies of VALP are therefore up to date in terms of the approach in the NPPF which seeks to provide inclusive developments that support healthy lifestyles through the provision of a GI network that comprises of a range of different typologies and performs a range of functions. The standards comprise quantitative and accessibility elements to ensure that such areas are within reasonable distance of people and meet Natural England's belief that everyone should have access to good quality natural GI. Long term stewardship of these areas is vital to ensure that they are maintained to high standards in

perpetuity, and this management will be provided for within the s106 with the land being offered to the Town Council for adoption.

- 4.150 In terms of the overall quantity of space, the Parks and Recreation Officer has confirmed that the amount and nature of the GI accords with the required standards in VALP, along with new footway and cycleway links to be provided throughout the GI network.
- 4.151 The proposed development would provide for an acceptable amount, location and form of GI which can be secured via conditions/obligations. As such the proposal would accord with local and national policy.
- 4.152 VALP policy fully reflects the current national approach in respect of this issue whereby such provision should be considered as an element of the overall multi-functional GI, albeit certain elements need to be considered separately and the standards reflect those provided within the FiT guidance. These policies also provide the basis for securing appropriate financial contributions towards off-site sport and recreation facilities that cannot be practically provided on site.
- 4.153 VALP policy I1 states that recreation facilities can be provided on the same site as the publicly accessible GI, provided they are compatible with it; such land is in addition to that required as GI. Whilst such facilities can co-exist in a properly master-planned approach they must be treated separately so that they can viably function.
- 4.154 In respect of this proposal, consistent with the VALP site allocation D-BUC043 (criteria m) the northern field makes provision for a NEAP/LEAP, two sports pitches and amenity land. This will provide a valued facility for the local community and those which occupy the proposed housing.
- 4.155 The site is particularly well placed to cater for the needs of the Buckingham Rugby Club which is located immediately to the north of the site and previously expressed their need for more pitches to accommodate the demands of training and matches, as such the proposed sports pitches are to be rugby fields.
- 4.156 The generous area of both formal and informal open space, including play space provision which accompanies this application exceeds that required by adopted planning policy. It will also help to achieve healthy, inclusive and safe places providing opportunities for social interaction, high quality public areas, safe and accessible green infrastructure and sports facilities as sought by the NPPF.
- 4.157 The requirement for this phase (phase 3) of the wider development is to provide both a LEAP and a NEAP on-site. Every dwelling should be within a minimum 400m safe walking distance of a LEAP and 1,000m walking distance of a NEAP. The majority of dwellings fall within (or very close to) the above minimum walking distances but some of the southernmost dwellings would not meet the min 400m walking distance to a LEAP.
- 4.158 In order for the applicant to meet this requirement they would have to provide a LEAP somewhere within the housing part of the development. Rather than provide such a separate LEAP and NEAP and taking into account the low number of dwellings outside of the minimum LEAP walking distance, the council is willing to accept the proposed layout on this occasion, as it is considered to be more beneficial to residents to create one larger 'destination' park for all ages/abilities on the larger main open space which a combined LEAP/NEAP (including a BMX-pump track - as requested by Buckingham Town Council) would be part of.

- 4.159 In this respect the proposals are consistent with the site allocation D-BUC043, policies I1 and I2 of the VALP, policy DHE6 and CLH2 of the BNDP and the guidance set out in the NPPF. The laying out and timely provision and maintenance of these spaces will be secured via S106 and conditions.
- 4.160 The draft s106 states that the developer shall not cause or permit commencement of the development until either an in-principle offer has been made to transfer the open space land (defined as public open space, amenity land, combined LEAP and NEAP, BMX pump track, and sport pitches) to Buckingham Town Council, or the open space land is to be transferred to a Management Company.
- 4.161 The proposed BMX track (Pump track) is anticipated to be delivered by a specialist design and build company and accordingly the final design detail for this element will come forward through the requirements of the S106 and will require the final design to be agreed with RoSPA (Royal Society for the Prevention of Accidents).
- 4.162 In addition to the proposed on-site facilities, the Council's Parks and Recreation Officer has confirmed that there would be a requirement for an appropriate financial contribution, calculated in accordance with the council's 'Ready Reckoner' (to the extent that it still provides an up to date basis for the calculation of relevant costs) and reduced by the 24.3% due to on-site provision of Equipped play facilities (4.7%), Playing pitches (7.4%), Public open space (11.6%), and Youth shelter (0.6%), to be put towards relevant off-site local projects identified in association with the Town Council, with the funding secured through the s106.
- 4.163 Overall, it is considered that the proposed on-site provision will be appropriate and acceptable and that a contribution towards other off-site facilities would be justified; in accordance with VALP policies I1 and I2 and this is afforded neutral weight in the planning balance.
- 4.164 It will also accord with the NPPF which seeks to ensure healthy, inclusive communities that promote social interaction and enable and support healthy lifestyles through the provision of safe and accessible green infrastructure and sports facilities and layouts that encourage walking and cycling.

Ecology

VALP: NE1 (Biodiversity and geodiversity) and Biodiversity Net Gain Supplementary Planning Document (SPD)

BNDP: DHE2 (Standard of ecological information required to minimise the impact on natural habitats), DHE4 (Protection of movement corridors), DHE5 (Biodiversity in development landscaping),

- 4.165 VALP policy NE1 seeks to help deliver the Buckinghamshire and Milton Keynes Biodiversity Action Plan (BAP) targets in the biodiversity opportunity areas. A long-term monitoring and management plan will be required for biodiversity features on site. It is considered that this policy is generally consistent with NPPF Paragraph 174 which seeks to ensure that new development minimises impacts on biodiversity and provides net gains overall. NPPF paragraph 120 seeks to encourage multiple benefits from both urban and rural land and to take opportunities to achieve net environmental gains such as new habitat creation.
- 4.166 The VALP allocation policy D-BUC043, at criteria c, requires an ecological management plan covering tree planting, hedge planting, pond creation, provision of 2ha of mitigatory grassland and ongoing management of the site.

4.167 BNDP policies require that development minimises impact on natural habitats and species resulting in net gains to biodiversity; that measures to protect and enhance bat corridors are incorporated as appropriate and that landscaping schemes should maximise benefits to biodiversity through the use of native species.

Biodiversity Impacts & Net Gain

4.168 The application is supported by a revised Ecological Appraisal and Biodiversity Net Gain (BNG) Calculation from the consultant ecologist Aspect Ecology dated March 2021. The Applicant's consultant ecologist Aspect Ecology has provided answers to the previous questions posed by the BC ecologist and those posed by representations. Most of these questions relate to how the BNG metric was calculated and were pre-defined within the DEFRA metric properties.

4.169 One element of the BNG calculation relates to how vegetation proposed at the front aspect of the proposed properties has been calculated. Aspect Ecology have confirmed that these areas were scored as separate from the rear, vegetated gardens and split into grassland and shrub based on the detailed landscaping plans. The landscaping plan does not show clear boundaries showing which areas are to be under the control of private residents and which are to form part of road verges and fall within the public realm. Furthermore, the amenity grass at the frontages are included within line 18 of the July 2022 metric which shows the amenity grassland as low distinctiveness and poor condition which is comparable to the category of vegetated gardens (low distinctiveness, poor quality). Changing these areas to vegetated gardens will therefore make no material difference to the overall net gain score achieved by the proposals.

4.170 Additionally, clarification was sought as to why the ratio of 70:30 for developed land to vegetated gardens was not used for the site. The user guide states "the assessor should use a ratio for developed land of 70:30 for sealed surface to vegetated garden unless detailed landscaping information is available." Detailed Landscaping information is available for the site enabling precise measurements of the sealed surface and vegetated garden to be undertaken in this case, so the ratio was not used in accordance with the guidance.

4.171 In accordance with VALP policy D-BUC043 a wildlife pond is now included within the proposal and the development will create 1.16ha of wildflower grassland & 1.78ha of flowering lawn in total with the majority delivered in the northern half of the site (0.99ha wildflower grassland and 1.44ha flowering lawn [total 2.43ha]). The areas of wildflower grassland and flowering lawn to be created are correct based on the most up to date metric produced (July 2022). Further areas of grassland to this will be retained and enhanced across the scheme which are classified as amenity grassland within the metric due to their maintenance schedule and have been scored accordingly.

4.172 The proposed habitats post development have been included within the revised Ecological Appraisal report dated March 2021 from Aspect Ecology.

4.173 The vast majority of hedgerows will be buffered to 5m or more from the footprint of the built development. In addition, hedgerow H7 will be buffered to 10m or more for a significant proportion of its length. The buffering provided by the scheme will ensure the hedgerows can be managed and maintained in the long term and will ensure the biodiversity potential of the retained hedgerows is maximised.

4.174 The measures detailed in the Ecology Appraisal are to be secured with a planning condition. Further to this a Construction Environment Management Plan (CEMP) to protect the identified ecological features during the construction of the development will need to be provided and secured by a planning condition. Alongside this document a Landscape and Ecological Management Plan (LEMP) detailing the enhancement features proposed in the BNG calculation along with the retained habitats will need to be secured with a planning condition. The LEMP will need to include species specific enhancements not included within the BNG calculation but detailed in the Ecology Appraisal.

Protected Species

4.175 Records indicate that a Great Crested Newt (GCN) was caught within a bottle trap in May 2010 at SP702353, which at its closest point is located 180m to the east of the site, located centrally within a field (rugby pitch). However, aerial photos for 2007 and 2013 show this field to be a rugby pitch during this time with no pond located within it. Two ponds to the east of Duck Lane also share this grid reference and it is therefore considered that these ponds are the most likely origin of this record, especially given the added description to the record of 'Pond at Maids Moreton'. This places the record at 255m east of the site at its closest point. Whilst it is noted that this capture record is now well over 12 years old, lack of recent records is not a suitable indicator of absence.

4.176 Following discussion with the council Ecologist, the Preliminary Ecological Appraisal has been updated with information regarding the condition of nearby ponds.

4.177 The attenuation pond has been discussed and evaluated in the Ecological Appraisal Report (5.6). This feature is referred to as 'S1', with the HSI results detailed in table 5.2 and the location of this feature is shown on the ECO3 plan.

4.178 The dry pond 240m to the north-east of the site was checked on 06.03.2020. It was dry during this assessment and its condition strongly indicates that this feature does not hold water for any length of time and perhaps only during very high rainfall/flood conditions.

4.179 Given the further information provided the council's Ecologist considers the use of precautionary methods on-site around areas of suitable habitat is acceptable for this development, and that a Precautionary Method Statement can be secured by the use of a pre-commencement condition.

SSSI Impact

4.180 The site falls within a SSSI Impact Risk Zone for Foxcote Reservoir and Wood SSSI. Natural England have been consulted and based on the plans submitted, Natural England consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Ecology conclusion

4.181 It is considered that the proposal would protect and enhance the biodiversity and geodiversity of the site and provide for a net gain overall. GCN would be appropriately safeguarded through an appropriate condition. Suitable conditions will secure necessary mitigation and compensation and a Landscape and Ecological Management Plan will ensure suitable management of these areas in perpetuity. The proposal will accord with VALP policy NE1, BNDP policies DHE2, DHE4 and DHE5, and the guidance set out in the NPPF.

Historic environment and archaeology

VALP policies BE1 (Heritage Assets)

- 4.182 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is generally reflective of VALP policy BE1 which make more specific references to individual characteristics which should be preserved and include, for example, views into or out of conservation areas.
- 4.183 The NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 4.184 The site is not located within a Conservation Area, however it is near to a number of conservation areas (Stowe, Chackmore, Maids Moreton and Buckingham) which are all designated heritage assets. In addition, Stowe is a Registered Park and Garden (Grade I) an area which includes the Conservation Area but also extends further to the north and east; the Conservation Area contains a number of listed buildings and non-designated heritage assets. Considering each of these CA's in turn:

Buckingham

The conservation area surrounds the historic core of the town, to the north/northeast of the conservation there is existing modern development and beyond this the application site.

Given this intervening modern development, the application site does not contribute to the setting of the conservation area and the proposal would cause no harm to its setting.

Maids Moreton

The conservation area boundary on the west side of Duck Lane includes views to surrounding countryside, which forms part of the setting of the conservation area and contributes positively.

However, views to the application site where development is proposed (noting that the northern part of the site is to remain open) are already affected by the sports ground and surrounding existing modern development and therefore the proposed development would cause no additional impact.

Stowe

The main part of the conservation area with potential for impact is the avenue.

However, due to the topography, screening and noting some existing encroachment from existing farming buildings/sheds and edge of Buckingham development at the northern end, the application site is not felt to cause any harm to its setting.

Chackmore

Due to the distances and the topography the site is not visible from the edge of the conservation area, or vice versa and therefore there is felt to be no impact to its setting.

- 4.185 The application is supported by a Heritage Statement prepared by RPS (formerly CGMS) and an archaeological written scheme of investigation by Archaeologica Ltd.

- 4.186 The heritage statement which represents an update to that prepared by CGMS to support the 2014 application finds that the conclusions of the 2014 remain valid in that the proposals will have no direct impact upon the significance and setting of the identified heritage assets, comprising the Maids Moreton, Buckingham, Chackmore and Stowe Conservation Areas and the Grade I Stowe Mansion and associated Registered Park and Garden. The findings of the report in that case were endorsed by the Inspector and SOS presiding over the call-in inquiry.
- 4.187 The Council's Heritage Officer raises no objection to the proposal as it would not cause harm to the setting of the identified heritage assets. Historic England have been consulted but do not wish to offer any comments.
- 4.188 The Gardens Trust have raised concern that significant visual harm is likely from more than one key viewpoint within the Stowe Grade I Registered Park and Garden, particularly in winter.
- 4.189 To address the comments of the Garden Trust the Applicant has submitted a Landscape and Visual Technical Note by Aspect Landscape and a Heritage Note by RPS (June 2021) to supplement the original LVIA document and Built Heritage Statement. The work to produce these documents included a detailed review of the three viewpoints identified by the Gardens Trust and concluded that the proposals would have no impact on the significance on the Grade I listed Stowe Registered Park and Garden and no adverse visual effects.
- 4.190 A further Landscape and Visual Technical Note dated February 2022, was submitted to address Gardens Trusts further comments that within the viewpoint from the Bourbon Tower the full extent of the width of the proposed development could not be identified. This second Technical Note stopped short of providing the wireframe requested by the Gardens Trust as it considered the proposed development would not be visible due to the distance and extent of intervening vegetation, and the same would apply to the suggested visualisation to show the proposed height of the development. An existing and potential wireframe viewpoint visualisation montage has subsequently been provided (May 2022) which demonstrates that the site wouldn't be visible from the Bourbon Tower viewpoint due to the distance and extent of existing vegetation within the view to the development.
- 4.191 Consistent with the development allowed at appeal and constructed on the adjacent parcel (Phase 2), the development proposals would be two storey in height and in that case the Inspector found in respect of impacts on Stowe that *"...the development would not be seen within the context of that heritage asset, due to the extent of the intervening countryside."* (PINS Ref. 2177458, paragraph 18). Also, in relation to the previous appeal at this site, for the reasons given by the Inspector at IR168-172 (SoS letter Appendix C) and having carefully considered the NPPF, the Secretary of State agreed with the Inspector that *"there would be no harm to the setting and hence significance of these designated heritage assets"*.
- 4.192 It is considered that the proposed development would not result in any appreciable level of visual intrusion on the setting of the historic park and gardens centred around Stowe House, located some 2 miles (as the crow flies) to the northwest. The submitted information illustrates that the development would not be visible, however, if any views of the site were available from the direction of Stowe House & gardens, not only would those views be extremely distant, but they would also be of the proposed housing seen against the backdrop of the existing development already fronting Moreton Road (Phases 1 and 2).

- 4.193 Based on the reasoning above, it is considered that there would be no harm to the setting of the designated heritage asset. The scheme would therefore comply with VALP policies BE1 and BE2. In NPPF terms the proposal would cause no harm to the significance of the heritage asset and afforded neutral weight in the planning balance.
- 4.194 The proposals would preserve the character and appearance of the conservation areas and historic and architectural interest of the listed buildings and therefore complies with section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted as a higher duty.

Archaeology

- 4.195 The application is supported by an archaeological written scheme of investigation by Archaeologica Ltd.
- 4.196 The Council Archaeology Officer has been in consultation with the archaeological consultant working for the applicant over this proposal and welcomes the written scheme of investigation included with the application documents.
- 4.197 Archaeological geophysical surveys have proved to have variable results within the county and significant archaeological remains can be missed, and only become apparent through intrusive investigation such as trial trenching. Therefore, should planning permission be granted for this development then it may harm a heritage asset's significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with the NPPF guidance.

Infrastructure and Developer Contributions

VALP policies – I2 Sports and Recreation, I3 Community facilities, infrastructure and assets of community value, Appendix D - The Standards for Sports and Recreation Guidance: Fields in Trust - Planning and Design for Outdoor Sport and Play (2008); Guidance for Outdoor Sport and Play (beyond the six acre standard) (England) (2020);

- 4.198 As noted in various sections above, there are a number of specific matters that would need to be secured via planning obligations, as conditions would not be appropriate.
- 4.199 The Community Infrastructure Levy Regulations and the National Planning Policy Framework state that obligations to secure such contributions within a section 106 agreement must meet the following tests:
- Necessary to make the development acceptable
 - Directly related to the development, and
 - Fairly and reasonably related in scale and kind to the development
- 4.200 Having regard to the statutory tests in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that the following planning obligation(s) are required to be secured within a section 106 agreement:
- Affordable Housing
 - Custom/Self-Build Plots
 - Open Space
 - Sports and Recreation
 - Education

- Highways:
 - Bus stop infrastructure, including a new hard paved area at the northbound bus stop along Moreton Road to the north of the rugby club access, and dropped kerbs / tactile paving;
 - Provision of bus shelters and Real Time Passenger Information (RTPI) systems at the southbound bus stops on Moreton Road (towards Buckingham Town Centre);
 - Combined pedestrian and cycle crossing over Moreton Road close to the existing bus stops at the southern end of Phase 1. This could take the form of a Zebra, or a controlled Toucan crossing;
 - Dropped kerbs / tactile paving at all crossing points along Moreton Road to facilitate safe access to bus stops;
 - A new footway to provide a link between the bus stop adjacent to Bradfield Avenue, and the combined pedestrian and cycle crossing;
 - A new footway linking Phase 2 to the northbound bus stop adjacent to the rugby club car park;
 - A cycle route from the southern end of the existing 'off road' route that currently serves Phase 1, southwards along Moreton Road to the existing mini-roundabout junction at the 'Old Gaol'. This could be in the form of either an 'on road' advisory or signed route;
 - Blue cycle direction signs;
 - Cycle storage (Sheffield stands) at selected locations within the town centre;
 - A pedestrian refuse on Moreton Road within the vicinity of the 'Old Gaol' roundabout;
 - The implementation of the Travel Plan and £1,000 per annum for 5 years for the monitoring of the Travel Plan (£5,000 in total from this site);
 - The introduction of lane markings on the Moreton Road approach to the Moreton Road / Stratford Road / Market Square (Old Gaol) Roundabout to identify two separate approach lanes; and
 - A financial contribution towards the design and provision of a left-turn filter slip on the Moreton Road approach to the Moreton Road / Stratford Road / Market Square (Old Gaol) Roundabout.

4.201 In addition, the development will generate a need for various forms of community and other infrastructure to mitigate its impact. However, some facilities can only be provided off-site as part of wider provision. In the absence of CIL it is necessary and justified to seek a number of financial contributions to provide for these.

4.202 The applicant has confirmed that they are willing to enter into a legal agreement, and a draft s106 is being worked on.

Financial Contributions towards Sustainable Transport / off-site highway works

4.203 The above measures are required to promote and maximise the use of sustainable modes of transport and reduce single occupancy car journeys in accordance with National and

Local Transport Policy, and as an integral part of a comprehensive Buckingham Transport Strategy to mitigate the individual and cumulative traffic impact of developments.

Education

4.204 The Education Officer has confirmed that there is insufficient school capacity locally. Primary and secondary schools are close to capacity and there are plans to expand both Maids Moreton CE Primary School and Buckingham Secondary School to accommodate increased demand from housing growth and therefore a contribution based on the per pupil cost likely to be generated by the development in this case would be considered necessary and justified. The amount would be calculated based on the latest related DfE costs and in accordance with well-established principles.

Sport and Recreation

4.205 The development will increase demand for the provision of local and wider sport and recreation facilities. The proposal will include on-site GI and the provision of two rugby pitches and a combined LEAP/NEAP. However, in addition as required under the relevant policies, a proportionate contribution based on the estimated population arising from the development using the Council's Ready Reckoner is justifiably sought to ensure the necessary associated provision towards an identified off-site sport and recreation project. The relevant projects to be referred to will be agreed through the s106 negotiations, in association with the Town Council, having regard to the CIL regulations.

Health Facilities

4.206 VALP Policy I3 requires consideration of the need for community facilities and infrastructure arising from the proposal and the use of conditions or planning obligations to secure appropriate community facilities, or financial contributions towards community facilities, reasonably related to the scale and kind of development proposed. The supporting text to policy I3 lists those community facilities and services which includes doctor's surgeries (paragraph 11.26 of VALP). There is no site-specific requirement in policy D-BUC043 relating to health provision.

Primary care

4.207 Buckinghamshire Clinical Commissioning Group (CCG) have been consulted on three occasions in relation to this proposed development 22.02.2020, 16.03.2021, and 06.04.2022. No representation has been received from the CCG. The Integrated Care Board replaced CCGs on 1 July 2022 with responsibility for primary health care. No evidence has been provided to demonstrate that there would be an adverse impact on primary health care.

Acute and community healthcare

4.208 VALP policy does not explicitly refer to acute and community health care in the AGT allocations nor in the community infrastructure policy I3 and supporting text. There were no representations made on VALP from Buckinghamshire Healthcare NHS Trust (the Trust) during the VALP process relating to the need for acute and community infrastructure or contributions towards service costs arising from this planned growth.

4.209 The impact on acute and community healthcare is a material consideration. The NHS England funds the ICB, and the formerly the CCG, who commissions the Trust 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.

- 4.210 The Trust provided a consultation response and Regulation 122 CIL compliance statement. The response included an Impact Assessment Formula which identified a contribution of £254,283.00 towards hospital services (revenue costs) was necessary. This contribution was required to provide additional health care services to meet patient demand which was detailed in their response.
- 4.211 The Trust advises that it is currently operating at full capacity in the provision of acute and planned healthcare and considered that this proposed development would create a potentially long-term impact on the Trust's ability to provide services.
- 4.212 The Trust explains that their funding is based on the activity it has delivered in the previous year subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients. The Trust 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', resulting in a contribution from the proposed 130 dwellings of £254,283.00 towards service costs. 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.
- 4.213 The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services 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. The Trust explains that it is not dependent on the Council's housing land supply, potential new developments, and housing trajectories.
- 4.214 The Trust emphasise that the contribution sought is to mitigate the impacts of a permanent gap in funding as the gap is not recovered retrospectively and will have a financial impact on the Trust. Therefore, BHT is seeking funding for the gap period until the NHS funding system pays the full cost of treating the extra patients.
- 4.215 The Trust consider that Section 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request that a developer contribute towards the impact that a development creates on the services and the contribution would meet the CIL tests.
- 4.216 In considering any request for a financial contribution, the council would need to be satisfied that the Trust 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).
- 4.217 There has been consideration discussion with BHT dating back to early 2019 regarding the request for contributions. Officers have on numerous occasions 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 toward service costs.
- 4.218 Whilst these discussions have taken place there has been no substantial progress made on the approach and methodology issues in relation to financial contributions towards hospital services.

4.219 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 planning population increases are included in ONS projections. The ONS projections should be updated over the lifetime of the development including planned population update
- 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. This is a major limitation, and this information is needed so that the impacts of the development alone can be ascertained.
- 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.

Thus, further work still needs to be satisfactorily carried out by BHT on service costs to satisfy the CIL tests.

- 4.220 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.
- 4.221 In summary, the information provided to date from the Trust is considered inadequate to enable the Council to conclude that their request meets the CIL tests in relation to the requested contributions towards service costs.
- 4.222 It is also noted that the requested contribution has not been the subject of viability testing through the VALP process.
- 4.223 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 in the case of capital costs the approach and methodology and certainty of a deliverable project, and this may take several more months to work through.

- 4.224 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 at Buckingham 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 for a financial contribution to mitigate the potential impacts on acute and community care in relation to service costs 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.
- 4.225 In addition, the provision of the, play spaces and other public spaces, with walking and cycling provision, encourages people to adopt a healthier lifestyle which is a net benefit in the round.
- 4.226 On balance, it is considered that the proposed development does not conflict with VALP policy.

Weighing and balancing of issues/Overall Assessment

- 4.227 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.
- 4.228 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
- 4.229 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay.
- 4.230 As noted in the 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:
- significantly boost the supply of housing in the area and would provide a range of housing types as well as affordable units
 - Provision of affordable housing at 35% in line with the Neighbourhood Plan rather than the minimum VALP requirement of 25%
 - economic benefits in respect of jobs created from the construction phase of the development and the future residents of the development through increased expenditure locally arising from the increase in local population.

4.231 There are a number of other considerations which are policy compliant and attract neutral weight in the planning balance (subject to suitable conditions and/ or S106 obligations) these include:

- Highway impacts
- Residential amenity
- Drainage
- Landscape considerations
- Ecology impacts
- Heritage impacts

4.232 The scheme fails to comply with policy in terms of size of spaces in the car parking strategy and negative weight has been attributed to this. However, there are material considerations which need to be taken into account. The scheme was designed when smaller car parking spaces were applicable and in response to the adoption of VALP the developer has sought to increase the size of spaces. Seeking to retro fit the design with larger spaces would result in a more urban appearance with an increase in hard standing contrary to the Council's urban design aspiration which, through revisions to the scheme, has sought a less rigid layout better suited to this edge of town location, with space incorporated in between sections of parking for appropriate planting to reduce the visual dominance of the cars in the street. For the reasons identified the negative weight to be given to this matter is limited.

4.233 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.

4.234 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.

Equalities Act

4.235 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.

4.236 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,

Human Rights Act 1998

4.237 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered

by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

Working with the applicant/agent

- 4.238 In accordance with paragraph 38 of the NPPF 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.
- 4.239 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.
- 4.240 In this instance the applicant/agent was provided the opportunity to submit amendments to the scheme/address issues arising, and the application was considered by the Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Recommendation

- 4.241 The recommendation is therefore 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 others considered appropriate by Officers, or if this is not achieved for the application to be refused.
- 4.242 The proposed planning conditions are as follows:

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

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

2. The development hereby permitted shall only be carried out in accordance with drawing nos.:

Project No - 24913

Site Location Plan	PL-01
Context Plan	PL-02
Planning Layout	PL-03M
Materials Layout	PL-05D
Adoption Layout	PL-06B
Amenity Check Layout	PL-07B
Affordable Housing Layout	PL-08A
Custom Build Plots	PL-09
Site Sections	SE-01A
Street Scenes	SS-01A
External Works Details	DET-01
Bin and Cycle Store	HT-BIN & CYLA
Single Garage	HT-GAR-01
Dual Single Garage	HT-GAR-02
Double Garage	HT-GAR-03

Electric Sub Station	HT-S/STATION
<i>Private Housetypes</i>	
Salter-ST2B	HT-SALTER-01-B
Harper HA-3B	HT-HARPER-01-B
HP5	HT-HP5-01-A
Reedmaker RE4B	HT-REEDMAKER-01-B
Blenmere BM 3B	HT-BLEMMERE-01-B
Blenmere BM 3B	HT-BLEMMERE-02
Coppersmith CS 3B	HT-COPPERSMITH-01-B
Coppersmith CS 3B	HT-COPPERSMITH-02-A
MR1-Scrivener	HT-MR1-01-B
MR2-Quilter crank	HT-MR2-01-C
MR3-Quilter	HT-MR3-01-B
MR3-Quilter	HT-MR3-02-A
Weaver	HT-WEAVER-01-A
Goldsmith	HT-GOLDSMITH-01-C
Goldsmith	HT-GOLDSMITH-02
Arkwright AR4B	HT-ARKWRIGHT-01-B
Arkwright AR4B	HT-ARKWRIGHT-02 V1-A
Watchmaker	HT-WATCHMAKER-01-A
Watchmaker	HT-WATCHMAKER-02-A
Watchmaker	HT-WATCHMAKER-03-A
<i>Affordable Housetypes</i>	
2Bed-Baker M4(2)	HT-2BED-02-A
3Bed-Tillman M4(2)	HT-3BED-01-A
3Bed-Ploughwright M4(2)	HT-3BED-02
4Bed-Cartographer M4(2)	HT-4BED-01-B
3Bed Bungalow	HT-3B-BUNG-01-B
1Bed Maisonette	HT-1B-FLAT-01-B
2Bed Maisonette	HT-2B-MAISONETTE-01-A
1&2Bed Maisonette	HT-1&2MAISONETTE-01-B
<i>Aspect Landscape</i>	
Illustrative Landscape Strategy	5440/ASP5G
Planting Plan Overview	5440.PP.4.0B rev E
Planting Plan 1 of 8	5440.PP.4.1B rev E
Planting Plan 2 of 8	5440.PP.4.2B rev E
Planting Plan 3 of 8	5440.PP.4.3B rev E
Planting Plan 4 of 8	5440.PP.4.4B rev E
Planting Plan 5 of 8	5440.PP.4.5B rev E
Planting Plan 6 of 8	5440.PP.4.6B rev E
Planting Plan 7 of 8	5440.PP.4.7B rev E
Planting Plan 8 of 8	5440.PP.4.8B rev E
Playspace Plan	5440.PS.6.0B rev D
POS Detail Plan	5440.SK001 rev C
<i>Pegasus Group</i>	

Reason: In the interests of proper planning and for the avoidance of doubt.

3. Prior to the occupation of the development, minimum vehicular visibility splays of 2.4m by 43m shall be provided at the development accesses, and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide acceptable visibility between the accesses and the highway for the safety and convenience of users of the highway and of the development, and to comply with policy T5 of the VALP, and the guidance set out in the NPPF.

4. No other part of the development shall be occupied, until the development accesses have been laid out as shown on the approved planning drawings, and constructed in accordance with Buckinghamshire Council's guidance note, 'Commercial Vehicular Access within Highway Limits'.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development, and to comply with policy T5 of the VALP, and the guidance set out in the NPPF.

5. The development shall be served by means of adoptable estate roads which shall be laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have 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, and to comply with policy T5 of the VALP, and the guidance set out in the NPPF.

6. Prior to the occupation of the dwelling to which it relates, the vehicle and cycle parking, garaging and manoeuvring shall be provided in accordance with the approved planning drawings, and that parking, garaging and manoeuvring shall be retained and 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 policies T5 and T6 of the VALP, and the guidance set out in the NPPF.

7. Prior to the occupation of the development, details of the provision of electric charging points shall be submitted to and approved in writing by the Local Planning Authority, and the electric charging points shall be implemented in accordance with the approved details and shall thereafter be retained as approved for the lifetime of the development.

Reason: To ensure adequate provision is made for electric vehicles and to accord with the NPPF, and policies T6 and T8 of the Vale of Aylesbury Local Plan.

8. Prior to the commencement of any development works on the site, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide for the following:

- Construction traffic routing details.
- Construction access details, temporary or otherwise.

- The parking of vehicles of site operatives and visitors off the highway.
- Loading and unloading of plant and materials and storage of plant and material used in constructing the development off the highway.
- Operating and delivery hours.
- The erection and maintenance of security hoarding.
- Wheel washing facilities.
- Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused.

The approved CTMP shall be adhered to throughout the construction period.

Reason: This is a pre-commencement condition which is required in order to minimise danger, obstruction and inconvenience to users of the highway during the construction of the development and therefore requires approval before any development commences. It is necessary to comply with policy T5 of the VALP, and the guidance set out in the NPPF.

9. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been 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:

- Discharge rate for the residential area must be limited to 14l/s or less where infiltration as a means of surface water disposal is used to drain impermeable areas.
- Discharge rate for the play area and sports pitches must be limited to 9.1l/s
- Groundwater level monitoring over the winter period (October to March)
- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site. Urban creep allowance set to 10%.
- 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.

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk, and to comply with VALP policies D-BUC043, I4 and I5.

10. The materials to be used on the external surfaces of the development hereby permitted shall be as indicated on the approved materials plan ref: 24913 PL-05 rev D.

Reason: To ensure a satisfactory appearance to the development and to comply with policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

11. Prior to occupation of the dwellings hereby permitted full details of the proposed Solar PV systems to generate 10% of the sites energy requirements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried

out in accordance with the agreed details prior to the occupation of the dwellings to which the solar PV relates and shall be retained for the life of the development.

Reason: To ensure that the development secures greater efficiency in the use of natural resources, minimises energy use and maximises the use of renewable energy in accordance with policy C3 of the Vale of Aylesbury Local Plan, and the guidance set out in the NPPF.

12. The development shall be carried out in accordance with Ecological Appraisal (Aspect Ecology, dated March 2021). and shall incorporate the measures detailed therein. and thereafter retained for the lifetime of the development.

Reason: To ensure the development secures biodiversity net gain in accordance with policy NE1 of the Vale of Aylesbury Local Plan, and the guidance set out in the NPPF.

13. No development 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 shall not be limited to, the following:

- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”.
- 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).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

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

Reason: The reason for this pre-start condition is to ensure that satisfactory ecological and environmental details have been agreed prior to construction. It is required to comply with policy NE1 of the VALP and with the requirements of the National Planning Policy Framework, ODPM 05/2006, The Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended).

14. Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include, but shall not be limited to, the following:

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

- 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 development shall be implemented in accordance with the approved details.

Reason: The reason for this pre-start condition is to ensure that satisfactory ecological and environmental details have been agreed prior to construction. It is required to comply with policy NE1 of the VALP and with the requirements of the National Planning Policy Framework, ODPM 05/2006, The Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended).

15. The landscape scheme hereby approved shall be carried out not later than the first planting season following the first occupation of the dwellings hereby permitted. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

16. No site clearance or development shall take place until a detailed tree and hedgerow protection plan showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained has been submitted to and approved in writing by the Local Planning Authority. 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. Thereafter the development hereby permitted shall only be carried out in accordance with the approved scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed unless these are elements of the agreed tree protection plan.
4. No materials or waste shall be burnt nor within 20 metres of any retained tree; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

Reason: Details must be approved prior to the commencement of development to ensure the development is undertaken in a way which ensures a satisfactory standard of tree care and protection. This is required in order to minimise damage to the trees during building operations and to comply with policy NE8 of the Vale of Aylesbury Local Plan and to accord with the National Planning Policy Framework.

17. No dwelling shall be occupied until the boundary treatment to the garden area serving that dwelling has been installed in accordance with the approved plans.

Reason: To ensure a satisfactory level of privacy for residents and to comply with policy BE3 of the Vale of Aylesbury Local Plan.

18. Prior to the commencement of works above slab level full details of a waste and recycling collection strategy shall be submitted and approved in writing by the Local Planning Authority. The approved refuse collection areas shall be provided in accordance with the approved strategy prior to the occupation of the dwellings to which it relates, and the collection areas shall not thereafter be used for any other purpose.

Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the National Planning Policy Framework.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of any dwelling nor the insertion of any windows, dormer windows, or roof lights, nor the erection of any garage buildings, structures or means of enclosure shall be erected within the curtilage of any dwelling or the wider site, which is the subject of this permission other than those expressly authorised by this permission.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of the dwelling or erection of a garage, windows, buildings, structures or means of enclosure having regard for the particular layout and design of the development to ensure compliance with policies BE2 and BE3 of Vale of Aylesbury Local Plan.

20. No development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority, with reference to fixed datum point. The building(s) shall be constructed with the approved slab levels.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development and to comply with policies BE2 and BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

INFORMATIVES

1 Your attention is drawn to the requirements of conditions on the decision notice. Condition nos. 8, 9, 13, 14, 16, and 20 impose requirements which must be met PRIOR TO COMMENCEMENT. Failure to observe these requirements could result in the Council taking enforcement action OR MAY INVALIDATE THE PLANNING PERMISSION. Condition nos. 3, 4, 5, 6, 7, 11 and 17 impose requirements which must be met PRIOR TO THE OCCUPATION OF THE DEVELOPMENT. Condition nos. 6, 7, 18 and 19 impose requirements which must be met WHILE THE DEVELOPMENT IS IN USE. Failure to observe these requirements could result in the Council taking enforcement action.

2 The applicant is advised that highway works will need to be constructed under a Section 278 of the Highways Act legal agreement. This agreement must be obtained

from the Highway Authority before any works are carried out on any land forming part of the highway. Please contact Highways Development Management via highwaysdm@buckinghamshire.gov.uk

- 3 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 4 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980
- 5 You are advised that Planning Obligations have been entered into in connection with this permission.

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

Appendix C: SoS Decision Letter

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Councillor Stuchbury – has requested that this application be called in to committee for the following reason:

“Therefore my grounds for calling this application [are]... the comments made by the Buckingham town council which I have been provided which I would wish my views if possible to record as Neutral, And most importantly secondly the comments of Mr Armstrong the inspector Which I have discovered through conversations on the matter within his letter the 19th of July 2017 [copy of this letter is attached at Appendix C of this report] Signed by Mr Philip Barber his secretary, Application 14/02601/AOP, I do believe in the grounds given within his letter have a direct bearing in mind On the application 20/00510/APP ,And should be seen by the planning committee when considering this application, And therefore this application should be considered under the Buckingham neighbourhood plan being the Vale of Aylesbury Plan, Isn't a made plan. Therefore should be seen/heard by the committee as they have a direct bearing on this application as they are completely historically Linked & I'm seeking therefore the committee should be able to read the attached letter and the recommendations/findings of the inspector when determining their views independently of the said application once Receiving the officers report/And its recommendation on this now historical application”

Councillor Whyte – has requested that this application be called in to committee for the following reason:

“Given the dated evidence, and the lack of any meaningful transport mitigations, I object to this proposal and request that it is called-in to ensure the planning committee can scrutinise this in more detail. Having reviewed the proposed Travel Plan revision 1 dated June 2020 I have the following observations: Bus - Paragraph 1.5.20 refers to the nearest bus stop being 250m away. This appears to be the distance from the entrance to the phase 3 site, and not to the vast majority of homes, where it could be over 400m from the proposed homes on the western side of the site. The vast majority of new residents would struggle to get to this bus stop in the claimed 3 minutes (as suggested on page 10) for the 1 bus of the day. Interestingly para 4.6.6 admits it might be at least 350m away. Paragraph 4.6.7 refers to a service that does not serve the Moreton Road. Paragraph 1.5.23 suggests the 151 makes a great way to interchange with other buses in the town centre, but ignoring the fact that this is a once daily shopper service, and of no use to children, or those commuting. Para 1.5.37 The applicant claims there is "good access to ... the local cycle network." I don't see any evidence of that, and the proposed S106 shows that this has to be addressed, albeit currently in an unsatisfactory way. Travel Plan - 3.1.3 Using modal share data from 002 is misleading as it includes the whole town centre and university sites, and does not give an accurate figure of suburban car use for this application site, and conceals car use with the high town centre "active travel" use one would expect. 4.5.3 suggests 33% of residents will work within 2km of their home. Given this site location being opposite ends of the town to the major employment sites, this appears to be rather hopeful. Especially when combined with the only new employment sites in North Bucks being located in Silverstone Park, 7 miles away and accessed via the town centre Paragraph 4.9.9 not clear if this is a commitment - delete the words "should

consider" to avoid any doubt. The same issue with para 4.10.1 - there is no commitment to undertake any of these proposals. Paragraph 4.11 appears to be irrelevant and proposing ideas that would impact the whole of Buckingham. Paragraph 7.3.2 refers to a number of "improvements" which have already been undertaken. Appendix C is using an out of date bus map Appendix E has very little to offer in relation to the impact on the Old Gaol roundabout, which in previous studies has been confirmed as already operating at capacity. The applicant's letter of 28 April 2022 offers little in assurance that they have taken into account changes in the intervening two years. Residents have made some very valid and detailed points about the cumulative impact of traffic on the town centre and other nearby roads, and the impact on congestion and amenity. There are no proposals in this application that will reduce the impact, and as noted above, the proposed mitigations of the Travel Plan are based on flawed data and assumptions. Even if the Travel Plan could deliver all it wants to, which given the flawed conclusions it draws is highly unlikely, it will still ADD additional trips to an overloaded junction at the Old Gaol, without any meaningful mitigation, and will inevitably encourage more traffic to use Maids Moreton as a shorter route to the A422, which also is absent in any proposed mitigations. It is disappointing to note that the applicant has made no effort to communicate their proposals or mitigations with the local ward members"

Parish/Town Council Comments

Buckingham town Council - April 2022 comments:

Members noted

- . That although this development is outside the Buckingham Neighbourhood Plan housing development envelope, and conforms with the revised Vale of Aylesbury Plan, it is still within the town boundary, and the Council expects the developer to comply with other policies of the made BNP.*
- . The travel and traffic documents need to acknowledge the cumulative effect of vehicles from this site and the 170 houses recently given approval at Walnut Drive (16/00151/AOP) on the junction at the Old Gaol, especially as use of Mill Lane to access the A422 is being discouraged*
- . The Travel Plan needs to acknowledge that mode transfer is less likely if there are no bus services past the site at times useful to working residents or school pupils, and also that the Moreton Road is not 'gentle topography' as described and few residents will be willing to carry shopping up it, or be able to if they have health or mobility problems, as the residents of the ground floor flats are likely to be. That the feasibility of installing a cycle lane on the Moreton Road is doubtful; the existing cyclepath/pedestrian route as illustrated does not extend beyond the site boundary of Phase I*
- . That this Council opposes shared-surface streets on parking and safety grounds*
- . That the Phase I streets are not adequate to the additional traffic generated by 130 more houses or easy passage for emergency vehicles*
- . That the designs be amended further to reflect the Buckingham Vision & Design SPG*
 - no concrete tiles, chimneys on all houses, some use of render amongst all the brickwork, brick colours relevant to the area, some variety of door style and colour*
- . That no Affordable Housing has a garage, which is contrary to the principle of 'tenure blindness'*

. That with the increasing number of women and girls playing rugby the lack of changing facilities for the new pitches is serious, as is the provision of only 10 parking spaces for two pitches, implying a minimum of 60 players requiring transport

. That with the steeper roof pitch the Gardens Trust request for wireframe outlines on the photo views is more important than ever

Members would like reassurance as follows:

. That the Town Council will be consulted on the s 106 at an early stage (ie when it can be revised)

. That the s106 will include monies for local health provision as we have had approvals for 820 houses in the last few years with nothing allowed for extension of the provision to cover the increased population

. That there will be street lighting, including in the public open space area

. That broadband will be installed to all dwellings before occupation

. That all (ie including the Affordable) housing will have provision for grey water recycling, solar panels on inward-facing roof slopes and electric car charging points

. That post box provision will be installed, per the Royal Mail's standard (a post-box within half a mile of at least 98% of all 'delivery points' (usually a customer's letter-box))

. That the SuDs officers are aware that the ditch along the southern boundary is prone to regular flooding, as the residents of Bradwell Avenue will attest; Moreton Road was mentioned 9 times in the December 2020 s19 flood report

. That terraced houses with particularly long bin haul distances/paths at the rear (eg plots 97 & 100) are provided with neat bin store sheds at the front; otherwise bins will not be returned to the rear of the premises each week after emptying and give a cluttered aspect to the street scene. BC Recycling & Waste Team mandates a maximum of 25m that residents should have to haul two-wheeled bins

. That Buckinghamshire Council is willing to adopt block paved roadways as it looks as if all roads 'for adoption' are paved; if not adopted the constant maintenance required will be a charge on residents, as has happened at Lace Hill.

. That this Council would favour a speed limit of 20mph through all three phases of this estate

. That enough pavements are provided to allow children from the whole estate to access the playground and BMX track safely; a hoggin path in the wooded fringe is not suitable for - for example - small-wheeled bikes, ride-on toys and prams

. That expert advice will be taken on the layout and materials for the BMX track, which appears to have been formed from a collage of catalogue illustrations with no knowledge of what constitutes a Pump track. Pump tracks should also be usable by and accessible for wheelchair users.

Maids Moreton Parish Council:

Traffic and Transport

This parish council repeats the concerns and objections it raised in March 2020. Regrettably, very little seems to have progressed from the 2020 submission of this application.

Although the VALP is now an adopted local plan, there is still an unresolved conflict with traffic routes emanating from both this proposed development and the development now granted permission for 170 dwellings to the east of Maids Moreton. We note and agree with the detailed

analysis from the Maids Moreton & Foscoote Action Group, which clearly indicates there will be an over capacity at the Old Gaol roundabout in Buckingham town centre and at the junction of Mill Lane (aka College Farm Road) with the A422. It is acknowledged that these two routes will be the primary destination of traffic from land west of Moreton Road and Castlemilk, which inevitably will cause increasing disruption within the narrow approach roads from each direction.

There is a complacency as to how this additional traffic can avoid clashes with pedestrians, cyclists and parked cars within the village. As previously pointed out, the increase in traffic flows through the village and along Mill Lane since Phases 1 and II were completed has tripled. Cars travel at excessive speeds (our traffic survey recorded speeds in excess of 60 mph down Mill Lane) and, despite the existing weight limit, goods vehicles increasingly access this route in order to avoid the congestion in Buckingham town centre.

In short, this site and the magnitude of development proposed by both 20/00510/APP and 16/00151/AOP creates an unsustainable form of development. It fails to address the detrimental impact on adjoining neighbourhoods. The patterns of movement within the existing infrastructure of narrow roads and streets do not demonstrate a realistic choice of transport modes. A cycle lane is not feasible when you consider the steep and narrow length of Moreton Road between Addington Road and Summerhouse Hill. And for users of the streets and public rights of way within the village, there is no protection from the damaging noise and pollution that this development would bring.

In all respects, it is contrary to policy set out in the NPPF as it is clear that the transport issues create an unacceptable impact on highway safety and that the residual cumulative impacts on the road network will be severe.

Agricultural Land

This is a greenfield site, currently in agricultural use providing habitat for wildlife, flood risk mitigation, carbon storage and food production. Records show that it is a mixture of Grade 2 and Grade 3a, which is considered the best and most versatile (BMV) agricultural land in the context of climate change and current debate on food security, it is now even more important that LPAs avoid unnecessary loss of this type of land. We consider that, as well as its role in food production and flood risk mitigation, it also serves as a significant open space setting within the wider landscape plateau that gives the market town of Buckingham and the rural village of Maids Moreton its character.

Design

We consider the design of the dwellings proposed has little to do with the local vernacular and that they are simply copy pattern book designs, the likes of which are repeated over and over again regardless of location. The very limited use of chimneys and the narrow range of materials indicate that the developer is a great deal more concerned with lowering costs than providing high quality places, as is given new emphasis in the 2021 NPPF. Clearly no account has been taken of this directive:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants,

communities, local planning authorities and other interests throughout the process

To date there has been no effective engagement with local communities, and certainly not with this parish.

We continue to object to this application, which will certainly have a negative impact on the residents of Maids Moreton.

Akeley Parish Council - *At a properly constituted meeting Akeley Parish Council RESOLVED to Object to 20/00510/APP because of the perceived material damage that the extra heavy traffic using the A413 will cause traveling to and from the development in Maids Moreton through the Village of Akeley.*

Akeley is an attractive rural village which is relatively quiet. The increased traffic and speeding over recent years have impacted the amenity of villagers living on and using the affected road. The A413 runs through Akeley it has a pinch point which is just beyond the Leckhampstead Road junction, between The Cottage and Old century Cottage running down the hill to the side of the Bull & Butcher public house where there is the junction with Church Street and on towards a sharp left-hand bend opposite a T junction with Chapel Lane. This road was never designed for HGV, and is frequently the cause of traffic jams and collisions, especially at peak periods.

HGVs travelling through the pinch point causes damage to the existing village infrastructure. There is evidenced damage to adjacent buildings and sewers due to the vibration from Heavy Goods Vehicles which will increase if this development goes ahead.

With the current traffic on the A413 vehicles at times have to reverse up to 50 yards or so and mount the pavement to enable passage.

There is documented evidence of collisions occurring along and adjacent to the pinch point with traffic jams being a daily feature.

With the expected rise in HGV traffic the instances of collisions and possible harm to the buildings will increase and so will result in the greater chance of harm to children and residents alike. A serious risk to children arises because the A413 is a primary walking route to the school situated in Church Hill.

The general area is residential with a footpath running alongside the road on one side in the main and with increased incursions onto the footpath the risk of harm to pedestrians and not just damage only, Road Traffic Collisions will increase.

This development does not comply with Buckingham's neighbourhood Plans.

Consultation Responses (Summarised)

Education - a financial contribution of £1,558,119 is required to expand local primary and secondary schools to accommodate the development. Primary and secondary schools are close to capacity and there are plans to expand both Maids Moreton CE Primary School and Buckingham Secondary School to accommodate increased demand from additional housing growth. A breakdown of the education contribution is in accordance with BCC's adopted S106 policy.

Strategic Access - There would appear to be a good opportunity to improve pedestrian permeability for existing residents along Roger's Lane and from the south (Whitehead Way), to connect with the recreational facilities around the rugby field with a gap in the boundary hedge

adjacent to where Footpath BUC/33/1 passes north to south. A slightly amended plan to illustrate a purple arrow ('Pedestrian Access Point') on p33 of the Design & Access Statement, that connects directly onto Footpath BUC/33/1 or the public open space beside Roger's Lane would provide this informal, but convenient link.

My previous comments in February 2020 suggested a possible useful link in the south-east corner of the public open space to provide a convenient walking connection into Whitehead Way (south) and Rogers Lane (east) residential areas. The car park access into the public open space appears to provide some pedestrian access from Twickenham Road, but a short-cut south-east appears useful for existing and new residents. Nevertheless, any connection appears precluded by the planned installation of trees and wildlife pond at this location. No comments from a rights of way perspective on the additional plans and documents.

Buckingham & River Ouzel Internal Drainage Board - this site is outside the Boards district; in this instance the Board has no comment to make.

Historic England - do not wish to offer any comments.

Parks and Recreation - In accordance with Buckingham's Neighbourhood Plan Policy CLH2 - Provision of play provision for new developments para 8.9; following the submission of the RoSPA Teenage Play Value Assessment in April 2022 it has now been demonstrated that the combined LEAP/NEAP scores a minimum of Excellent against RoSPA's play value assessment for teenagers, toddlers and juniors.

Comments are yet to be addressed regarding asphalt surfacing the berms as well as track, inclusion of appropriate BMX/Pump Track user safety signage and confirmation of the professional BMX pump track designer and builder contractor included on the BMX/Pump Track Detail Plan.

In addition, the BMX pump track design and full specification must be forwarded to RoSPA to be assessed against RoSPA's 'Plan Check/Design Review' with any RoSPA recommendations being made to ensure it is as safe as necessary.

Affordable Housing - The total number of affordable units remains 35% or 46 dwellings. This is in line with the percentage of affordable dwellings required by Policy HP5 of the Buckingham Neighbourhood Development Plan.

The Vale of Aylesbury Local Plan (VALP) was adopted in September 2021. VALP Policy H6c requires that all dwellings meet at least Category 2 (accessible and adaptable) of Approved document M of the Building Regulations 2010 with a minimum of 15% of the affordable housing required to be nominated by the Council for M4(3) wheelchair accessible housing (dependant on the suitability of the site to accommodate wheelchair users and its proximity to services and facilities and public transport) unless it is unviable to do so.

The wheelchair user dwellings and are identified as such on the most recently amended affordable housing layout plan. The ground floor maisonettes are to be provided with wet rooms rather than baths if possible. The remainder of the units should be M4(2) compliant.

Affordable dwellings should not be distinguishable from the open market housing in terms of overall design details, build quality and materials, nor by layout or separation from general market housing. The clustering restriction of no mor

e than 15 houses has been observed.

The council's nomination rights, and the occupancy of the affordable housing, will be controlled through the s106 agreement. Unless otherwise agreed, no more than 50% of the private units are

to be occupied until all relevant affordable units have been completed and transferred to a Registered Provider. The Council works in partnership with registered providers in Aylesbury Vale and can supply details of these to support the delivery of the affordable homes.

The Gardens Trust - The site falls within the boundary of the historic setting of Stowe identified in 2009 by Land Use Consultants in their Setting Study for the National Trust and shared with AVDC. This study identified that the Buckingham Avenue is especially vulnerable due to its narrow linearity. However, if having reviewed all the information received since our last response on 17th March 2021, your Heritage Officer is satisfied that the proposals will not significantly damage the setting and views from the Grade I registered park and garden at Stowe, then we have no further comments to make.

LLFA - no objection, subject to conditions

Recycling and Waste - Whilst the permeability of the site to waste collection vehicles appears to be excellent (ie. No reversing required), more information is required in relation to the location of all proposed bin presentation points including bin stores, and details as to how the bin store meets requirements.

Heritage - no objection. The proposal would not cause harm to the setting of the identified heritage assets. Previous consultation comments from the Heritage Team were satisfied that this proposal would not cause harm to the setting of the heritage assets identified above. Following on from additional information supporting this application, this does not alter this assessment. The Planning (Listed Building and Conservation Areas) Act 1990: The proposals would preserve the character and appearance of the conservation areas and historic and architectural interest of the listed buildings and therefore complies with section 66 and 72 of the Act. NPPF: The proposal would cause no harm to the significance of the heritage asset.

Highways - satisfied that the proposed development would not have a detrimental impact on the operation and safety of the highway network. The Highway Authority has no objection and recommends that this planning application is approved, subject to appropriate highways conditions, informatives and s106 obligations.

Natural England - No objection

Ecology -

The measures detailed in the Ecology Appraisal are to be secured with a planning condition. Further to this a Construction Environment Management Plan (CEMP) to protect the identified ecological features during the construction of the development will need to be provided and secured by a planning condition. Alongside this document a Landscape and Ecological Management Plan (LEMP) detailing the enhancement features proposed in the BNG calculation along with the retained habitats will need to be secured with a planning condition. The LEMP will need to include species specific enhancements not included within the BNG calculation but detailed in the Ecology Appraisal.

CPDA - no further comments in relation to the amended plans

NHS – Summary: The Trust is currently operating at full capacity in the provision of acute and planned healthcare. Although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new development, and the funding for which cannot be sourced from elsewhere. The development directly affects the ability to provide the health service required to those who live in the development and the community at large. Without contributions

to maintain the delivery of health care services at the required quality, constitutional and regulatory standards and to secure adequate health care for the locality, the proposed development will put too much strain on the said services, putting people at significant risk. Such an outcome is not sustainable. One of the three overarching objectives to be pursued in order to achieve sustainable development is to include b) a social objective – to support strong, vibrant and healthy communities... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being:" (NPPF). There will be a dramatic reduction in safety and quality as the Trust will be forced to operate over available capacity, as the Trust is unable to refuse care to emergency patients. There will also be increased waiting times for planned care and patients will be at increased risk of multiple cancellations. This will be an unacceptable scenario for both the existing and new population. The contribution is necessary to maintain sustainable development. Further the contribution is carefully calculated based on specific evidence and fairly and reasonably related in scale and kind to the developments. Without the contribution the Trust considers that the development is not a sustainable development.

Representations

Amenity Societies/Residents Associations

The Buckingham Society - Despite the several attempts at amendments to these development proposals, the application fails to address many of the key issues which undermine the sustainability of the site.

Traffic and Accessibility

The Society concurs with the detailed analysis as set out in objections from the Maids Moreton & Foscoote Action Group, which clearly demonstrates that traffic from this site will cause severe congestion at the roundabout by the Old Gaol, leading to an unacceptable build up of vehicles on ALL of the roads meeting at this point. The so-called 'alternative' route via the village of Maids Moreton towards the A422 has been considered as having such a severe impact on the operation and safety of the junction with the A422, that mitigation is required to deter traffic from using this route. The Travel Plan does not acknowledge that both these options entail narrow approach roads with parked cars effectively reducing capacity to a single lane. It is totally disingenuous to imply that measures calculated to reduce vehicular traffic will have any positive effect on the volumes of car journeys. The site is over 2 km. away from the main employment centres, along with the facilities for supermarket shopping and the new facilities planned for healthcare in Buckingham. Between these facilities, the town centre and the land under consideration there are steep hills to traverse, rendering them totally unsuitable for daily purposes. They do not offer realistic alternative modes of transport to serve the "full range of journey purposes and address all aspects of life that create a need to travel" (as stated in the DIT guidance for Travel Plans.).

As stated previously, bus services are extremely limited and apart from their unreliability, the scheduled times do not coincide with normal working hours.

Design of Development

The Buckingham Society is severely critical of the design proposals put forward for this development. There appears to be absolutely no reference to the adopted guidelines in Buckingham's 'Vision & Design' Statement. What is proposed is a "sea of brick", with here and there a nod to rendered finish. Roof pitches are too uniform, identical black entrance doors appear in each of the 28 house "types" shown and among the 130 dwellings, only 13 have chimneys.

Considering this site is on the edge of town, bordering an open, rural landscape, we are incredulous at the failure to acknowledge the need for a design that reflects a more traditional form, which would for example incorporate greater variety of roofline, punctuated with chimneys, locally sourced stone and a greater proportion of 'solid to void' as guideline no. 5 for Elevation & Roofline in the Vision & Design Statement explains.

In conclusion, the proposals fall well short of local distinctiveness and are, we regret to say, yet another example of ubiquitous estate planning that takes no account of its rural hinterland. The new directives within the NPPF and the detailed Design Guide that partners it urges the creation of high quality, individual and sustainable buildings.

Paragraph 130 states "that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area." It is simply not acceptable to present copy book designs without reference to specific place and, on this basis alone, this application should be refused.

Maids Moreton and Foscot Action Group - The proposed site for this 130 home planning application is an allocation in the Vale of Aylesbury Local Plan (designated BUC043). It is located around 1 km south west of another VALP-allocated site (designated MMO006) for 170 homes in Maids Moreton (planning application 16/00151/APP).

Both of these sites are north of Buckingham town centre. Given the location, it is acknowledged by the Council that there are two viable routes for associated development traffic to access the town's three strategic commuting routes (the A421, A422 and A413). These are:

1. Via Buckingham town centre - Moreton Road/Stratford Road/Market Square junction (known as the 'Old Gaol' roundabout)
2. Via Maids Moreton - College Farm Road (Mill Lane)/A422 junction

Route 1 feeds traffic along Moreton Road to the Old Gaol roundabout. Junction assessments within Appendix G of the February 2020 traffic modelling for 20/00501/APP give Ratio of Flow to Capacity (RFC) values showing this junction already approaching capacity in the 2020 baseline and that this capacity will be exceeded in both the 2025 'with' and 'without development' scenarios. Para 6.5.12 concludes:

"The results of the junction assessment of Moreton Road/A422 Stratford Road/A422 Market Square show that the junction is currently operating over practical reserve capacity on Stratford Road in the AM and PM peak periods. The junction performance is predicted to become worse in 2025 with higher RFCs and queues on Moreton Road as shown in figure 6.11"

Route 2 feeds traffic via Maids Moreton and onto College Farm Road to its junction with the A422. This is likely to be the preferred route for access to Milton Keynes (the dominant employment centre for Buckingham) as it avoids the overcapacity Old Gaol junction. RFC values shown in Table 6.6 of the 2016 traffic modelling for 16/00151/APP show that the capacity of this junction is exceeded in both 'with' and 'without development' scenarios in 2021. In September 2017 Bucks County Council's assessment of this junction concluded:

"The information submitted by the applicant demonstrates that the junction of College Farm Road with the A422 Stratford Road will operate over capacity as a direct result of the proposed development. The applicant has also failed to demonstrate that adequate visibility is available. From the information provided, the development is considered to have a severe impact on the operation and safety of the junction. The development is contrary to the National Planning Policy Framework and the aims of Buckinghamshire's Local Transport Plan 4"

A further assessment of the junction in June 2018 showed that the RFC values for the junction are even worse in alternative scenarios modelled as a 'sensitivity' test at the request of the Council. Table 3.3 records an RFC of 2.82 for the minor arm in the AM peak. This is excessive as any RFC value above 1 indicates the junction is over capacity.

Under current proposals for 16/00151/APP, the solution to the highways safety issue identified by the above modelling is proposed works aimed at reducing traffic flow along College Farm Road. The Case Officer's November 2020 report to the Strategic Sites Committee states on page 23 that:

"These works are aimed at making College Farm Road a less attractive route from the beginning and will aim to deter development traffic from using it".

However, the effect of the mitigations on the Old Gaol junction are made clear on page 26 of the same report:

"It should be noted that if the traffic calming scheme is successful in deterring the development traffic from using College Farm Road, this will result in additional development traffic travelling into Buckingham"

VALP Examination: cumulative traffic modelling for 20/00510/APP and 16/00151/APP

Given that both sites are to be developed within the same timeframe and that this will result in 300 new homes adding traffic onto what the Council acknowledges to be an already constrained highways network, it was vital that the Council assess the cumulative impact during the preparation of the VALP.

This cumulative modelling was carried out by Jacobs UK Ltd in their Buckingham Town Centre Modelling Report (submitted to the Planning Inspector as ED214A). In both of the 2033 'Do Something' scenarios modelled (DS and DS2), this analysis includes development traffic from both BUC043 and MMO006.

However, the Moreton Road donor zone Origin Trip Distribution plots (Fig.2.4 to 2.7 in ED214A) clearly show the underlying assumption of the modelling is that most of the traffic will route via College Farm Road. This is a proportion substantially higher than 50% of the combined traffic.

Even with this traffic distribution, ED214A shows the Old Gaol approaching or exceeding capacity in the baseline scenario (Table 3-1 shows an RFC of 0.9 on the Stratford Road arm). The 2033 'Do Something' scenarios show the RFCs increasing further to between 1.3 and 1.4 in the AM Peak. The report concludes:

"In summary, both town centre junctions are already operating over capacity in the 2033 DM and therefore the additional marginal impact at these junctions in the DS and DS2 scenarios is unacceptable, even with a reduced quantum of development in DS2. In both DS and DS2 scenarios, appropriate mitigation measures would need to be considered"

The Council further allude to the use of College Farm Road as an alternative route in VALP Examination Document ED257 titled Buckingham VALP Allocations Statement on Highways Matters (October 2020):

"The locations of all sites were reviewed and...sites BUC043, BUC046 and MMO006 have various route options to access locations to the south and east of the town, namely Aylesbury and Milton Keynes"

To summarise, all of the evidence that the Council submitted to the VALP Examination shows a clear assumption that traffic from BUC043 and MMO006 will avoid Buckingham town centre by routing via College Farm Road. The Planning Inspector confirms this was his understanding in his VALP Examination Report (para 239):

“BUC043 and MMO006 could each fund minor improvements to the junctions through contributions to the Buckingham transport Strategy already referred to and also would add load to those junctions to a lesser degree because the likely main objective destination is Milton Keynes to the east of Buckingham and alternative routes, avoiding the town centre, are available. Those alternative routes include the use of Mill Lane (also known as College Farm Road) through Maids Moreton”

20/00510/APP Traffic Modelling

Traffic modelling carried out by the developer of the 130 home Moreton Road site was published on Public Access in February 2020. After publishing further details of an associated Travel Plan in May 2021, the traffic scheme was recommended for approval by the Highways Authority the same month.

Within the Feb 2020 TA, the approach to forecasting and modelling future traffic flows is explained at para 5.3.2:

“The TEMPro future household assumptions were compared against the AVDC Five Year Housing Land Supply Position Statement (April 2019). Relevant projected completions located within Aylesbury Vale 002 forecast to come forward between 2019/20 and 2025/26 were considered, including any:

- Sites with planning permission;
- Sites with resolution to grant planning permission subject to S106;
- Allocated sites in Neighbourhood plans without permission;
- Extra care use class C3 commitments;
- Extra care use class C2 commitments;
- Proposed VALP allocations; and
- Windfall sites”

The “Aylesbury Vale 002” referred to is the Lower Super Output Area (LSOA) used for UK Census data. The extents of the Aylesbury Vale 002 LSOA can be seen at the following MapIt UK webpage <https://mapit.mysociety.org/area/37532.html> (Note: this map is replicated within the TA as Figure 3-16 - Extents of Aylesbury Vale 002)

What is notable about this is that the Aylesbury Vale 002 output area does not include the village of Maids Moreton, the boundary of which is only a few metres from the northern edge of 20/00510/APP. Therefore, development traffic from the consented planning application 16/00151/AOP does not appear to be included in the traffic modelling for the future year scenario.

Summary

In considering the two VALP allocations and their associated planning applications, the available evidence indicates that the Council have maintained two contradictory positions:

- 1.Cumulative traffic modelling of the two sites assumes that the majority of development traffic will use College Farm Road (Mill Lane) to access the A422, thus avoiding Buckingham town centre
- 2.The traffic scheme that the Council have agreed with the developer for planning application 16/00151/AOP contains mitigation measures designed to deter development traffic from using College Farm Road (Mill Lane)

Furthermore, the Traffic modelling for 20/00510/APP:

1.Apparently omits traffic from the Maids Moreton site in its forecast

2.In any case does not consider the effect of the mitigation measures, which reduce the capacity of College Farm Road

All of the Buckingham Town Centre traffic modelling carried out for the VALP examination (and the 20/00510/APP traffic modelling) show the Old Gaol roundabout at capacity in baseline scenarios and well above capacity in future forecasts

This is compounded by traffic modelling for 16/00151/APP showing the College Farm Road/A422 junction as overcapacity in all scenarios – to the point where it is a highway safety issue.

It may be argued that the VALP traffic modelling was a ‘high level’ or ‘strategic’ exercise, where detailed mitigations would not be included. However, all of the above evidence shows that the Council needs to take a different approach when it comes to the planning application stage.

In the case of 20/00510/APP, failure to do so would mean the impact on the severely constrained highways network in Buckingham town centre will not have been adequately assessed.

Public Comment (106 Objections, 5 Neutral)

Overdevelopment

- Vast number of new dwellings going up in Buckingham, causing inadequate amenities and infrastructure e.g., schools, medical centres, roads, shops, open spaces
- A cumulative impact from new developments in the vicinity e.g., Maids Moreton, Lace Hill, Tingewick Road
- Need for future school provision

Character and Landscape

- Risk from poor landscaping and planning brought by the proposed constructions

Flooding

- The proposed development could lead to flooding issues because of the loss of natural defences
- Tree planting of the site should be considered in view of the increasing risk of flooding due to climate change
- A significant portion of Buckingham is under flood zones 2 and 3 which should be considered for allowing up to a 40% increase in flooding
- The site falls within the Upper Ouse Area and is considered to be used for natural flood management (NFM) by Buckinghamshire Council and River Thames Conservation Trust

Policies

- Incoherent with BNP e.g., the erection of 130 dwellings is not included
- Policy principles of BNP/NPPF/VALP not met

Traffic and Parking

- Would Increase traffic flow in town centres and other areas leading to traffic congestion, especially during peak hours
- Would exceed road capacity and worsen access, leading to safety concerns in areas e.g., Whitehead Way, Shetland, Lincoln, Moreton Road, Avenue Road, Western Avenue, South Hall, Mill Lane, Avenue Road, High Street, Stratford Road, Castle Street, Bath Land, Hunter Street, Station Road, Mitre Street, Chandos Road, Old Gaol Junction, Market Hill Junction

- Limited visibility and complexity at the main town centre junctions
- Insufficient car parking provision e.g., Twickenham Road
- Limited access for emergency services due to narrow/blocked roads e.g., from Whitehead Way to Lincoln, Twickenham Road
- Use of heavy goods vehicles could lead to danger for pedestrians
- Would lead to an increase in cars parking on streets and next to the children's playground
- Safety concerns on the northernmost zebra crossing, junctions, cycling on the main road and a blind spot along Whitehead Way entrance
- Objection to the removal of the speed limit on Whitehead Way
- Misleading Travel Plan with potential errors (dated Feb 2020) e.g., 1.5.4 (Existing access is not currently via Manor Farm), 1.5.6 (outdated census data), 1.5.12 (hardly visible footpath), 1.5.16 (misleading statement on cycling), 1.5.23 (bus routes 32, 134, 151), bus map in appendix (routes X60 and 60 have been cancelled), provision of bus services, outdated data used for 'Travel to Work' study, inconsideration of additional developments nearby, inaccurate traffic modelling
- Misleading Design and Access Statement i.e., the existing road is narrower than the presented road
- Vehicular access to rugby pitches should be limited to groundsman's vehicles
- Lack of bus services provision
- Degraded road conditions e.g., uneven pavements, curb stone
- Lack of pedestrian crossings at Moreton Road junctions
- Unclear entrance of the rugby pitches

Funding

- Responsible body for the increased maintenance of roads remains unclear

Water Supply, Drainage and Sewage

- Would worsen the drainage system with waterflow e.g., Moreton Road, Castlemilk, Hill Radnor
- Overflow of drainage in green areas and the existing rugby pitches
- Overloaded sewage would be brought by the proposed development
- Potentially flawed evidence in the Flood Risk Assessment i.e., the proposed development would not present a significant increase in water run-off rate
- The water supply was lost 5 times in the past 5 months in Buckingham and parts of Maids Moreton, the development would bring a rise in water demand and hence worsening the situation

Public Access

- Lack of footpath in 'shared access' areas in Lace Hill development, leading to dangers for children
- Footpaths obstructed due to car parking on roads

Noise

- The proposed development could lead to negative noise impacts on residential amenities

Living Environment

- The lack of job opportunities encourages commuting to other areas e.g., Milton Keynes, Oxford, Northampton and London, resulting in negative environmental impacts

- The development could result in pollution and a loss of greenbelt, agricultural land, wildlife habitats and biodiversity
- Should refurbish existing dilapidated buildings and in-town spaces
- The site would be isolated and unsustainable
- Endangered honeybee species – Apis Mellifera Mellifera (British Black Honey Bees) are prevalent in the area (within 1km of the site)
- Maids Moreton, a village with a Grade 1 listed church is enduring heightened traffic issues, and is used as a cut-through while people travel from the existing development along Moreton Road

Visual Impact

- The development would lead to a negative visual impact on the National Trust Landscape gardens, residences in Maid Moreton, Chackmore

Previous Application

- Objections were made for a previous application for the site by the residents, the Council and the Secretary of State, no significant changes have been made to the current plan

Sustainability

- The proposal should ideally be Passive House standards e.g., provision of electric vehicle charging stations, solar panels, ground source heat pumps, rainwater collection and reuse system
- Should consider the use of brownfield site

Privacy

- The proposed 2-storey dwellings would cause a private invasion to the adjacent residents
- Properties built in Phase 1/2 would be overlooked during the construction of development and from the future residents

Crime Issue

- New developments would lead to a rise in the crime rate

Design of Development

- The materials proposed did not consider the local distinctiveness of Buckingham
- The proposed designs should match the developments along Lace Hill and Tingewick Road e.g., natural slate and plain clay tiles
- Design guidelines – Buckingham’s Vision & Design Statement not met
- Recommend providing two rugby pitches with sports drainage and floodlighting within the site

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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APPENDIX C: Secretary of State Decision Letter (14/02601/AOP)



Department for
Communities and
Local Government

Our ref: APP/J0405/V/16/3151297

Mr G Armstrong
Armstrong-Rigg Planning
The Exchange
Colworth Science Park
Sharnbrook
Bedford MK44 1LQ

19 July 2017

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY BELLWAY HOMES, BELLCROSS CO LTD & FOSBERN
MANUFACTURING LTD
LAND WEST OF CASTLEMILK, MORETON ROAD, BUCKINGHAM MK18 1YA
APPLICATION REF: 14/02601/AOP**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Clive Hughes BA(Hons) MA DMS MRTPI, who held a public local inquiry opening on 7 February 2017 for 6 days into your client's hybrid planning application seeking outline planning permission for up to 130 dwellings with all matters other than access reserved for consideration at a later date and the change of use of land from agriculture to use as sports pitches/ recreational open space and informal open space, in accordance with application ref: 14/02601/AOP.
2. On 25 May 2016, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted.
4. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendation and has decided to refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising since the close of the inquiry

5. On 26 May 2017, the Secretary of State wrote to the main parties to afford them an opportunity to comment on the implications, if any, for this application of the Supreme Court judgment on the cases of *Cheshire East BC v SSCLG and Suffolk Coastal DC v SSCLG*, which was handed down on Wednesday 10 May 2017.
6. A list of representations which have been received since the inquiry is at Annex A. Copies of these letters may be obtained on written request to the address at the foot of the first page of this letter. The Secretary of State has taken these representations into account in reaching his decision.

Policy and statutory considerations

7. In reaching his decision, the Secretary of State has had regard 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.
8. In this case, the development plan comprises the saved policies in the Aylesbury Vale District Local Plan 2001-2011 (AVDLP) (adopted January 2004) and the Buckingham Neighbourhood Development Plan 2011-2031 (BNDP) (made 30 September 2015). The Secretary of State agrees with the Inspector and considers that the development plan policies of most relevance to this case are those set out at IR12-15.
9. Other material considerations which the Secretary of State has taken into account include: the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), the Written Ministerial Statement on Neighbourhood Planning dated 12 December 2016 (WMS) and the Community Infrastructure Levy (CIL) Regulations 2010 as amended.
10. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), the Secretary of State has paid special regard to the desirability of preserving listed structures or their settings or any features of special architectural or historic interest which they may possess. The Secretary of State has also paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, as required by section 72(1) of the LBCA.

Emerging plan

11. Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The Secretary of State has considered the weight to be attached to the emerging Vale of Aylesbury Local Plan (VALP) applying paragraph 216 of the Framework. As to the first limb, he notes the emerging VALP is at an early stage in the process (IR16). As to the second limb, he notes that there are significant unresolved objections to the emerging VALP (IR16). As to the third limb, the Secretary of State considers, at this stage, that the relevant policies in the emerging VALP do not appear to contain obvious inconsistencies with the Framework. Overall, for these reasons, the Secretary of State agrees with the Inspector that the emerging VALP can only carry very limited weight (IR16).

Planning History

12. The Secretary of State agrees with the Inspector's analysis of the planning history (IR17-21)

Main issues

13. The Secretary of State agrees with the Inspector that the main issues are those set out at IR118-119.

Consistency with the development plan including the Neighbourhood Plan

14. The Secretary of State has had regard 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 Secretary of State has carefully considered the Inspector's analysis of the development plan position at IR120-125 and IR186-191. The development plan comprises the AVDLP and the BNDP.

AVDLP

15. The Secretary of State agrees with the Inspector that the proposals conflict with saved Policy RA.14 but, applying paragraph 215 of the Framework he agrees with the Inspector for the reasons given that this policy is not consistent with the Framework and, therefore, carries very limited weight (IR120). He also agrees, for the reasons given by the Inspector at IR121, that Saved Policy BU.1 is relevant to the proposals, but agrees that this also carries very limited weight as it is not consistent with the Framework applying paragraph 215. He further agrees that the proposal meets the requirements of Saved Policy GP.2 relating to the provision of affordable housing as this proposal exceeds its minimum requirement (IR121).

BNDP

16. The Secretary of State has gone on to carefully consider the Inspector's analysis of the BNDP at IR122-125 and IR189-191.
17. The Secretary of State agrees with the Inspector (IR122) that Policy HP1 is the most relevant policy of the BNDP to this proposal. Concerning whether there is conflict with policy HP1, the Secretary of State notes that Policy HP1 supports housing development within the settlement boundary, identifying 5 sites for 617 dwellings and one reserve site for 300 dwellings. The application site, being outside the settlement boundary, is not allocated for housing in policy HP1 nor covered by policy HP7 which relates to windfall sites within the settlement boundary. The Secretary of State notes that the Inspector finds no conflict with these policies as he considers that the BNDP does not place a cap on housing numbers nor contain policies specifically restricting housing development outside the settlement boundary (IR 123). The Inspector, therefore, considers that the BNDP is silent in terms of the proposed development of the application site (IR 189).
18. Having carefully considered the Inspector's analysis at IR122-125 and IR 189-191, the Secretary of State does not agree with the Inspector that the BNDP is silent in terms of the proposed development of the application site as he considers there is a relevant body of policy in the BNDP (summarised at paragraph 5.18 of the Statement of Common Ground between the applicants and AVDC (GEN1)) sufficient to enable the development proposals to be considered. The Secretary of State also disagrees with the Inspector's conclusion that there is no conflict with policy HP1. The Secretary of State considers that read as a whole, including with the vision for the BNDP and its Introduction, the proposal, being an unallocated site outside the settlement boundary, conflicts with the purpose and effect of

Policy HP1. While there is no cap in the BNDP, and no obvious corollary of the site allocation policy HP1 (i.e. that land not allocated is not supported), the larger housing sites, representing both the acceptable location and level of housing, are specifically identified and allocated in the BNDP. Both larger sites and the smaller windfall sites being confined to within the settlement boundary (HP7). The application site, being both unallocated and outside the settlement boundary, falls within neither category above and, as a consequence, the Secretary of State considers the proposals are not policy compliant. This is a policy conflict to which the Secretary of State attaches very substantial negative weight in view of the Framework policy (paragraphs 183-185) that neighbourhood plans are able to shape and direct sustainable development in their area and that where an application conflicts with a neighbourhood plan, planning permission should not normally be granted (paragraph 198).

19. The Secretary of State agrees with the Inspector, for the reasons given at IR191, that the proposal complies with BNDP Policies HP4 and HP5 and does not conflict with the other cited policies in the BNDP relating to matters of detail such as landscaping, open space, and play areas.
20. Overall, for the reasons above, the Secretary of State considers that the proposals conflict with the development plan overall.

Delivering a wide choice of high quality homes

21. For the reasons given at IR126-127 the Secretary of State agrees with the Inspector that, taken together the Section 106 Agreement, which makes provision for 35% affordable housing, and agreed condition 20 would ensure that the scheme would deliver a wide choice of homes, widen opportunities for home ownership, and create an inclusive and mixed community.

Five year housing land supply

22. Paragraph 47 of the Framework states that to boost significantly the supply of housing, local planning authorities should meet the full objectively assessed needs for housing and identify a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements plus an additional 5% or 20% buffer.
23. The Secretary of State has carefully considered the Inspector's analysis of the disputed housing land supply matters relating to need and supply at IR128-159.

Need

24. For the reasons given at IR129-143, the Secretary of State agrees with the Inspector that the housing requirement set out in the October 2016 Buckinghamshire Housing and Economic Needs Assessment Update (HEDNA) represents the most up to date assessment of housing need, which is a reasonable basis on which to calculate the 5 year HLS for the purposes of these proposals. Using this requirement as a starting point (965 dpa), and taking account of an oversupply for the period from 2013 and allowing for the agreed 20% buffer (IR144-146), the Secretary of State agrees with the Inspector that this gives a 5 year requirement for the period 2017/18 to 2021/22 of 4,535.

Supply

25. Having carefully considered the Inspector's analysis, footnote 11 of paragraph 47 of the Framework, the relevant paragraphs of the Guidance, and the parties' representations, the Secretary of State agrees with the Inspector's analysis as to the disputed sites for the reasons given at IR 147-157. In terms of supply, therefore, the Secretary of State agrees with the Inspector for the reasons given at IR158 that 237 dwellings should be removed from the supply side calculations as there is no reasonable likelihood of delivery within 5 years. In these circumstances, he agrees with the Inspector's calculations, for the reasons given at IR158-159, that the supply side identified in AVDC's Interim Housing Land Supply Position Statement (October 2016) should be reduced from 5,296 to 5,082 dwellings resulting in there being a land supply for the purposes of the proposal of 5.6 years.

The Implications of the WMS on Neighbourhood Planning

26. Given his conclusion that AVDC can demonstrate a 5 year HLS, the Secretary of State considers that his WMS on Neighbourhood Planning of 12 December 2016 is not engaged in relation to these proposals.

The weight that can be given to the emerging VALP

27. For the reasons given at paragraph 11 Decision Letter (DL) above, the Secretary of State agrees with the Inspector that the emerging VALP attracts very little weight.

Heritage

28. In accordance with section 66(1) of the LBCA, the Secretary of State has paid special regard to the desirability of preserving listed structures or their settings or any features of special architectural or historic interest which they may possess. In accordance with section 72(1) of the LBCA, the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
29. The Stowe, Maids Moreton, and Chackmore Conservation Areas lie to the north east and north west of the application site. About 3km from the application site is Stowe, a Grade 1 listed building, and its Registered Park and Garden, also Grade 1 (IR168-172). The Secretary of State notes that paragraph 6.13 of the Statement of Common Ground (SoCG) between the applicants and AVDC, says that the distance of the application site from these designated heritage assets is such that there is not considered to be any appreciable level of visual impact or intrusion on their setting and that any views from the north west would be of housing set against the backdrop of existing development.
30. For the reasons given by the Inspector at IR168-172 and having carefully considered paragraphs 131-134 of the Framework, the Secretary of State agrees with the Inspector that there would be no harm to the setting and hence significance of these designated heritage assets and, therefore, no conflict with saved Policy GP.60 of the AVDLP (which seeks to protect the distinctive characteristics of registered parks and gardens) or section 12 of the Framework.

Other matters

31. Concerning road traffic in the vicinity of the site, the Secretary of State agrees with the Inspector for the reasons given (IR 174-176) that the limited harm arising from increased traffic on surrounding roads would be mitigated by off site highway works undertaken or financed in relation to the proposal and that, subject to the imposition of the conditions, this is a neutral factor in the planning balance.
32. Concerning foul and surface water drainage in the area, the Secretary of State notes that the site is within Flood Zone 1. He notes a Flood Risk Assessment (FRA) has been submitted by the applicants and no flood objections were received from AVDC, the Environment Agency, or Anglian Water. He notes the suggested conditions would require the development to be carried out in accordance with the FRA and for details of foul and surface water drainage to be submitted to and approved by the LPA. He notes details of a Sustainable Urban Drainage System scheme, including its future maintenance, are secured by the s106 agreement. In these circumstances, the Secretary of State agrees with the Inspector's analysis for the reasons given (IR177-179) that the proposals would have no harmful impact on foul and surface water drainage in the area.

Planning conditions

33. The Secretary of State has given careful consideration to the Inspector's analysis at IR182-185, the recommended conditions set out in the Annex to the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. The Secretary of State is satisfied they would meet the tests set out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for refusing planning permission.

Planning obligations

34. Concerning the provision of community and other facilities in the s106 agreement, the Secretary of State notes that it provides for 35% affordable housing and secures benefits for future residents of the site and other residents and businesses in the district (IR 180). The provision of sports pitches and overall amenity space also exceeds the minimum standards required (IR 181). Having regard to the Inspector's analysis at IR180-181, paragraphs 203-205 of the Framework, the Guidance, and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR181 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework. However, the Secretary of State does not consider that the obligations overcome his reasons for refusing planning permission.

Planning balance and overall conclusion

35. The Secretary of State has had regard 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 Secretary of State has carefully considered the Inspector's analysis of the planning balance at IR186-210. For the reasons given above (DL14-20), the Secretary of State considers the proposals are not in accordance with the development plan overall. The Secretary of State has gone on to consider whether there are material considerations which indicate

that the proposals should be determined other than in accordance with the development plan.

36. He agrees with the Inspector that it is relevant that AVDC has advanced this land as a potential housing site in the emerging VALP and its sustainability appraisal is a material consideration (IR192). However, for the reasons given above (DL11), he agrees with the Inspector that the VALP carries very little weight. He also agrees with the Inspector that the planning history is highly pertinent, as is the sustainability appraisal carried out by Buckingham Town Council (IR 195).
37. For the reasons above (DL15), and applying paragraph 215 of the Framework, the Secretary of State considers saved Policies RA.14 and BU.1 are inconsistent with the Framework and, therefore, the titled balance in paragraph 14 applies notwithstanding that AVDC can demonstrate a 5 year housing land supply.
38. Weighing in favour of the proposal, the Secretary of State agrees with the Inspector's analysis for the reasons given (IR197-205) that there would be economic, social, and environmental benefits arising from the scheme and considers that these benefits, and in particular the provision of market and affordable housing, weigh substantively in favour of the proposal.
39. Weighing against the proposal, he agrees with the Inspector that there would be some encroachment into the open countryside which would cause some limited visual harm (IR 206), to which he attaches modest weight, and there would be conflict with saved Policy RA.14 of the AVDLP, to which he gives very limited weight, given his conclusions at paragraph (DL11) above. However, for the reasons above (DL16-20), and considering Framework policy that neighbourhood plans will be able to shape and direct sustainable development (paragraphs 183-185) and where an application conflicts with a made neighbourhood plan, planning permission should not normally be granted (paragraph 198), he places very substantial negative weight on the proposal's conflict with the BNDP.
40. The Secretary of State considers that the adverse impacts of the proposal, especially in terms of the conflict with the BNDP, would significantly and demonstrably outweigh the benefits. The Secretary of State therefore concludes that there are no material considerations that indicate the proposal should be determined otherwise than in accordance with the development plan.

Formal decision

41. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby refuses planning permission for a hybrid planning application seeking outline planning permission for up to 130 dwellings with all matters other than access reserved for consideration at a later date and the change of use of land from agriculture to use as sports pitches/ recreational open space and informal open space, in accordance with application reference:14/02601/AOP.

Right to challenge the decision

42. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for

leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

43. A copy of this letter has been sent to Aylesbury Vale District Council and Buckingham Town Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Philip Barber

Philip Barber
Authorised by Secretary of State to sign in that behalf

Annex A SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
Town Legal, on behalf of Bellway Homes Ltd, Bellcross Co Ltd and Fosbern Manufacturing Ltd	6 June 2017
Aylesbury Vale District Council	6 June 2017
Buckingham Town Council	16 June 2017

Report to the Secretary of State for Communities and Local Government

by Clive Hughes BA(Hons) MA DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 11 April 2017

TOWN AND COUNTRY PLANNING ACT 1990

AYLESBURY VALE DISTRICT COUNCIL

APPLICATION BY

**BELLWAY HOMES, BELLCROSS CO LTD
& FOSBERN MANUFACTURING LTD**

Inquiry opened on 7 February 2017

Land west of Castlemilk, Moreton Road, Buckingham MK18 1YA

File Ref: APP/J0405/V/16/3151297

List of abbreviations used in this Report

AVDC	Aylesbury Vale District Council
AVDLP	Aylesbury Vale District Local Plan 2001-2011
BCC	Buckinghamshire County Council
BNDP	Buckingham Neighbourhood Development Plan 2011-2031
BSP	Buckinghamshire Structure Plan 1991-2011 (adopted 1996)
BTC	Buckingham Town Council
CIL Regs	Community Infrastructure Levy Regulations 2010 (as amended)
DCLG	Department for Communities and Local Government
dpa	Dwellings per annum
EiP	Examination in Public
EMP	Ecological Management Plan
FOAN	Full Objectively Assessed Housing Need
FRA	Flood Risk Assessment
Framework	National Planning Policy Framework
ha	Hectares
HEDNA	Buckinghamshire Housing and Economic Development Needs Assessment Update 2016
HMA	Housing Market Area
IHLSPS	AVDC's Interim Housing Land Supply Position Statement (October 2016)
km	Kilometres
LEAP	Local Equipped Area of Play
LPA	Local Planning Authority
MYE	Mid-Year Estimate
NEAP	Neighbourhood Equipped Area of Play
NP	Neighbourhood Plan
ONS	Office of National Statistics
ORS	Opinion Research Services
PPG	Planning Practice Guidance
Rugby Club	Buckingham Rugby Union Football Club Limited
SA	Sustainability Appraisal
SDMC	AVDC's Strategic Development Management Committee
SHMA	Strategic Housing Market Assessment
SNPP	Sub-National Population Projections
SoCG	Statement of Common Ground
SoS	Secretary of State for Communities and Local Government
SUDS	Sustainable Urban Drainage System
UPC	Unattributable Population Change
VALP	Vale of Aylesbury Local Plan
VAP	Vale of Aylesbury Plan
White Paper	"Fixing our broken housing market" (February 2017)
WMS	Written Ministerial Statement on Neighbourhood Planning (2016)

File Ref: APP/J0405/V/16/3151297

Land west of Castlemilk, Moreton Road, Buckingham MK18 1YA

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 25 May 2016.
- The application is made by Bellway Homes, Bellcross Co Ltd & Fosbern Manufacturing Ltd to Aylesbury Vale District Council.
- The application Ref 14/02601/AOP is dated 4 September 2014.
- The development proposed is a hybrid planning application seeking outline planning permission for up to 130 dwellings with all matters other than access reserved for consideration at a later date and the change of use of land from agriculture to use as sports pitches/ recreational open space and informal open space.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
 - Its consistency with the development plan including the Neighbourhood Plan for the area;
 - Policies in the National Planning Policy Framework on delivering a wide choice of high quality homes, in particular those set out in para 50 on delivering a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities; and
 - Any other matters the Inspector considers relevant.
- The inquiry sat for 6 days on 7-10 and 23-24 February 2017.

Summary of Recommendation: That planning permission be granted.

Procedural Matters

1. This hybrid application is in two parts. The outline part seeks planning permission for up to 130 dwellings with only the means of access to the site for determination at this stage. Details of the access are shown on Drawing No 1059624-D-003 Rev A (Plan C). An indicative site layout, street elevations and land uses are set out on illustrative plans that do not form part of the application (Plans D-F). The full part seeks the change of use of the northern end of the site from agriculture to use for recreation purposes/ sports pitches.
2. Buckingham Town Council (BTC) was accorded Rule 6(6) party status and adduced evidence accordingly in support of its objection to the planning application.
3. Prior to the opening of the Inquiry, by email dated 1 February 2017, PINS wrote to the parties setting out the issues and other matters that I had identified as being relevant to the determination of the planning application.
4. I carried out unaccompanied site visits before and during the Inquiry. These included visiting the application site and its immediate surroundings; walking from the site to Buckingham town centre and back; visiting the sites in Buckingham identified for housing development; visiting other potential housing sites referred to at the Inquiry, particularly in Winslow; viewing the area from Stowe and its Registered Park and Garden; and viewing the locations of all the proposed off-site highway works.
5. The planning application was considered by the Aylesbury Vale District Council (AVDC) on 11 January 2017 when its Strategic Development Management Committee (SDMC) resolved that had it been in a position to determine the application it would have refused it for the following reason:

“The proposed residential development represents intrusion of built development onto green land within the countryside beyond the settlement boundary contrary to the strategy of the Buckingham Neighbourhood Development Plan and specifically contrary to the provisions of policy HP1 which makes provision for housing on other sites for development of up to 617 dwellings, without any justification advanced of sufficient weight to justify approval to a scheme in direct conflict with that policy. Approval in this case would thereby conflict with guidance in the NPPF which at paragraph 198 states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.”

6. During the Inquiry the applicants submitted a completed Agreement under s106 of the Act¹ dated 16 February 2017. Amongst other things, this Agreement makes provision for affordable housing, off-site highway works, public open space and a financial contribution towards education facilities.
7. On 7 February 2017, while the Inquiry was sitting, the Government issued the Housing White Paper “Fixing our broken housing market” (the White Paper). The parties took this consultation document into account.

The Site and Surroundings

8. The application site, which has an area of about 11ha, is roughly “L”-shaped and comprises two fields in agricultural use that are separated by a mature hedge. The southern field slopes down from its north western corner towards existing housing; the change in level is about 12m. The northern field slopes slightly down from west to east. The site adjoins recent housing to the south and east, known respectively as Phases 1 and 2, and fields to the north and west. The housing to the south includes bungalows with main windows overlooking the site that are located close to the site and at a slightly lower level. In the field to the west there is a recently-planted band of trees some 12-14m deep that is within a few metres of the boundary with the application site.
9. There is a small group of industrial buildings abutting the south eastern corner of the northern field. These are relatively poor quality and, together with associated parking and external storage, are visually at odds with the well-ordered form and landscaping of the new housing. The land further to the north is separated from the site by an access track that also serves as a bridleway. To the north east is Buckingham Rugby Union Football Club (the Rugby Club) with pitches, clubhouse, lighting and parking. There is a gate from the site to the access track but no public access.
10. The site lies almost due north of the centre of Buckingham, a town with a population of about 12,000. It is the second largest settlement within the District. The site is about 1km from the town centre. Moreton Road (A413) runs from the site to Buckingham High Street (A422). For a short distance it has quite a steep gradient as it runs uphill to the north of the Old Gaol roundabout with the High Street. It is a bus route with regular services to the town centre, Aylesbury, Bicester, Milton Keynes and beyond. There are further bus links from the town centre with regular services to Cambridge, Bedford and Oxford.

¹ ID42

11. The site is not subject to any particular designations. Maids Moreton and Chackmore Conservation Areas lie to the north east and west respectively. Further afield to the north-west lies Stowe, a Grade 1 Listed Building described as "The Mansion with attached service ranges (now Nugent House, Cobham House and Grafton House)" which is set within the Stowe Registered Park and Garden, also Grade 1².

Planning Policy

12. The development plan comprises the saved policies in the Aylesbury Vale District Local Plan 2001-2011 (AVDLP) (adopted January 2004) and the Buckingham Neighbourhood Development Plan 2011-2031 (BNDP) (made 30 September 2015). The saved policies in the AVDLP are mainly those used for development management purposes and a full list is set out at paragraph 5.12 of the Statement of Common Ground (SoCG) between the applicants and AVDC³.
13. The housing policies in the AVDLP had an end date of 2011 and the targets were derived from the out-of-date Buckinghamshire Structure Plan 1991-2011 (BSP) (adopted 1996). There are now no up-to-date policies in the AVDLP that relate to housing supply or settlement boundaries. Nonetheless, it is relevant to note that saved Policy BU.1 proposed the development of land at Moreton Road (site of Phases 1 & 2) for housing⁴ subject to the criterion (c) that the proposals shall not prejudice possible development beyond 2011 on the remainder of the site (although there is some uncertainty caused by criterion (b) which refers to land to the south of Manor Farm).
14. The BNDP⁵ was made against the background of an out-of-date local plan. The relevant policies are identified in paragraph 5.18 of the above SoCG. Of particular relevance are Policies HP1 (Allocate land for 617 new dwellings), HP4 (Provide a diverse housing mix) and Policy HP5 (Provide for affordable housing). Policy HP1 supports housing development within the boundary settlement area in accordance with Table 1 which identifies 5 sites for 617 dwellings and one reserve site (300 dwellings). Policy HP4 seeks a wide range of house types, sizes and tenures with housing from 1 to 5+ bedrooms.
15. Policy HP5 sets a minimum rate of 35% for affordable housing on sites of 1ha or 25 dwellings or more. The BNDP says that housing numbers must be in conformity with the local plan and that housing allocations from the AVDLP 2004 have now been taken up and completed. At paragraph 1.7 it says that due to the delay in the emerging local plan the housing numbers in the BNDP are based upon the DCLG 2012-based household projections in England.
16. Other relevant planning policy includes the National Planning Policy Framework (the Framework), the Planning Practice Guidance (PPG), and the Written Ministerial Statement on Neighbourhood Planning (WMS)⁶. The emerging Vale of Aylesbury Local Plan (VALP) was out for consultation until 5 September 2016 and it is anticipated that it will be submitted in summer 2017 and adopted at the end

² ID3: Appendix 1

³ GEN1

⁴ ID23 Buckingham Inset

⁵ AVDC1 Appendix 7

⁶ CD29: Neighbourhood Planning: Written Statement – HCWS346 (12 December 2016)

of this year. The VALP is at an early stage in the process and has been the subject of significant unresolved objection. In accordance with advice in paragraph 216 of the Framework it carries very limited weight. Previous attempts to replace the AVDLP have failed with the Core Strategy (2010) being withdrawn following the revocation of regional plans. Subsequently the Vale of Aylesbury Plan (VAP) was withdrawn in February 2014 following advice from the Examining Inspector.

Planning History

17. The site itself has no planning history other than the application the subject of this Report. The planning permissions for the development of the adjoining land to the south and east are relevant. The completed housing scheme to the south and east of the southern field, known as Phase 1, comprises 200 dwellings and was built by the current applicants. It was approved in accordance with Policy BU.1 of the AVDLP⁷. The related s106 Agreement secured the provision of a large (0.58ha) Local Equipped Area of Play (LEAP) close to Moreton Road. Phase 2 of this development, to the east of the northern field, comprises 80 dwellings including 28 affordable housing units managed by Hightown Housing Association.
18. The planning application for Phase 2 was refused by AVDC and subsequently allowed on appeal⁸. That Decision was challenged in the High Court by AVDC. The challenge was withdrawn before it was heard as by then the Council had approved a re-submission of the scheme for 80 dwellings⁹. Amongst other things, the Officers' Report concluded that the scheme would cause no harm to the setting of Stowe Registered Park and Garden; no harm to the identity of Buckingham or the countryside; no coalescence with Maids Moreton; that it would be well located with regard to facilities; and that it would be sustainable in economic, social and environmental terms.
19. The planning application the subject of this Report was submitted in September 2014 and was reported to the SMDC on a number of occasions. The full history, which is highly relevant, is set out in paragraphs 1.2 to 1.12 of the evidence of Michael Denman¹⁰. In brief, the application was first reported to the SMDC in March 2015 with a recommendation that it be approved. It was deferred for delegated approval upon completion of a s106 Agreement. During the negotiations on the Agreement circumstances changed in that the BNDP was nearing its final stage so it was reported back to Committee on 2 September 2015, with a recommendation that it be approved. On the same day the SoS issued an Article 31 Direction and the Committee deferred consideration of the application. The BNDP was made on 30 September 2015.
20. The application was due to be reported back to the SMDC three weeks later, again with a recommendation to approve, but an objection was received from Buckinghamshire County Council (BCC) on highway grounds arising from the cumulative impact of this site and other housing sites identified in the BNDP. The applicants agreed to make a financial contribution to improving the A413/A422 junction and it was reported back to the SMDC on 27 April 2016. Members again

⁷ Council reference 06/01809/APP

⁸ CD23: Council reference 11/02724/APP: Appeal reference APP/J0405/A/12/2177458

⁹ CD24: Council reference 13/01325/APP

¹⁰ AVDC1

deferred determination and delegated authority to Officers to approve it subject to the completion of the supplementary s106 Agreement incorporating the additional highway contribution. The SoS call-in letter is dated 25 May 2016.

21. Up to this point AVDC had acknowledged that it could not demonstrate a five-year housing land supply. Circumstances changed again in that the October 2016 Interim Housing Land Supply Position Statement (IHLSPS) showed a 5.8 year supply. On 12 December 2016 the WMS was issued. The application was reported back to the SMDC on 17 January 2017 when Members accepted the Officers' recommendation that had they been in a position to determine it they would have refused it for the reasons set out in paragraph 5 (above).

The Proposals

22. The residential part of the application is in outline form but an indicative site layout (Plans B & D) has been submitted along with indicative street scenes (Plan F). The proposals would provide up to 130 dwellings on the southern field of which 35% (up to 46 dwellings) would be affordable units. The dwellings would be 1 or 2 storeys in height. There would be two vehicular access points, from the western ends of Lincoln and Shetland, which are residential roads within Phase 1.
23. There would be pedestrian access from the residential part of the site to the northern field. That field would provide informal open space and two sports pitches. It is anticipated that pitches would be used by the adjoining Rugby Club. A letter has been provided that expresses the Club's interest in using the pitches as a means of alleviating over-usage of existing pitches rather than growing their numbers¹¹. There would also be pedestrian access to this northern field from the access track/ bridleway and from the Phase 2 land. This latter access would be from a road and would also be used by maintenance vehicles.

The Case for Bellway Homes, Bellcross Co Ltd & Fosbern Manufacturing Ltd

Consistency with the development plan including the NP

24. The development plan is the AVDLP (2004) which covers the period to 2011, and the BNDP (2015) which covers the period 2011 to 2031. The AVDLP includes housing targets derived from the BSP (1996). Neither of these plans was adopted in accordance with the 2004 Act and, while some AVDLP policies have been saved they cannot attract full weight under the Framework. There are no policies or settlement boundaries in the AVDLP that address post 2011 housing needs in the district. While LP Policy BU.1 is out of date, criterion (c) sought to ensure that the Phase 1 development did not prejudice future development on the remainder of the site. Phase 1 was plan-led; Phase 2 was anticipated. This is not some random or speculative development site.
25. While the proposals conflict with Policy RA.14, no material weight should be given to this out-of-date policy or the conflict with it. To give this policy limited weight would accord with the approach of the SoS in the Newick¹² appeal.
26. Concerning Policy HP1 of BNDP, the site is not an allocated or reserve site but this does not make the principle of the development unacceptable, this would

¹¹ ARP3 Appendix 9

¹² ARP3 Appendix 5 para 27 (SoS)

also accord with the approach of the SoS in the Newick¹³ appeal. The BNDP does not set out that the objective or purpose of the identification of the settlement boundary is to control or limit development beyond it. The purpose of the boundary¹⁴ is to support development within it provided it meets the development needs of other policies in the Plan. The policy does not contain criteria based provisions that might govern further housing provision within or outside the boundary.

27. The BNDP was promoted against the backdrop of no current or up-to-date strategic housing development plan policies. Buckingham is the second largest settlement in AVDC; it was no part of the role of the Plan to prohibit other sustainable development from coming forward in the town. The Examiner stated¹⁵ that Policy HP1 does not prevent the delivery of sustainable development elsewhere. The policy is quite different to other policies governing housing development inside or outside settlement boundaries in other NPs. While not allocated, the application does not breach Policy HP1 and nor is it inconsistent with housing land supply policies in the BNDP looked at overall.
28. In any event, Policy HP1 ought not to attract full weight despite its development plan status. It does not reflect or follow-up strategic housing supply policies; it was brought forward in the context of the withdrawn VAP; and the housing numbers were formulated against an assessment of housing needs based upon the superseded 2012-based household projections which have not been adjusted for economic growth or affordable housing market signals. The circumstances therefore differ from *Crane*¹⁶.
29. While the application site is one that was considered by BTC in formulating which sites should be in Policy HP1, and was not allocated, this does not mean that it cannot contribute towards the delivery of sustainable development. BTC's Sustainability Appraisal (SA) and scoring process revealed a flawed approach. This site was marked down in several areas without justification, such as coalescence with Maids Moreton, biodiversity and heritage. This is at odds with the LP Inspector's assessment of Phase 1 and the s78 Inspector's assessment of Phase 2. In the SA for the emerging LP, AVDC's consultants identified the site as a reasonable alternative. AVDC's case officer concluded that the site is capable of supporting sustainable development; when the tilted balance was applied the proposals warranted permission. AVDC has raised no environmental concerns¹⁷.
30. Concerning other development plan policies, the scheme provides 35% affordable housing which is in excess of the requirements of LP Policy GP2 and in full accord with BNDP Policy HP5. An agreed condition ensures compliance with BNDP Policy HP4 concerning housing mix. There is no conflict with various other development management policies concerning levels of amenity, open space, landscape, trees and hedgerows and ecology; all are capable of being met through conditions, the s106 Agreement and reserved matters.

¹³ ARP3 Appendix 5 para 13 (SoS)

¹⁴ CD2 Appendix 4 p 31

¹⁵ CD2 Appendix 3 p 16

¹⁶ CD38

¹⁷ ID16 paragraph 2

Policies in the Framework on delivering a wide choice of high quality homes, in particular those set out in paragraph 50

31. Although in outline, the mix and tenure is settled in the s106 Agreement and suggested condition 20. All parties agree that the scheme is capable of delivering a wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities. The proposals bring significant social and economic benefits.

Whether the Council is able to demonstrate a 5-year supply of housing against a FOAN and the implications of this in terms of national and local policy

Approach

32. There is agreement that it is necessary to identify a FOAN to inform the Stage 1 process in accordance with *Hunston*¹⁸ and to identify the requirement figure to establish whether the Council can demonstrate a robust five-year housing land supply. The Council relies upon the ORS-produced Housing and Economic Development Needs Assessment (HEDNA) Update (2016)¹⁹. The Council did not call any witnesses to demonstrate that the assumptions in it are compliant with the Framework and the PPG. There is no evidence of any formal working arrangements or acceptance by the other commissioning authorities. Less weight should be given to the HEDNA as it is untested and unexamined. The applicants are not relying on AVDC having to meet the unmet needs of other authorities, although this seems inevitable.

Population/ migration

33. It is common ground that the 2014-based national projections are the starting point to estimate overall housing need. The 2014-based projection shows an increase of 45,316 persons in AVDC between 2013 and 2033; this is 2,720 more than the 2012-based projection. The periods for these projections differ; they cover different 20 year periods. The 2012-based figures used in the BNDP evidence base are unadjusted by factors identified in the PPG. Properly compared, there is a meaningful change in the housing situation.

34. Household projections can be subject to sensitivity testing specific to local circumstances based upon alternative assumptions. However, any local changes need to be clearly explained and justified on the basis of established sources of robust evidence. The only demographic assumption difference between the parties relates to migration. The applicants have found no reason to adjust the 2014-based projections as there is no robust evidence to justify why the assumptions relating to AVDC are not likely to broadly continue into the future.

35. The only change the applicants make is to substitute projection outputs in the initial years with known count estimates taken from the ONS Mid-Year Estimates (MYEs). This approach accords with paragraph 158 of the Framework and guidance in the PPG. This increases the projected population increase over 20 years (2013-2033) by 3,387 persons (169 per year). By comparison, the adjustments made by ORS reduce the figure by 10,527 persons (526 per year).

¹⁸ *Hunston Properties Ltd v St Albans C&DC* [2013] EWCA Civ 1610 (paras 21-27)

¹⁹ CD21

36. There are two components to the Council/ ORS adjustments. These are, first, the use of 10 year trends rather than 5/6 year trends and secondly, to take account of "data quality issues", as described by the Council. The use of 10 year trends seems to be the ORS method; it appears to be their usual approach. Nevertheless, the difference between the methods is minor, just 93 persons. While this would contribute to the difference (13,914 persons in 2013-33), the main difference arises from the data quality issue.
37. There are two parts to this issue, Unattributable Population Change (UPC) before 2011 and the robustness of the MYEs since 2011. It is common ground that there is a notable negative UPC figure associated with the MYEs prior to the 2011 census; it is not appropriate to make an UPC-related migration adjustment to the 2014-based Sub-National Population Projections (SNPP). The reasons for this are threefold. First, ONS have investigated UPC and concluded no adjustment needs to be made. Second, it is not possible to attribute a figure for each year between 2001 and 2011 with any certainty; the figures are estimates. The applicants' evidence shows that any errors are more likely to have occurred in the first part of this period, prior to any years associated with the 2014-based SNPP trend.
38. Finally, in finding the AVL P unsound the Inspector considered that there was insufficient evidence. The consultants before ORS, GL Hearn, in the 2015 HEDNA had concluded that no UPC adjusted figure was sufficiently credible to take forward²⁰. In the absence of robust justification or evidence, any UPC related migration adjustment to the MYEs before 2009 and 2010 is flawed.
39. It is the analysis of the patient register for Aylesbury Vale that forms the basis for the 2011-2015 migration adjustments by ORS to the 2014-based SNPP starting point population. ONS have investigated the use of patient register data and concluded it is not sufficiently robust, particularly for the working age population. In Aylesbury Vale unchallenged evidence shows a significant 3,300 persons difference between the 2011 population-based estimate and the 2011 patient register. No evidence suggests that the 2011 census data is not robust.
40. Based on analysis of the patient register, ORS significantly reduced the MYE migration flow by 30% for the period 2011-2015, a reduction of 4,181 persons over 4 years. This is an unjustified adjustment. Any MYE inaccuracy, if there is one, will not be known until the 2021 census. The patient register is not a source of robust evidence. The culmination of the ORS migration adjustments²¹ is a reduction of 843 persons per year from the baseline trend applied by the applicants and the 2014-based SNPP. A reduction of 13,914 persons in the projected figures for 2013-2033 is not a safe foundation for establishing a FOAN.

Suppressed household formation

41. ORS accept the need for an adjustment to take account of suppressed household formation but make no adjustment to the 2014-based household formation rates in the same way as the applicants. In particular, the applicants draw attention to the suppression of household formation rates within the 25-34 and 35-44 age groups. Also relevant is the low level of completions between 2001 and 2011 when only 60% of planned delivery was achieved. The applicants adjusted the

²⁰ CD21 paragraph 3.43

²¹ ID26 Row G

rates based upon a 50% return to the 2008-based formation rates; a mid-point adjustment reflecting guidance in the PPG. It adds 66 dwellings per year, producing a demographic-based starting point of 1,197 dwellings per annum.

Market indicators

42. The parties agree that upward adjustments need to be made to reflect market indicators or signals. The applicants use an uplift of 15%; ORS use 10%. The parties drew comparisons between indicators of affordability in Aylesbury and Eastleigh while the applicants also looked at indicators in Canterbury where a 20% uplift was fixed by the LP Examination Inspector. The ORS approach of simply adding a 10% adjustment is inadequate judged by the difference between the affordability ratios between Aylesbury and Eastleigh.
43. The applicants' judgement is supported by evidence. The lower quartile affordability ratio for 2015 shows that Aylesbury is closer to Canterbury than Eastleigh and so a 15% uplift is reasonable, appropriate and justified based upon a more detailed analysis.

Five-year housing land supply contribution

44. The onus is on the Council to demonstrate a supply of specific deliverable sites with an additional buffer. There is no issue between the parties that a 20% buffer should be applied. Using the base date of 2013 the applicants calculate for the period 2017 to 2022 a shortfall of 602 dwellings which, added to the requirement of 6,685 dwellings (1,477 x 5) are buffered up by 20% to give a requirement of 8,894 dwellings.

Supply

45. One site, at Aston Clifton Road, advanced by the applicants as providing 200 homes as part of the supply, does not have planning permission. The removal of this reduces the supply by one month. There are 8 identified housing sites that the applicants seek to omit or push back. Of these, 6 are neighbourhood plan (NP) sites. One is not yet even in a draft NP; the other is owned by Sainsbury's and has been the subject of an undetermined planning application for over 3 years. Concerning the NP sites, examiners testing NPs are not concerned with the test of soundness or deliverability in the same way as sites allocated in LPs.
46. The 8 sites were considered in some detail. The omission of all these sites would result in a 2.8 year supply (or 2.9 years if the 200 homes at Aston Clifton Road are included in the supply). On this basis the Council cannot demonstrate a three- or five-year housing land supply. Housing land supply policies in the AVDLP and BNDP ought to be given limited weight applying paragraph 49 of the Framework. They should, in any case, be given limited weight for other reasons. It is accepted that paragraph 49 applies to NPs as a matter of law²².

The implications of the WMS dated 12 December 2016 including the need for the LPA to demonstrate a three-year supply of deliverable housing sites

47. It is accepted that this is a material consideration and that it is for the SoS to decide to what extent his WMS affects this Decision.

²² CD39

48. The WMS says it is to be read in conjunction with the Framework. It does not say that it is amending the Framework and nor can it lawfully do so. Paragraph 7 of the WMS anticipates changes to policy being brought in following the White Paper and further consultation. None preceded the WMS. The proper route for amending the Framework is via an amended Framework after consultation. It is inappropriate to assume that the SoS will allow the WMS to override published guidance in the PPG. Paragraph 7 anticipates that policy for NPs will be revised to reflect the WMS in due course. That should follow consultation.
49. In the annex to the White Paper, at A.83, it says that national policy "now states" that policies for the supply of housing in a NP, that is part of the development plan, should not be deemed out of date where the circumstances in paragraph 5 of the WMS now exist. This seems to show a contradiction between the Framework and the WMS. It appears that the proposals in the WSM will be further tweaked, see paragraph A.84, so the WMS should be given limited weight as it is liable to change.
50. In advance of the consultation it would be inappropriate and unlawful for the SoS to assume that the stated intention to revise the policy is a *fait accompli*. In this case, the failure of the Council to be able to demonstrate a three- or five-year housing land supply is in part because of the very NP allocated sites that it relies upon. It is not the case that there is no fault by those responsible for NPs, including the BNDP. The Government has set up a system that allows sites to be allocated in NPs with insufficient attention given to their deliverability.
51. In this Inquiry we are not dealing with a NP that followed on from up-to-date strategic housing policies or one that planned to deliver about 10% more homes than even the unadjusted 2012-based household projections indicated. The proposals comprise sustainable development, do not conflict with the NP and there are no local plan (LP) policies that can be given any real weight. The proposals do not conflict with BNDP Policy HP1 but even if it did, there is a lack of supply of housing land so no reason to consider that policy is not out-of-date.
52. Although BTC have indicated that they will review the BNDP when the emerging VALP has settled the housing requirement, there is no reason to refuse on prematurity grounds. BTC also said that it may not review the NP if this application is approved but no real weight can be given to this oral evidence which does not stem from a published decision of BTC. The emerging LP is likely to seek a 50% growth in Buckingham. For all these reasons, the WMS is no impediment to the application of paragraph 49 of the Framework.
53. The White Paper is proposing to deploy a standard methodology to assess FOAN. Given the complications in AVDC and the need to accommodate the unmet needs from adjoining Councils the production of a LP by 2018 is by no means certain. Nothing would be gained from postponing a decision in this case until 2018.

The weight that can be given to the emerging VALP

54. The parties agree, as set out in the SoCG, that no material weight should be given to this emerging plan at this stage given the significant unresolved objections. The evidence base, however, shows that Buckingham must accommodate more housing growth in recognition of its role as a strategic settlement.

The effect of the proposals on the setting of Stowe House and Registered Park and Garden

55. The applicants and AVDC agree that there would be no harm caused to the setting of any designated heritage assets so Footnote 9 of the Framework is not engaged. A heritage assessment accompanies the planning application. This matter was not raised by BTC when the application was being considered. Although unsuccessfully raised in respect of the Phase 2 appeal²³, the first time that it was raised in this application was in BTC's Statement of Case²⁴.
56. The evidence on behalf of BTC included photographs, taken with a zoom lens from outside the application site at the north west edge of the existing housing. However, two-way visibility between Stowe and housing does not automatically mean that there is any loss or harm to the significance of the asset. A visual connection is not an assessment of significance; the site makes no contribution to the setting of Stowe. The other photographs, taken from the front of Stowe, show some other housing but it cannot sensibly be said that this diminishes the significance of the asset. This is a neutral factor in the planning balance.

The effect of the proposals on road traffic in the vicinity of the site

57. BTC has constantly sought to resist proposals in this area on account of concerns about highway safety. The unspent financial contributions to BCC from Phase 2 and the need for an exemplar travel plan have not helped. The broad accessibility of the land to the east of the site has been considered by a LP Inspector who recommended the BU.1 allocation; by the s78 Inspector in respect of Phase 2; and by AVDC and BCC in respect of this application. BCC has agreed that there are no highway, transport or traffic matters that would prevent the grant of planning permission.
58. BTC's concerns may be fuelled by a misunderstanding of travel plan targets as became apparent in cross examination. BTC's survey of southbound traffic was consistent with the growthed up forecasts in the applicants' Transport Assessment; the results reinforce the robustness of the Assessment.
59. The s106 makes provision for various off-site highway works that are designed to aid public transport users, cyclists, pedestrians and car drivers. The proposals will ensure the unspent Phase 2 financial contribution can be directed to bus service enhancements. The cumulative impact of the development of the BNDP sites resulted in the applicants agreeing to make a £200,000 contribution towards the A413/A422 roundabout which is designed to direct through traffic from the town centre. None of these benefits has been acknowledged by BTC. There are no negative highway impacts to weigh against the scheme.

The effect of the proposals on foul and surface water drainage in the area

60. The site lies in Flood Zone 1 and has been the subject of a Flood Risk Assessment (FRA) which was updated in advance of the Inquiry. Neither the Environment Agency nor Anglian Water object to the scheme. Surface water run-off will be collected and stored and then discharged into the closest public sewer, thereby reducing existing greenfield run-off and reduce local flooding issues. There are

²³ CD23 paragraph 18

²⁴ BTC Statement of Case, paragraph 5.5.3

agreed conditions suggested to secure a satisfactory design and subsequent implementation of an adequate drainage scheme.

Whether the proposals make adequate provision for community and other services and facilities including affordable housing

61. Concerning affordable housing, the quantum exceeds that required by the AVDLP and fully complies with Policy HP5 of the BNDP. The s106 Agreement includes triggers to ensure that it comes forward hand in hand with the market housing and it also fixes the mix and tenure of homes to accord with Policy HP4. The change of use part of the scheme is also secured through the Agreement and agreed condition 3. This secures the sports pitches, the LEAP and the NEAP. The adjoining Rugby Club has expressed support for the pitches. The Agreement makes provision for maintenance and the transfer of the land to AVDC. It also secures the necessary sport and leisure contribution as well as education contributions which are to be spent at the Royal Latin Grammar School.

The planning balance: Whether the proposals comprise sustainable development as defined in the Framework and, either, whether the benefits of the scheme are sufficient to outweigh any identified harm or whether the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits

62. There will inevitably be a change in landscape character. The site lies adjacent to housing to the south and east and has well established boundaries that will be retained. It will not unduly protrude into the countryside and its impact on designated heritage assets would be neutral. Although not selected for allocation in the NP there would be no significant adverse environmental impacts. AVDC does not raise such issues. BTC's concerns about the impact on Stowe were only made when AVDC stopped conceding that it could not show a five-year housing land supply.

63. The highway impacts would not be harmful and all necessary improvements can be secured so as to mitigate any impact, making this a neutral factor in the overall balance. The proposals secure additional recreational open space and two sports pitches. These are social and environmental benefits which ought to attract moderate weight in favour of the scheme. The proposals would provide a broad mix of up to 130 homes, of which 35% would be affordable units, on the edge of the second largest settlement in AVDC. This offers economic and social benefits that attract significant weight in favour of the scheme.

64. Even if only the ordinary planning balance was to be applied then the benefits plainly outweigh the limited and inevitable harm. Planning permission ought to be granted as soon as possible to enable the development to proceed.

The Case for Aylesbury Vale District Council

Introduction and application history

65. The site has a complicated history. Throughout the application period, during the period when it was unable to demonstrate a five-year housing land supply, AVDC has been prepared to grant planning permission. The Officers' Report of 27 April 2016 gave significant negative weight to the conflict with BNDP Policy HP1 but reduced the weight to be accorded to it as it is a policy for the supply of housing and AVDC could not then show a five-year housing land supply. The tilted

balance, under paragraph 14 of the Framework, fell in favour of the grant of permission. AVDC has never, and does not now, raise any environmental concerns about the proposal.

66. This planning balance had to be revisited after the publication of the revised HEDNA and AVDC's recent IHLSPS which shows a supply of 5.8 years. The application was therefore reported back to Committee where Policy HP1 and conflict with it were accorded material weight against the development and it was concluded that there were no other material considerations which warranted the grant of permission. By then the application had been called-in.
67. AVDC based its evidence on the main issues identified by the SoS and the Inspector in which AVDC has an interest. Its evidence is limited to just four of those issues as there is agreement that no material weight can be given to the draft VALP and only BTC has raised concerns on the remaining matters.
68. AVDC considers that the SoS should grant permission if he finds (i) no conflict with BNDP Policy HP1; or (ii) that AVDC cannot show a five-year housing land supply and the level of supply is less than 3 years; or (iii) both (i) and (ii) apply.

Consistency with the development plan

69. The only issue is whether there is conflict with BNDP Policy HP1. It is not disputed that a proposal does not have to accord with each and every policy in the development plan; it is enough that a policy accords with the development plan considered as a whole. There is nothing in that judgement²⁵, however, that says a proposal cannot properly be refused because of conflict with a single development plan policy. What is required is an assessment of the materiality of that policy. In this case, Policy HP1 goes to the amount and distribution of housing in the plan area. It is a key policy that attends to the principle of development. Any conflict with it should be accorded significant weight and permission could only properly be given if the other material considerations indicated that it ought to be in the face of development plan conflict.
70. The meaning of a policy is a matter of law. It should be interpreted objectively in accordance with the language used and read in its proper context. The views of the Examiner are not relevant to its interpretation; nor are the words in other development plans. In this case the BNDP sets out the vision for Buckingham until 2013. It is for "an additional 617 dwellings excluding commitments". The Plan includes a reserve housing allocation to accommodate any shortfall in housing allocation during the lifetime of the Plan.
71. Policy HP1 seeks to deliver that vision and so allocates the amount and distribution of housing. It says that development within the settlement boundary will be supported provided it meets the requirements of other policies in the Plan. The policy is clear in that the reserve site will only be required if one or more of the allocated sites, with a total of 80 outstanding units, is not brought forward before 2025. That approach would not be necessary if the plan contemplated other sites coming forward on an ad hoc basis. That approach would allow the application site to come forward before the reserve site when the plan's evidence base concluded that the reserve site was preferable.

²⁵ *R v Rochdale Metropolitan Borough Council ex parte Milne* [2000] No CO/292/2000

72. The BNDP's Policy HP7, windfalls, would also be redundant. While it is true that there is no stated maxima and it does not explicitly state the obvious corollary of the site allocation policy (that land not allocated is not supported) it is plain that the larger housing sites are identified in the plan and that smaller windfall sites are confined to within the settlement boundary. The application falls within neither category and so is not policy compliant. The applicant's approach would rob the people of Buckingham of their chance to direct where housing should go.
73. In Buckingham there are no Framework compliant housing numbers to be met and any increase required by the emerging LP will be met through review. The Government is clear that it will allow communities to revisit NPs made in advance of Framework-compliant LPs. Given that the numbers on which the Plan is based, which are around the same as the FOAN in the HEDNA, there is no certainty that the housing numbers would have to be increased.
74. While the emerging VALP indicates a requirement for 557 more homes, the supporting evidence identifies sites for some 1,212 homes so only the most sustainable sites would be needed. This choice would be made through a review of the BNDP. The applicants' case would rob the BNDP of any real purpose. The Council gave significant negative weight to the conflict with the recently-made BNDP and took account of the importance that the Government places on NPs.

Whether the Council is able to demonstrate a 5-year supply of housing against a FOAN and the implications of this in terms of national and local policy

75. The Council's position is as set out in its recent IHLSPS and the updated HEDNA on which that is based. The principal differences between the parties relate to the correct FOAN and the correct supply.

FOAN

76. There is much agreement between the parties concerning the correct approach to identifying FOAN within the context of a s78 application. It was agreed that a s78 Inspector needs to identify an objectively reasonable housing requirement against which land supply can be compared; that the starting point here is the Council's own latest assessment of housing needs; and that unless that assessment is unreasonable it should be used. Where there is no reasonable full assessment on which to rely, then the DCLG 2014-based household projections should be used as the starting point (unless supplanted by an alternative reasonable assessment). A reasonable assessment is one based on facts and judgements which are unbiased and allow for appropriate upward and downward adjustments of input assumptions. Any assessment must survive scrutiny by reference to secondary sources and other sense checks.
77. ORS are highly experienced in this field having produced some 29 SHMAs and their approach has been endorsed by Inspector after Inspector at s78 appeals and Examinations in Public (EiPs). By contrast, the applicants' witness was unable to show support for his approach at a s78 appeal. That witness accepted the need to persuade the Inspector, and by extension, the SoS, that the ORS assessment is not a reasonable basis on which to assess need. This is a high bar given the complexity of the topic and it involves professional judgement on which there may be legitimate differences of view.

The differences

78. The main differences between the two assessments come down to the approach to migration and whether long or short term trends should be used; whether or not to rely on secondary sources of information in adjusting population forecasts; and the appropriate level of uplift for market indicators. Each is now considered.

The use of long term or short term migration trends

79. Generally, long term trends are preferred as short term trends are more likely to capture a peak or trough in migration levels. The long term approach is supported by PAS²⁶; by experts in demographic analysis²⁷; and has been endorsed by Inspectors at s78 appeals and EiPs²⁸. The HEDNA²⁹ sets out a clear justification for 10-year trends and ORS use 10-year trends for migration in other assessments. In any case, this debate goes nowhere as the outcome is similar whether the 10-year trend average is used (1,700) or the 2014-based SNPP (1,793). It cannot be said that the use of longer term trends was unreasonable.

Secondary sources

80. The applicants' witness agreed that the starting point for population change is the DCLG household projections although this is a starting point that has not been tested and so should not be adopted uncritically. The PPG allows adjustments based on local demography. It is notable that HEDNA adopts the MYE data for the other three LPAs but identifies a specific problem in AVDC as previous MYE projections have overestimated population change. This overestimation has knock-on effects as errors in the MYE infect the SNPP such that this projection is unreliable. It follows that as DCLG projections are based on SNPP projections then they cannot be relied upon without adjustment. Reductions from the SNPP rate are not unusual and have been endorsed, for example, in the London Plan.

81. The applicants' criticism of the ORS approach in this context was the use of admin data as a secondary source to check and adjust population projections. It is accepted that this data is not perfect but it is endorsed by ONS³⁰. However, ORS did not rely on this alone. The decision to adjust was based upon the ONS MYEs being overestimates (following the 2011 census rebase); the migration data based upon MYE rebase indicates population increases well above any historic levels; and secondary sources were indicating population overestimates.

82. ORS did not, therefore, just look at patient data. It was the combination of factors that led to the adjustments. The criticism of this use of admin data ignores the fact that ONS uses it and that it were other factors leading ORS to conclude that an adjustment was appropriate. This is not unreasonable.

The market indicators uplift

83. The applicants' witness says that this should be 15%; ORS say 10%. The highest levels across the country are typically 20%. ORS has proposed a variety of

²⁶ CD21 paras 3.74 – 3.76

²⁷ CD21 para 3.77

²⁸ CD21 paras 3.78 and 3.81

²⁹ CD21 pp64/65

³⁰ ARP2 appendix 7

uplifts, usually 10 or 20%. The HEDNA proposes 20% for Southern Bucks where affordability is substantially worse than in AVDC³¹. This is a matter of judgement and 10% applied by ORS is reasonable in the context of other applied rates.

Sense check

84. The overall result is that the applicants' FOAN requires an increase in housing stock in this area of between 1.86 and 2.02%. This compares with an average of 0.97% increases (with a range of 0.38% to 1.93%) based upon the housing targets in plans adopted under the Framework (and so have been tested at EiP). The updated HEDNA figure is 1.30% (the FOAN, not the target as the latter may be higher to reflect neighbouring authorities' unmet need). Even without unmet need there are only 11 plans adopted with a higher increase in stock. The HEDNA increase, if applied nationwide, would meet the Government's stated target of 1m homes by 2020. The updated HEDNA provides a FOAN which is a plainly reasonable basis on which to calculate five-year housing land supply for the purposes of this application.

Supply

85. As set out in the IHLSPS, a 10% deduction is applied to all sites making up the supply in order to take account of unexpected delays in delivery. The IHLSPS reduces the supply by 618 dwellings for the period 2016-2021 and by 553 for the period 2017-2022. These numbers are both in excess of the 353 suggested by the applicants in their analysis³². So the discount already applied by the Council is greater than the reduction suggested by the applicants. To reduce the supply figure and then apply the discount would amount to double counting.

86. The other factor in the supply argument is the over/under supply added to the five-year requirement. AVDC says there is an oversupply of 705³³ homes; the applicants say an undersupply of 602³⁴ homes. This alleged undersupply can only be endorsed if it is concluded that the HEDNA is an unreasonable basis for calculating the five-year housing land supply.

The Written Ministerial Statement

87. Policy statements should be read in their proper context. Two interpretations of the WMS have been advanced as to the intended method of calculating the three-year housing land supply. Is it a 5-year calculation where the results are 3 years or more or is it a symmetric three-year calculation where 3 years' need is compared to 3 years' supply? The fourth paragraph of the WMS refers to NPs not being deemed to be out-of-date unless there is a significant lack of land supply for housing in the wider local authority area. The final sentence of the penultimate paragraph says that it is "...right to take action now to protect communities who have worked hard to produce their neighbourhood plan and find the housing supply policies are deemed to be out-of-date through no fault of their own". These indicate the intention of the Minister was to ameliorate the effect of paragraph 49 of the Framework.

³¹ CD21 paras 7.85-7.86

³² ARP3 Appendix 3

³³ CD7 p 9

³⁴ ARP3 p 15

88. If the symmetric three-year interpretation were adopted the WMS would have the opposite effect; it would make it harder for many authorities to demonstrate a three-year housing land supply. This is as set out in the Statement of Fact and Grounds in the ongoing claim for Judicial Review against the WMS. It would be more onerous to achieve this so the policy would have the opposite effect from that intended. Accordingly the basis for calculating the three-year housing land supply must be the ordinary five-year calculation. If the Council's submission that there is a five-year housing land supply is found to be incorrect, there is plainly a three-year supply on the basis of the above.

Planning balance and conclusion

89. AVDC concludes that there is a material development plan conflict which is not outweighed by other material considerations namely the provision of housing (and the economic and social benefits that follow) and the general absence of environmental harm. Planning permission should be refused.

The Case for Buckingham Town Council

Compliance with housing policies in the BNDP and Policy HP1 in particular

90. The applicants made much of whether there is silence in the BNDP in respect of sites not on the allocations list and outside the settlement boundary. BTC maintains that on a natural reading of BNDP, taken and read as a whole, the intention of the Plan is clear. The allocation of sites and the settlement boundary show where the people of Buckingham wish to see sustainable development in their town. This is one of the purposes of such Plans as set out in the Framework at paragraphs 183 and 184.

91. The BTC was advised that to prohibit any development outside the allocated sites, windfall sites or the settlement boundary might restrict future innovative development that might come forward in the plan period. This could include, for example, a scheme with 50% affordable housing that might bring substantial benefits with little in the way of adverse effects that the Council wished to see come forward. BTC were also advised that a policy preventing such development might leave it open to future challenge. In any case, the Plan is clear and such a policy was not seen to be necessary.

92. The aim of the BNDP is to consolidate residential development to the west allowing infrastructure, such as a new bus route, to be concentrated and combining it with the planned growth of the University on the Hunter Street Campus. Residents did not want to see development beyond the boundary created by the by-pass or to the north towards Maids Moreton which is locally considered to be a village distinct from Buckingham.

93. The BNDP should be read as it naturally would be, that is to say the application site is not allocated under Policy HP1; it is not a windfall under Policy HP7; and that it falls outside the settlement boundary under Policy HP1. The development is therefore not in accordance with Policies HP1 or HP7 of the BNDP. It is not where the residents wish to see sustainable development. The White Paper shows the importance of NPs. They boost housing numbers. The Government recognises that individuals and communities dislike speculative development. If the BNDP were to be set aside after just 2 years it could destroy local confidence and residents might ask whether it is worth the money spent.

94. The applicants' argument that because the development is sustainable it must be in accordance with the plan, even when outside the settlement boundary, could lead to a situation in which any sustainable development could be built. This is clearly not what is envisaged in the White Paper. As all the sites looked at by the BTC are more sustainable than this one, as many as 2,329 new homes could be built. It is legally established that NPs can include allocations. When allocations are made, and when a settlement boundary is drawn, can this logically be taken to mean that development outside the boundary is in accordance with the plan?
95. The BTC submits that the correct view is that such sites are not in accordance with the Plan. *Crane*³⁵ rejected the argument that where a site was not allocated it could still be in accordance with a plan. Such sites can be given permission but that must be on the basis of material considerations that are substantial enough to justify departing from the Plan. In this case the other material considerations, such as affordable housing and the increased supply of housing, are not sufficient to outweigh adherence to the plan led system.

Whether the BNDP is silent or out of date

96. BTC reject the argument that because the Plan does not explicitly say that no development is permitted outside HP1 and HP7 the plan is silent for the purposes of paragraph 14 of the Framework or that such development is permissible. It rejects the contention that this means that the development is in accordance with the Plan as a whole.

Whether there is a five-year housing land supply/ three-year housing land supply

97. BTC believes that AVDC can show a five-year housing land supply and so paragraph 49 of the Framework is not engaged. Even if there is any doubt, and BTC pointed to errors and oversights in the applicants' evidence, then there is a three-year housing land supply in accordance with the recent WMS. BTC also notes the Government's confirmation of a garden town in AVDC in the recent White Paper. Paragraph 49 of the Framework is therefore not engaged. If it is found that there is no three- or five-year housing land supply then the substantial weight of the BNDP policies overcomes the presumption set out in paragraph 14 of the Framework. This was confirmed by *Crane* (para 74) which says that the Framework does not say that where relevant policies in the development plan are out of date, the plan must therefore be ignored. It is for the decision-maker to give as much weight as is judged right to a proposal's conflict with the strategy in the plan or the vision in the NP.

Weight to be given to BNDP policies where not subjected to a FOHN

98. The BNDP housing supply figures were based upon the then current DCLG figures as is the required base in PPG and thus strategic plans. NPs can come forward in the absence of up-to-date local plans. The White Paper acknowledges that NPs help achieve the aim of supplying more new homes. In Buckingham the reserve site would supply 300 homes, a considerable number in a town of 5,800 homes. This is now considered good practice in the PPG.
99. Since the start of the NP period in 2011 some 98 homes have been delivered on windfall sites in accordance with Policy HP7. There are differing methodologies

³⁵ *Crane vs SoS CLG & Harborough District Council* [2015] EWHC 425 para 48

that can be used to calculate housing need and these produce different figures. The White Paper has promised a standardised approach to FOAN. BTC welcomes this as it reduces the opportunity for speculative challenge once the consultation period for the plan is ended. A Planning Inquiry is not the place to debate FOAN. The DCGL figures were subjected to scrutiny; the applicants' figures have not.

100. Part of the identified need concerns students at the University and it was appropriate to consider the planned growth set out in the University's Development Plan. This was part of the evidence base for the BNDP. Government advice at the time indicated it was permissible to equate a single bedroom student unit with a home. This housing is intended for a very specific part of the market. Until the emerging LP has been adopted, suggestions that the housing supply numbers in the BNDP should be given little or no weight should be rejected as speculative at best.

The proposed development is not sustainable and the disadvantages would not outweigh the statutory plan-led approach and the Framework

101. Traffic considerations: BTC has found it impossible to find any data on the effect of the Travel Plan for Phases 1 and 2. This has only just been brought forward. The proposed cycle paths are unlikely to be suitable due to the road narrowing towards the town centre. There is already increased traffic on Moreton Road towards the Old Gaol roundabout and more homes are proposed that will increase this further. The option, with cars travelling north through Maids Moreton, is not a viable option. The applicants' approach to public transport is optimistic as few car drivers will make the switch.
102. Historic heritage considerations: Stowe is one of the most important and significant sites of its kind. While it may be that the impact of the development would have only a small or negligible effect, the importance of the heritage asset means that great care should be applied to concerns about the impact.
103. Sewerage/ drainage considerations: The properties are at risk from surface water flooding due to the aquifer it sits on. BTC also questions whether sewerage connections are adequate to prevent leaks downhill on adjacent housing areas.

Conclusions; factors to be considered in calculating the beneficial weight of NP policy

104. The BNDP promotes positively sustainable development facilitating choice for the people of Buckingham in shaping their environment. It has a clear vision for the development of the town based on the expressed preferences of the residents. The concentration of development enables more targeted infrastructure to be provided. The site scored the joint lowest mark in the SA. It has been approved by an Independent Examiner; if planning permission is granted the people of Buckingham would lose confidence in the process.
105. Government policy on NPs should carry significant weight. The WMS and White Paper make it clear that it seeks to support NPs in areas where there is doubt about a five-year housing land supply. Planning judgements can give very significant weight to NPs. If planning permission is granted here, it might reduce confidence in the NP process and, given the ability of NPs to provide housing, it might reduce the ability of such plans to deliver housing. There may be hesitation on the part of communities to embark on NPs. If there is a

disincentive to embark on one, this may affect the Government's aims as set out in the White Paper.

106. Much of the applicants' case is based upon turning the BNDP and its intentions on its head as far as the lay person is concerned. If it is accepted that the application is actually in accordance with the development plan this would mean that legalism would have succeeded over everyday language and plans "however expressed" which makes NPs accessible to everyone. BTC requests that the wishes of the people of Buckingham, in the form of the BNDP, are given due and significant weight in this decision.

Written Representations

107. **Miss Lindsey Cobb** commented that she has noted that the application site is the subject to public consultation as part of the emerging VALP. It was not put forward as a development site in the BNDP; this plan was voted on and supported by nearly all residents. AVDC has not refused this application; simultaneously the Council is consulting on it again. The BNDP makes provision for over 600 additional homes. She urges that the application be refused or that the decision be deferred so as not to invalidate the latest consultation.

108. In respect of the consultation exercise carried out by AVDC when it processed the planning application, **16 letters of objection** to the development were received **from third parties**. These objections covered a wide range of issues including:

- Additional congestion at the Old Gaol and Town Hall;
- Nearby roads cannot cope. Avenue Road is already filled with cars in term time, dangerously parked at the junction;
- Overdevelopment and lack of sufficient infrastructure;
- Businesses suffer as people avoid the town;
- Traffic calming measures are necessary as children play in Lincoln;
- Moreton Road is dangerous, the zebra crossing does not serve its purpose;
- Insufficient open space is proposed and a financial contribution towards off-site provision is unwanted;
- The open space should be transferred to AVDC before commencement;
- Contrary to BNDP;
- Overlooking due to changes in level;
- Concerns about disposal of surface water and sewerage;
- Bus services are limited and unreliable;
- Landscape buffers are necessary to protect existing residents;
- Social housing should be integrated throughout the site;
- Brownfield sites should be used first;

- Loss of wildlife habitat;
- Noise and disruption to residents; and
- Significant visual intrusion on setting of Stowe House and Gardens.

Conditions

109. A list of agreed conditions was submitted during the Inquiry³⁶. This was discussed at a round table session.

S106 Agreement

110. A completed Agreement, dated 16 February 2017, was submitted during the Inquiry³⁷. It is signed by the applicants, AVDC and BCC. It was discussed at a round table session during the Inquiry. It makes provision for a bond to be provided to AVDC prior to the commencement of development. In respect of affordable housing, a table in the Fourth Schedule of the Agreement sets out the proposed mix of tenures and unit sizes.

111. The Agreement makes provision for various highway improvements including a substantial financial contribution towards the implementation of a slip (filter) lane at the A413/A422 junction, to help take traffic away from the town centre, and new lane markings to make the Old Gaol roundabout more efficient. Other works include improvements to bus stops with the provision of shelters and real time passenger information. There would be improvements to footpaths and cycle routes and the implementation of a comprehensive Travel Plan.

112. The Agreement also makes provision for a financial contribution towards additional sports teaching facilities at the Royal Latin Grammar School in Buckingham. The sum to be provided will depend upon the sizes of the dwellings to be built; it would be calculated in accordance with a formula and provided in accordance with a timescale set out in the Eighth Schedule. A LEAP would be provided within the site and a NEAP would be provided in a location to be agreed by AVDC. Two sports pitches would be provided on the northern field and a financial contribution made towards AVDC's sports and leisure projects. The Agreement also makes provision for a sustainable urban drainage system (SUDS) in accordance with details to be agreed by the Council. A schedule, demonstrating compliance with the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regs) was submitted³⁸.

Inspector's Conclusions

113. The following considerations are based upon the evidence given at the Inquiry, the written submissions and my inspections of the site and its surroundings. In this section, the numbers in square brackets [] refer to paragraphs in the preceding sections of this Report.

³⁶ ID28

³⁷ ID42

³⁸ ID37

Proposals and plans [1, 22, 23, 111, 112]

114. The planning application is in hybrid form, being part outline and part full. The residential part is in outline with all matters of detail other than the means of access to the site reserved for future consideration. The proposals include the construction of up to 130 dwellings on the southern field of which 35% would comprise affordable housing in full accordance with Policy HP5 of the BNDP. The northern field, which is the subject of a full application for its change of use from agriculture, would be used to provide two sports pitches, possibly rugby pitches for the adjoining Rugby Club, as well as an area of informal open space.
115. An indicative site layout plan has been submitted along with indicative street elevations of some of the dwellings. Full details of the development would need to be the subject of conditions requiring that they be submitted to and approved in writing by the LPA at a later date. The proposals include various off-site highway works which are set out in detail in the Highways SoCG. Those close to the site are identified on Drawing No 1059624–D004 Rev 01b which accompanies the s106 Agreement. These have all been agreed by BCC as highway authority who also signed the s106 Agreement.

Planning policy [12-16, 24-30, 69-74, 90-96]

116. The development plan comprises the saved policies in the AVDLP (adopted January 2004) and the BNDP (made 30 September 2015). The emerging plans include the VALP which is expected to be submitted in summer 2017 and adopted at the end of this year.
117. The saved policies in the AVDLP carry less than full weight due to their age and the publication of the Framework. The housing policies had an end date of 2011 and there are no saved policies that relate to housing supply or settlement boundaries. In accordance with advice in paragraph 215 of the Framework the policies in the VALP carry only very limited weight as it is at an early stage and there are unresolved objections. Other relevant planning policy includes the Framework, the PPG, and the WMS on Neighbourhood Planning.

Main issues [3]

118. The Secretary of State, in his letter dated 25 May 2016, identified the main matters on which he particularly wishes to be informed about for the purposes of his consideration of the application as being:
- Its consistency with the development plan including the Neighbourhood Plan for the area;
 - Policies in the Framework on delivering a wide choice of high quality homes, in particular those set out in para 50 on delivering a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities; and
 - Any other matters the Inspector considers relevant.
119. By email to the parties I identified the other matters as being:
- Whether the Council is able to demonstrate a 5-year supply of housing against a full objective assessment of housing need and the implications of this in terms of national and local policy;

- The implications of the WMS (12 December 2016) including the need for the LPA to demonstrate a three-year supply of deliverable housing sites;
- The weight that can be given to the emerging VALP;
- The effect of the proposals on the setting of Stowe and its Registered Park and Garden;
- The effect of the proposals on road traffic in the vicinity of the site;
- The effect of the proposals on foul and surface water drainage in the area;
- Whether the proposals make adequate provision for community and other services and facilities including affordable housing; and
- The planning balance: Whether the proposals comprise sustainable development as defined in the Framework and, either, whether the benefits of the scheme are sufficient to outweigh any identified harm or whether the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits

Its consistency with the development plan including the Neighbourhood Plan for the area [12-16, 24-30, 69-74, 90-96]

120. The development plan comprises the AVDLP and the BNDP. There is no doubt that due to their scale the proposals conflict with the thresholds in saved Policy RA.14 of the AVDLP; the proposals exceed 5 dwellings and the site exceeds 0.2ha. However, the AVDLP was adopted in 2004 and ran until 2011. In saving this policy beyond 2007, the SoS said that this must be read in context and this must include consideration of the Framework (2012) which gives advice concerning out-of-date policies. On the basis of this advice, and taking account of the fact that the relevant policy is not consistent with the Framework, only very limited weight can be given to it.

121. Saved Policy BU.1 of the AVDLP is also relevant insofar as criterion (c) sought to ensure that the Phase 1 proposals did not prejudice the remainder of the site from coming forward post-2011. While relevant, however, this policy also carries very limited weight as it is time-expired and not consistent with the Framework. Saved Policy GP.2 relates to the provision of affordable housing; this proposal exceeds its minimum requirement. The other AVDLP policies referred to are, for the most part, development management policies that it is agreed by the parties are capable of being met. This carries limited weight, however, as they are general policies which would be likely to be capable of being met by any outline planning scheme for housing in the district.

122. The most relevant policy of the BNDP, referred to in the Council's putative reason for refusal, is Policy HP1. The site is not identified as an allocation in this policy and it clearly falls outside the settlement boundary for Buckingham. The proposals are evidently not supported by this policy.

123. AVDLP and BTC argue that as this is an unallocated site outside the settlement boundary there is conflict with Policy HP1 when this is read together with the vision for the Plan and its Introduction. The people of Buckingham had clearly decided where they wished to see further housing development; that does not include this site. However, the BNDP does not place a cap on housing numbers;

indeed it supports small windfall sites within the settlement boundary. Unlike many NPs, the BNDP contains no policies either promoting or restricting housing development outside the settlement boundary. It gives no clear policy advice as to how schemes for housing development outside the settlement boundary, such as this, should be determined.

124. In this regard there are similarities with the site at Mitchelswood Farm, Newick³⁹. In that appeal Decision, at paragraph 11, the SoS agreed with his Inspector and said "*that the [Newick] NP does not give a clear policy basis to refuse planning permission on sites not allocated in the NP if they are acceptable in other regards*". At paragraph 13 he concluded that "*while the site is not one allocated for housing in the NNP, this does not render the proposal unacceptable in principle*." He then went on to consider whether the proposal constituted sustainable development in line with the requirements of the Framework.
125. The proposals are in conflict with the AVDLP. However, the relevant policies in that Plan are out-of-date and, importantly, not consistent with the Framework and so carry very limited weight. While the application site is not allocated for housing in the BNDP, and lies outside the settlement boundary, this does not render the scheme unacceptable in principle. When interpreted objectively in accordance with the language used, and read in its proper context as per *Tesco v Dundee*⁴⁰, the BNDP does not restrict sustainable development from coming forward outside the settlement boundary.

Policies in the Framework on delivering a wide choice of high quality homes, in particular those set out in para 50 on delivering a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities [22, 23, 31, 109, 110]

126. This is an outline planning application with all matters other than means of access to the site reserved for future consideration. Nonetheless, the s106 Agreement⁴¹ makes provision for 35% of the homes to be affordable units and the size and tenure of these is fixed by its Fourth Schedule. This ensures that there would be a range of sizes, from 1- to 4-bed units, which have been agreed by AVDC as meeting local needs.
127. Suggested condition 20, which is agreed by the parties, provides for a range of dwelling sizes from 1- to 5-bed or larger units, the precise mix to be determined at the reserved matters stage. Taken together, the completed Agreement and the agreed condition ensure that the scheme would deliver a wide choice of homes, widen opportunities for home ownership and create an inclusive and mixed community. Concerning quality, full details of the proposed development would need to be submitted to and approved by AVDC. The parties agree that there is no reason as to why the adopted development management policies cannot be fully complied with, thus ensuring a high quality development in line with that built at Phases 1 and 2.

³⁹ ARP3 Appendix 5

⁴⁰ Tesco Stores Ltd v Dundee City Council [2012] UKSC

⁴¹ ID42

Whether the Council is able to demonstrate a 5-year supply of housing against a full objective assessment of housing need and the implications of this in terms of national and local policy

128. As set out above, AVDC considers that it can demonstrate a five-year housing land supply, the applicants disagree. The matters in dispute relate to need (the FOAN) and the supply. I have also included a short section on the buffer for completeness although this is not a matter that is in dispute.

Need (FOAN) [33-44, 76-89, 97-100]

129. The PPG advises⁴² that establishing the need for housing is not an exact science and that no single approach will provide a definitive answer. The starting point estimate of FOAN is provided by the DCLG household projections.

130. At the start of the Inquiry the main parties produced a "Comparison of housing need assumptions" (Version 0.1)⁴³ and this was updated by Version 0.2 at the end of the Inquiry⁴⁴. This shows that there are many areas of agreement, including the HMA; the period for assessing the FOAN (2013-2033); the starting point (DCLG 2014-based household projections - an increase of 21,028 households over the Plan period); and vacancy, fertility and mortality rates.

131. The main areas of disagreement relate to migration rates, and in particular what time period should be used; sources of information, referred to as data quality issues; suppressed household formation; and the scale of the uplift necessary based upon market indicators. Based upon the different assumptions, AVDC conclude that the overall FOAN is 19,385 dwellings (969 dpa) while the applicants conclude that it is 27,540 dwellings (1,377 dpa).

Migration/ population

132. The PPG advises that adjustments can be made to household projection-based estimates of housing need and that these issues may include migration levels being affected. The household projections are trend based and the parties used different time periods for their calculations. The 2016 HEDNA goes into some detail in explaining why, in the opinion of ORS, a 10-year trend is preferable to a 5-year trend in terms of reliability⁴⁵. It acknowledges that no one scenario will provide a definitive assessment of future population but concludes that long-term trends provide a more appropriate basis on which to consider future housing need. I consider that the methodology as set out in the 2016 HEDNA is a reasonable approach, although the difference between the parties arising from this is relatively small, just 93 persons⁴⁶.

133. The PPG also advises that the household projection-based estimate of housing need may require adjustments to reflect factors affecting local demography and household formation rates. In this regard ORS used a combination of factors to conclude that a downward adjustment was in order. ORS used a combination of factors starting with their identification that the MYEs produced by ONS were

⁴² ID: 2a-014-20140306

⁴³ ID5

⁴⁴ ID26

⁴⁵ CD21 pp 64-65

⁴⁶ AVDC 10-year trend = 1,700 persons; Applicants 2014-based SNPP = 1,793 persons

overestimates, a conclusion based upon a rebase following the 2011 census⁴⁷. In addition to that the migration data, based upon the MYE estimates, indicated population increases well above historic levels. The secondary sources, such as patient data, gave the same indications.

134. Taken together, this does not seem an unreasonable approach. The various assumptions are explained in the 2016 HEDNA. This significantly reduces the population projection for Aylesbury Vale. I acknowledge that the evidence as to data errors in the MYE may be more likely to affect the first few years (2001-06) but this is a matter of judgement that is better tested at an EiP. I also have reservations about the accuracy of the patient register as a secondary source of data. This was shown by the difference⁴⁸ between the 2011 census-based population estimate and the 2011 patient register. This difference was not adequately explained. Unfortunately ORS were not represented at this Inquiry and so were not able to expand upon the HEDNA.
135. There is a significant difference between the parties concerning the size of the starting population. The applicants have used the ONS MYE for 2013; AVDC has adjusted this for data quality reasons. Neither approach is fundamentally wrong provided that the assumptions and the data used are accurate. While I am not convinced that the AVDC position concerning patient data has been adequately explained, this is only one of three reasons which, in combination, caused the adjustment. I do not consider that this, in isolation, fatally undermines the AVDC position or that it has been unreasonable.

Suppressed household formation

136. Chapter 2a of the PPG says that the projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured by past trends. It cites the example of formation rates being suppressed by under-supply and worsening affordability of housing. In the 2016 HEDNA, ORS make an allowance of 135 dpa⁴⁹ for concealed families and homeless households, with an allowance for vacancies and second homes. This increases need by 7 dpa.
137. The applicants referred to the suppression of household formation in the 25-34 and 35-44 age groups. Also relevant is the low level of housing completions in the period 2001-11 when, in accordance with the applicants' figures, there was a shortfall of about 40% of planned delivery. They argue that this ties in with the "buffer" issue in which both main parties agree that a 20% buffer is appropriate.
138. However, this shortfall is not agreed by AVDC. The requirement figures in the applicants' calculations are based upon a requirement that has not been tested at EiP and greatly exceeds AVDC's calculations. While it is not unreasonable to anticipate that the requirement in AVDC will exceed the identified need, due to constraints in other neighbouring LPAs, this cannot be taken for granted. It would be unreasonable to assume any requirement figure above the identified need in advance of the EiP. The AVDC calculation, based upon a FOAN of 965

⁴⁷ CD21 pp46-47 and Figure 20

⁴⁸ 2011 Census-based estimate: 174,890; 2011 patient register: 178,190

⁴⁹ CD21 p 159 Table 122

dpa, gives a surplus in delivery/ projected delivery of 1,046 dwellings in the period 2013-2017.

139. In all these circumstances I am not convinced that the applicants' figures have sufficient weight to demonstrate that the AVDC calculations are unreliable. In any case, even using the applicants' best case, it would only add 66 dpa to the need; an increase of 59 dpa on the AVDC figure.

Market indicators

140. Both parties agreed that upward adjustments needed to be made to reflect market signals. ONS, in the 2016 HEDNA, used an uplift of 10% whereas the applicants use 15%. Due to their differing starting points this makes for a difference between the parties of about 90 dwellings per year⁵⁰. While both parties used the comparison between affordability in Aylesbury and Eastleigh, the applicants also used Canterbury as a comparator where a 20% uplift has been imposed by the LP Inspector.

141. The 2016 HEDNA, in recommending an uplift of 10% for Aylesbury Vale, also recommended uplifts of 20% for Chiltern, South Bucks and Wycombe as it identified differences between the two local housing markets. While Canterbury is a recent example of a higher uplift being justified, particularly due to the lower quartile affordability ratio for 2015 being similar between Canterbury and Aylesbury Vale, it is not suggested that a similar 20% uplift is required in Aylesbury Vale. On these terms, therefore the applicant's uplift figure can be considered to be reasonable. However, the 2016 HEDNA was looking at four Council areas and it sets out several aspects of the market signals as reasons for making its comparison with Eastleigh. These show that there is more housing pressure in Buckinghamshire than in Eastleigh and it concludes that across the Buckinghamshire area as a whole a higher figure than 10% is justified.

142. This seems a reasonable response with the higher figure of 20% being recommended for those areas where affordability is much worse. In these circumstances I am not convinced that a comparison between Aylesbury Vale and Canterbury carries so much weight that it justifies a 15% uplift here. It is a matter of judgement and ONS, in compiling the 2016 HEDNA, have taken a reasonable approach in identifying that pressures in Aylesbury Vale are not so great as in the other three authorities. I consider that an uplift of 10% is reasonable.

143. Overall, therefore, I am not convinced that it has been shown that the FOAN is anything like as high as that calculated by the applicants. The AVDC calculations, as set out in the 2016 HEDNA, have not been tested at an EiP and were not defended at the Inquiry. While this means that their robustness has not been shown, this does not mean that they are either unreliable or unreasonable.

Buffer [44]

144. The second bullet point of paragraph 47 of the Framework says that LPAs should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of housing with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing they should

⁵⁰ AVDC 879 + 10% = 967 dpa; Applicants 1,197 + 15% = 1,377 dpa

increase the buffer to 20%. The Framework does not define the term “persistent under delivery”. The delivery has to be tested against AVDC’s annualised requirement for the relevant years based upon the actual requirement as now calculated and not against any previous figures.

145. AVDC does not dispute that a 20% buffer is now appropriate. Its recent IHLSPS uses a 20% buffer, although it states that the most appropriate buffer is being kept under review as AVDC has consistently delivered against its identified requirement in 4 of the past 5 years. The applicants consider that the delivery should be assessed against the higher requirement that they have identified. For the purposes of this Report, I have used the agreed 20% buffer.

Supply [45, 46, 85, 86]

146. AVDC’s five-year housing land supply⁵¹, as of October 2016, is based upon a requirement of 965 dwellings per year. Using this as a starting point, and taking account of an oversupply for the period from 2013 and allowing for a 20% buffer, AVDC considers that its five-year requirement for the period 2017/18 to 2021/22 is 4,535 dwellings. It considers that the available supply from deliverable sites is 5,531 which, allowing for a 10% non-implementation rate (-553 dwellings) and a supply from windfall sites (+318 dwellings) gives a total projected supply of 5,296 dwellings which equates to a 5.8 year supply.

147. The applicants consider that AVDC has over-estimated the housing supply as set out in the IHLSPS for the period 2017/18 to 2021/22 by 353 units. The disagreements relate to 8 sites. During the Inquiry AVDC accepted a reduction of 46 units (on sites 4 and 5). The 8 sites are therefore considered in turn, in the same order as set out in the Comparison table submitted by AVDC and the Housing Land Supply Review submitted by the applicants⁵².

148. *Site 1 Land adj Furze Lane, Winslow* (AVDC 250 dwellings: Applicants 200). This site has the benefit of outline planning permission for up to 250 dwellings. However, determination of the reserved matters application was deferred in January 2017. The papers for that SMDC meeting⁵³ indicate that Winslow Town Council has serious reservations about many of the submitted details including the housing mix and in particular the number and appearance of the flats. It says that the details are in direct conflict with Policy 4 of the Winslow NP.

149. The developers’ anticipated completion rates include 36 units in the first year (to June, not the end of March). I agree with the applicants that this seems optimistic as either there will need to be significant revisions to the scheme or it will have to be determined by AVDC against the backdrop of strong objections from the local community and alleged conflict with the made NP. The trajectory in CD7 shows a completion rate of 50 dwellings per year. I consider that the timescale should be put back by one year, reducing the supply by 50 units.

150. *Site 2 Above Rumbold’s Well* (BNDP Site I) (AVDC 100; Applicants 0). This site is allocated in the BDNP for housing but much of it is currently in active employment uses with several large buildings. Only the frontage units are

⁵¹ CD7: AVDC Five-year housing land supply - Interim position statement October 2016

⁵² ID14 & ID29

⁵³ ID31

vacant. AVDC does not know the occupancy terms of the current businesses. The email from the owner's agent indicates that the viability of its redevelopment for housing has not been determined. Much of the land is in employment use and there are agents' boards advertising that part of it is available for letting for commercial use. I am not convinced that the site can reasonably be described as being available now or that it is deliverable in accordance with footnote 11 to paragraph 47 of the Framework. While the trajectory does not anticipate any delivery until year 3, even this seems unrealistic given the existing uses, the lack of any planning application and the uncertainty concerning viability. The supply should be reduced by 100 units.

151. *Site 3 Land at Winslow Rugby Club* (AVDC 50; Applicants 0). The site is allocated for housing in the Winslow NP. The trajectory shows no delivery until year 4. Access would be via the Furze Lane site and before development commences the access would need to be provided and a sports facility (rugby club) needs to be relocated. The site is to the rear of the Furze Lane site so the access road is unlikely to be built for some time. While discussions have been held between BCC and the rugby club, no proposals for new sports facilities have yet come forward and so there can be no certainty as when the site will become available. I do not consider that the site can be described as deliverable in accordance with the Framework. The supply should be reduced by 50 units.
152. *Site 4 Land off Station Road, Winslow* (AVDC 65; Applicants 0). This site is also allocated for housing in the Winslow NP. AVDC's NP Champion has confirmed that this site is proving difficult and the Council considers that the timescale should be set back by a year, reducing the supply from 65 to 30 units. The site is occupied by several businesses which need to be relocated. However, the anticipated relocation site is now the subject of a planning application for housing. While this may be refused it may be some time before any appeal is made and determined. The site is not currently deliverable and cannot reasonably be included in the supply. The supply should be reduced by 65 units.
153. *Site 5 Land off Granborough Road, Winslow* (AVDC 35; Applicants 24). This is a housing site in the Winslow NP. A planning application for 24 dwellings has now been submitted and AVDC agrees that the supply needs to be reduced by 11 units to reflect this reduced scheme.
154. *Site 6 Winslow Centre, Winslow* (AVDC 30; Applicants 0). This is a Winslow NP site for 30 units of extra care specialist housing. The Winslow centre is currently occupied by a school which is due to move in July. Some groups who use the premises need 6 months' notice but BCC, who own the site, are actively master planning it and intend to submit a planning application within a year. As the trajectory does not anticipate delivery until year 4 there seems no justification for changing the supply figure.
155. *Site 7 Gatehouse (Sainsbury's) Aylesbury* (AVDC 25; Applicants 0). Sainsbury's have recently announced plans in the press for a new scheme to replace that submitted in 2014. It is intended to provide a new 50,000 sq ft store with 33 dwellings accessed from Edge Road although no fresh planning application has been submitted yet. The trajectory shows 25 units in year 2, which now seems unrealistic. Nonetheless, the land is cleared and available and there is no reason why the units should not come forward within 5 years.

156. *Site 8 Molly's Field, Addison Road, Steeple Claydon* (AVDC 22; Applicants 0). This site was the subject of a planning application in 2012 as a rural exception site by English Rural Housing Association. However, the s106 has not been completed and no permission has been granted. The Housing Association no longer has an interest in the site. No evidence has been put forward by the landowners. The land is not an allocated site in the AVDLP or the emerging VALP. While the Steeple Claydon NP team are in discussions with the landowners there is currently no certainty that it will be a housing site in the emerging NP. In these circumstances the site cannot be described as being deliverable and the 22 units need to be removed from the supply.
157. A further site, land north of Aston Clinton Road, was introduced by the applicants but they now agree that it should not be included in the supply. I agree. If it is included then all the sites that have recently come forward, as set out in ID37, would need to be considered and this adjustment to the supply side would unacceptably skew the calculations.
158. In terms of supply, therefore, I consider that the figure identified in the IHLSPS would need to be reduced from 5,296 to 4,998 dwellings. However, the figure of 5,296 already includes a 10% reduction (from 5,531) based on the probability that some of the identified sites will not come forward. To simply reduce the supply figure, which has already been reduced by 10% (553 dwellings), by a further 298 dwellings would mean an element of double counting. AVDC consider that the likelihood of some sites not coming forward is exactly the purpose of the 10% reduction included in the AVDC figures, and that is a fair point. However, for the reasons given above, four⁵⁴ of the identified sites should not be in the supply side calculations at all as there is no reasonable likelihood of any delivery within 5 years. This involves 237 dwellings.
159. In these circumstances the supply side should be reduced from 5,296 to 5,082 dwellings⁵⁵. This still exceeds the Council's stated FOAN of 4,535 which takes account of the pre-2016 oversupply and a 20% buffer, or even a FOAN of 4,830 dwellings if the applicants' household formation figures are used. I consider that for the purposes of this Inquiry AVDC has demonstrated a five-year housing land supply.

The implications of the WMS including the need for the LPA to demonstrate a three-year supply of deliverable housing sites [47-53, 87-88, 105]

160. Much Inquiry time was given to the wording of the WMS. Two interpretations of the intended method of calculating whether a LPA had a three-year supply of deliverable housing sites were advanced. These centred on whether it is (i) a 5-year calculation where the results show a supply of 3 or more years; or (ii) a 3-year calculation where 3 years' need is compared to 3 years' supply.
161. Reading the WMS as a whole, it is clear that the intention is to make it easier for local people to have more of a say in local planning. The second paragraph refers to the frustration of NPs being undermined by relevant LPAs not being able to demonstrate a deliverable five-year housing land supply. Paragraphs 3 and 4 cite the impact of paragraph 49 of the Framework and say that where

⁵⁴ Sites 2, 3, 4 & 8

⁵⁵ CD7 Table 8 as adjusted: $((5,531 - 237) - 10\%) + 318 = 5,082$ (112% or 5.6 years)

communities plan for housing in their NP, those plans should "...not be deemed out-of-date unless there is a significant lack of land supply for housing in the wider local authority area".

162. The fifth paragraph contains three bullet points that set out the circumstances that must arise at the time that a decision is made for the housing policies in a NP to not be deemed out-of-date under paragraph 49. In this case the WMS is less than 2 years old; the BNDP allocates sites for housing; and the LPA can demonstrate a three-year supply of deliverable housing sites. This final point is only achievable if a 5-year calculation is used. It is common for housing trajectories to provide a disproportionate amount of their deliverable sites in the final two years. This is the most likely timescale for sites with the benefit of outline planning permission; with a resolution to grant planning permission; or with an allocation for housing in the development plan, to come forward.
163. Reading the WMS as a whole, therefore, it seems to me that the intention must be for a 5-year calculation to be used with a requirement to have a supply of at least 3 years. That would make it less onerous for a NP to be shown to be not out-of-date. To compare 3 years' need with three years' supply would make it more difficult to achieve a three-year supply of deliverable housing sites; that is clearly not the intention. That conclusion is in line with the Treasury Solicitor's letter to Eversheds LLP dated 20 January 2017⁵⁶ in his response to the application for permission to apply for Judicial Review of the WMS⁵⁷.
164. I have also had regard to the very fair point made by the applicants in that one of the problems that AVDC has encountered with its housing land supply relates to sites allocated in NPs. Indeed, of all the sites the applicants have challenged as being unlikely to come forward in the next 5 years, or to come forward at a slower rate in the first five years than suggested in the trajectory, almost all are allocations in NPs. This, it is alleged, is because not all the allocated NP sites have been rigorously tested for deliverability in the same way that sites allocated in local plans are tested.
165. The implications of the WMS, therefore, are that for Policy HP1 to not be out-of-date, AVDC must be able to demonstrate a three-year supply of deliverable housing sites based upon the results of a 5-year calculation. I am not a lawyer, and if the SoS is not with me on this, then Policy HP1 is only out-of-date if AVDC cannot demonstrate a three-year housing land supply based upon a 5-year calculation. In this case, however, this point is not determinative as, for the reasons set out elsewhere in this Report, AVDC can demonstrate five-year housing land supply (and therefore also a three-year housing land supply regardless of how the WMS is interpreted) and the development is not contrary to any policies in the BNDP.

The weight that can be given to the emerging VALP [54, 107]

166. The draft VALP was out for consultation between 7 July and 5 September 2016. It is anticipated that it will be submitted in summer 2017 with adoption projected for the end of the year. The draft version plans to make provision for 33,000 homes over the plan period (2013-2033) but this figure and the spatial

⁵⁶ ID35 p2 Ground Two

⁵⁷ ID36

strategy remain unresolved. Nonetheless, the application site is assessed in the SA and the draft plan recognises Buckingham's role as a strategic settlement.

167. The draft VALP has been the subject of significant unresolved objection. It is still at a relatively early stage in the process. In accordance with advice in paragraph 216 of the Framework this emerging plan attracts very little weight.

The effect of the proposals on the setting of Stowe and its Registered Park and Garden [5, 55-56, 102, 108]

168. Stowe, a Grade 1 listed building, and its Registered Park and Garden, also Grade 1, are located about 3km from the application site. The SoCG between the applicants and AVDC says that the distance of the site from these designated heritage assets is such that there is not considered to be any appreciable level of visual impact or intrusion on their setting. The putative reason for refusal makes no mention of any harm arising from this relationship. The SA for the BNDP does not identify this as a heritage constraint. None of the fifteen bullet points in BTC's objections to the planning application refer to any heritage impacts; it is first referred to in its Statement of Case.
169. The planning application was accompanied by a Heritage Statement which identifies that the significance of these heritage assets, and the Conservation Area in which they are located, is defined by the mansion and associated buildings located within the park and gardens. Construction of the house commenced in 1676 and it was altered and enlarged in stages between 1720 and 1779 utilising the finest architects including Sir John Vanbrugh, James Gibbs and Robert Adam. The surrounding grounds were laid out by Charles Bridgeman and altered and extended by Charles Vanbrugh, William Kent, James Gibbs and Lancelot "Capability" Brown. The grounds are of European significance as they represent the first example of natural landscape gardening.
170. The application site would not be seen in the context of these heritage assets. Due to the distance between the site and the assets, the changes in level and the mature vegetation, views between them would be distant and severely limited. No views of future housing on the site from the Registered Park and Garden have been identified; there would be no impact on this asset. The upper part of the mansion can be seen from the track to the north of the site but from within that part of the site where houses are proposed there are no such views due to intervening trees and hedges.
171. The upper parts of any houses in the north west corner of the site may be visible in the distance from the upper floor windows of the mansion. However, other houses are also visible and the impact on the setting of Stowe would be negligible. Even the BTC's use of a strong zoom lens did not justify its conclusion that there would be a "very significant intrusion into a view". From my observations the intrusion would be negligible and there would be no harm. It would not amount to even "less than substantial harm" as described in paragraph 134 of the Framework. That conclusion is in line with the SA of VALP which, in respect of site BUC043 (the application site) says that the impact on cultural heritage would be neutral or negligible⁵⁸.

⁵⁸ CD25 p39 (table)

172. I have had regard to the views of the Inspector who determined the appeal in respect of Phase 1⁵⁹. She concluded that the development would not be seen in the context of the heritage asset due to the extent of the intervening countryside; that there would be harm to its setting; and that there would be no conflict with the development plan. While the current application site is, in part, at a higher level, the land immediately to the west of Phase 1 would remain open as it would be in use as amenity space and sports pitches.

173. The details of the housing would need to be approved by AVDC and these would be likely to include landscaping in line with the indicative layout which shows a substantial gap between the houses and the western boundary. New planting would supplement the existing hedge and the band of trees planted outside the site to the west. I conclude on this issue that there would be no harm to the significance or setting of these designated heritage assets. There would be no conflict with saved Policy GP.60 of the AVDLP, which seeks to protect the distinctive characteristics of registered Parks and Gardens, or with the Framework.

The effect of the proposals on road traffic in the vicinity of the site

174. BCC, as highway authority, initially raised no objections but subsequently sought a financial contribution towards the cost of the design and provision of a left turn filter slip at the Stratford Road A413/ A422 road junction. Subject to that provision, in March 2016 BCC concluded that the outline application was acceptable. This contribution, as well as other off-site highway measures, is included in the s106 Agreement that has been signed by BCC as well as AVDC. AVDC has raised no highway objections to the development.

175. There would inevitably be an increase in traffic, although this would be likely to be mitigated, to some extent, by the Travel Plan. The Transport Assessment shows that there is capacity on the highway network to accommodate this. The s106 Agreement also makes provision for improvements to public transport infrastructure as well as measures to encourage cycling. There is no evidence to show that there would be any unacceptably harmful highway impacts arising from the development. It would certainly not have such a severe impact as to conflict with advice in paragraph 32 of the Framework.

176. I conclude on this issue that the limited harm arising from increased traffic on surrounding roads would be balanced by the off-site highway works that would be undertaken or financed by these proposals. Subject to the imposition of conditions, this is a neutral factor in the overall balance.

The effect of the proposals on foul and surface water drainage in the area

177. The site is within Flood Zone 1 where housing, which is "more vulnerable", is nonetheless appropriate. A Flood Risk Assessment (FRA) was submitted with the application and in December 2016 it was updated for the Inquiry. There were no objections on these grounds from AVDC, the Environment Agency or Anglian Water. The assessment of the site in the SA for the BNDP gives this a neutral score and says that the site has no known risk of flooding.

⁵⁹ CD23 paragraph 18

178. The photographs produced by BTC show that flooding can be an issue along Moreton Road but there is no evidence to suggest that the application proposals would exacerbate the problem. Indeed, due to the natural run-off from the application site towards the road the provision of a suitable drainage system within the site could improve the situation. The FRA recommends that the run-off is collected from all impermeable areas, stored and discharged at an agreed rate into the public sewer. This would result in natural surface water from the application site being reduced and so reduce any flooding currently occurring.
179. Suggested conditions 5, 6 and 7 require the development to be carried out in accordance with the FRA and that details of foul and surface water drainage are submitted to and approved by the Local Planning Authority. Details of a SUDS scheme, including its future maintenance, are secured by the s106 Agreement. In these circumstances, and in the absence of any over-riding evidence to the contrary, I conclude that the proposals would have no harmful impact on foul and surface water drainage in the area.

Whether the proposals make adequate provision for community and other services and facilities including affordable housing [6, 30-31, 59, 61, 110-112]

180. A completed s106 Agreement, signed by the applicants, AVDC and BCC was submitted. There are no issues concerning the legality or the enforceability of the Agreement. AVDC submitted a CIL Compliance Schedule⁶⁰ that shows full compliance. The Agreement provides for affordable housing at the level required by BNDP (35%) rather than the lower level required by AVDLP (30%) and the mix of housing sizes and tenures is set out. There is full compliance with BNDP Policies HP4 and HP5. Overall, the Agreement secures benefits for future residents of the site and for other residents and businesses in the District. The sports pitches and overall amenity space provision exceeds the minimum standards required and this is a benefit that weighs in favour of the development.
181. I am satisfied that the provisions of the Agreement are necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to the development. The Agreement therefore accords with the provisions of the CIL Regs and with paragraph 204 of the Framework.

Conditions [30, 31, 60, 109]

182. If the SoS is minded to grant planning permission I recommend that the conditions set out in the Annex to this Report be imposed on any permission granted. These conditions were discussed at the Inquiry and an agreed list, significantly amended from that set out in the SoCG, was submitted before the Inquiry closed. The application is a part outline/ part full hybrid scheme and the suggested conditions take account of this. In addition to the standard time conditions it is recommended that the approved plans are identified as the details of the access are for determination at this stage.
183. Conditions are required in respect of compliance with the FRA and for the provision of a surface water drainage scheme for the site to prevent any

⁶⁰ ID37

increased risk of flooding. Details of a foul water strategy are necessary to prevent environmental and amenity problems arising from flooding. An ecological management plan (EMP) is necessary to safeguard the ecological interest of the site.

184. Details of external materials, slab levels, landscaping and tree protection need to be submitted for the approval of the LPA in the interests of the visual appearance of the area. Details of the accesses, including the timing of their provision, from Lincoln, Shetland and Twickenham Road are necessary to minimise inconvenience and in the interests of highway safety. For the same reason full details of the internal access roads, including the timing of their provision, need to be submitted to and approved by the LPA.

185. Details of the storage facilities for refuse and recyclable materials need to be approved in the interests of the living conditions of future residents and occupiers of adjoining properties. Details of the mix of dwellings to be provided to accord with Policy HP4 of the BNDP and to ensure a satisfactory mix of dwelling types. Details of measures to recycle water efficiently are necessary to conserve water resources and accord with Policy I3 of the BNDP.

The planning balance: Whether the proposals comprise sustainable development as defined in the Framework and, either, whether the benefits of the scheme are sufficient to outweigh any identified harm or whether the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits [12-16, 17-21, 89, 104-106]

186. The development plan comprises the AVDLP and the BNDP. Concerning the AVDLP, this Plan was adopted in January 2004 and covered the period to 2011 and so is now time-expired. It is not cited in AVDC's putative reason for refusal. I agree that the Plan contains no policies that address the post-2011 housing needs of the District. Neither the policy concerning development in the countryside (Policy RA.1) nor that concerning residential development in the countryside (Policy RA.12) were listed in the SoS's Direction letter dated 24 September 2007 and so they are not saved policies and they expired on 27 September 2007. These policies now carry no weight.

187. Saved AVDLP Policy RA.14 is engaged as it relates to development on the edge of built-up areas of settlements. It limits the scale of such development to just 5 dwellings or 0.2ha and so these proposals are in conflict with the policy. However, this policy does not reflect the housing requirement or spatial distribution set out in the IHLSPS. In seeking to protect the character of the settlement and the adjoining rural area it is not fully consistent with the Framework. This policy, while extant, can only be accorded very limited weight and, for the purposes of paragraph 14 of the Framework, it is out-of-date.

188. Saved Policy BU.1, which relates specifically to land at Moreton Road, required that proposals for the housing allocation site should not prejudice the possible development of the remainder of the site after 2011. This has been met. I agree that the requirements of the other relevant saved policies, concerning development management issues, are capable of being met at the reserved matters stage. The proposals, therefore, are in conflict with one saved policy in the AVDLP; for the reasons given above, and in accordance with advice in paragraph 215 of the Framework, that policy now carries very limited weight.

189. Concerning the BNDP the relevant policy is HP1; it is the only policy cited in AVDC's putative reason for refusal. The site is not identified as a housing allocation in this policy. Nor is it covered by Policy HP7 which relates to windfall sites within the settlement boundary. The site lies outside the boundary, although it abuts it to the south and east. There are no policies in the BNDP that seek to restrict or prevent residential development outside the boundary. In terms of the residential development of the site, therefore, the Plan is silent.
190. While Policy HP1 allocates land for 617 new dwellings the Plan does not state that this is a maximum figure; there is no cap identified for residential growth in and around Buckingham. It must also be borne in mind that the BNDP was made against a backdrop of an out-of-date LP with no strategic housing policies and that BTC used the unadjusted DCLG 2012-based household projections.
191. There are policies in the BNDP that seek to ensure a wide mix of housing types (Policy HP4) and provide affordable housing (Policy HP5). Both these policies are fully met by the proposals taking account of the agreed conditions and the s106 Agreement. The other cited policies in the BNDP relate to matters of detail such as landscaping, open space and play areas that are all shown on the indicative masterplan and which are either secured through the s106 Agreement or can be secured at the reserved matters stage. While the BNDP does not offer any support for the proposals, there is nonetheless no conflict with any of its policies.
192. There are currently no emerging plans that are sufficiently far advanced and not subject to unresolved objections such that they can carry any meaningful weight. Nonetheless, it is relevant that AVDC has advanced this land as a potential housing site in the emerging VALP; its SA is a material consideration, albeit that it carries very modest weight.
193. In terms of this scheme the development plan is out-of-date (AVDLP) or silent (BNDP). The proposals have now to be considered against the provisions of the Framework and paragraph 14 in particular. This says that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted to sustainable development unless one of the arms of the fourth bullet point of paragraph 14 is triggered.
194. The Framework says that the policies within it as a whole constitute the Government's view of what sustainable development means in practice. Paragraph 7 identifies that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 8 says that these roles must not be undertaken in isolation and that economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
195. The history of this planning application and in particular the considerations of AVDC are highly pertinent, as is the SA carried out by BTC. The history, including the Officers' recommendations, is set out in the various reports to AVDC's SDMC. Up until October 2016, when AVDC first identified that it had a five-year housing land supply, the application had been recommended for approval by Officers who, in carrying out the planning balance, concluded that the identified harm would not significantly and demonstrably outweigh the benefits. That recommendation was accepted and agreed by elected members. It was only the absence of a signed s106 Agreement that prevented the application from being approved by AVDC before it was called-in.

196. The Officers' balance initially involved weighing up the harm and the benefits of the development against a backdrop of there being no five-year housing land supply meaning that relevant policies for the supply of housing should not be considered up-to-date. Although I have agreed that AVDC can now demonstrate a five-year housing land supply, and therefore also a three-year housing land supply for the purposes of the WMS, I consider that paragraph 14 is still triggered. This is due to the development plan being not up-to-date/ silent for the other reasons set out above. It is therefore necessary to determine whether the proposals comprise sustainable development.
197. Concerning the first of the three dimensions of sustainable development, the economic role, granting permission would contribute towards the supply of housing in an area where AVDC has only very recently been able to demonstrate a five-year housing land supply and the supply of deliverable land remains marginal; the more so when the analysis in paragraphs 146-159 is taken into account. This site is available now and the applicants have shown, through the development of Phases 1 and 2, a willingness to build-out the scheme in a reasonable timescale. Future residents would be likely to support local shops and other businesses, generating additional expenditure in the area. The development would provide short-term employment during construction.
198. There is a s106 Agreement, signed by both the AVDC and BCC, to ensure that appropriate infrastructure is put in place. The contributions to infrastructure include off-site highway works, education, open space, sports pitches and public transport. All these weigh in favour of the development.
199. Concerning the social role, the proposals would help to build a strong, vibrant and healthy community with an agreed range of house types and sizes as well as a significant amount of affordable housing (35%) which meets the requirements of AVDC in terms of numbers, sizes and tenures. The applicants have shown that they can provide a high quality built environment as seen in Phases 1 and 2; AVDC would need to approve full details in due course. The contributions to education, cycling and sports facilities support the health of residents in the area.
200. In environmental terms, it is worth noting that in closing the advocate for AVDC stated that "...the Council has never and does not now raise any environmental concerns about this proposal". While BTC raised concerns about the impact on heritage assets at Stowe, I have found that there would be no harm to the historic environment. Concerning the natural and built environment, the site abuts housing, and a small industrial complex, on two of its sides. On a third side it is proposed to provide landscaping, amenity land and sports pitches. On the remaining side, to the west, there would be landscaping within the site to complement the existing mature hedge and the recent tree planting in the adjoining field. Taken together with a high quality design, the imposition of conditions requiring suitable landscaping, SUDS and an ecological management plan, there would be no unacceptable harm to the built or natural environment.
201. As part of this planning balance I have taken account of the SA⁶¹ carried out by BTC in connection with the BNDP. This identifies that the site (Site A) scores poorly against most of the other sites that were assessed as part of the process.

⁶¹ AVDC1: Appendix 8 pp 21-22

In particular, harm is identified in respect of landscape & heritage, population, biodiversity, transport, outlying settlements and employment & economy.

202. In the SA the site scores poorly in landscape & heritage and outlying settlements terms due to the alleged coalescence with Maids Moreton. There is no mention of any impact on designated heritage assets. It is alleged that total coalescence would result which may destroy the heritage of Maids Moreton. This view is in conflict with the views of the LP Inspector and the s78 Inspector who, respectively, considered Phases 1 and 2. At the Inquiry the Council's witness agreed that there would be no coalescence as a result of the current proposals. That is a reasonable assessment as these proposals, unlike Phase 2, would maintain an open gap between the built form and the track to the north. The proposals would not cause coalescence.
203. In terms of population and transport, and the distance of the site from the town centre, it is in reasonable walking distance and no further from the defined town centre than other sites that scored more highly in this category. This site has the disadvantage of a hill between it and the centre of Buckingham, making walking or cycling less desirable, but improvements to transport and a travel plan are proposed as part of the s106 Agreement. The improvements to the junction at the Old Gaol would be beneficial, as would the financial contribution towards improvements at the A413/A422 Stratford Road junction which would help take traffic away from the centre. I consider this to be a neutral factor in the balance.
204. In biodiversity terms, the existing fields contribute little. The limited benefits mainly arise from the hedgerows, which would be retained and enhanced by additional planting. There would be no unacceptable biodiversity harm. In employment & economy terms, the site is some distance from the main employment areas in the town but due to the transport plan and other transport improvements, this is a neutral factor in the balance.
205. I have also had regard to the assessment of the site as part of the emerging VALP in which the site scored well in comparison with other potential housing sites in Buckingham, with only a small infill site within the settlement boundary scoring higher.
206. In summary, therefore, there would be economic, social and environmental benefits arising from the scheme. These, and in particular the provision of market and affordable housing, carry very significant weight. In terms of harm, there would be some encroachment into the open countryside which would cause some limited visual harm. There would be conflict with saved Policy RA.14 of the AVDLP, but for the reasons set out above this carries only very limited weight. The heritage, transport, employment and surface water drainage aspects of the development would be neutral. Taking all these factors into account, I conclude that the proposals comprise sustainable development.
207. Phase 1 of this development was plan-led (AVDLP policy BU.1); Phase 2 was allowed on appeal before being granted planning permission by AVDC. This is not a random speculative site in the countryside. With the northern field being retained for use as amenity land/ sports pitches, it represents a logical extension to this corner of Buckingham. Officers' Reports have consistently described it as being a sustainable site in Framework terms. In closing BTC cited an example of a form of development as a reason for not having any policies prohibiting development outside the settlement boundary. That example was for a housing

scheme with 50% affordable housing and no significant adverse effects. This proposal provides 35% affordable housing with no significant adverse effects and with significant benefits. It abuts Phases 1 and 2 and would provide tangible benefits in terms of housing, open space and sports facilities.

208. Nonetheless, I have had regard to the core principles as set in paragraph 17 of Framework which says that planning should be genuinely plan-led, empowering local people to shape their surroundings. Paragraph 198 of the Framework is clear that where a planning application conflicts with a NP that has been brought into force, planning permission should not normally be granted. I acknowledge that BTC has worked hard to prepare a NP that is now made.

209. However, for the reasons set out above, I have found no conflict with any policies in the BNDP. There is no cap on new housing. Buckingham is a second largest settlement in the District and I have seen nothing in the evidence that suggests that granting planning permission here would undermine the policies in the NP or result in unsustainable development.

210. Overall, I conclude that on the tilted balance set out in paragraph 14 of the Framework, the adverse impacts of approving the development proposals would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. There are no specific policies in the Framework, such as those listed at footnote 9, that indicate development should be restricted. I recognise that this recommendation will disappoint local residents who have invested time and resources in preparing the BNDP. This must be balanced against the aspirations of the Framework which seeks to boost significantly the supply of housing and which sets out a clear presumption in favour of sustainable development.

Overall conclusions

211. The proposals represent a sustainable form of development that is only in conflict with one saved policy in the development plan. That policy carries only very limited weight. Taken as a whole the proposals accord with the development plan and benefits from the presumption in favour of sustainable development as set out in the Framework. The harm arising from the conflict with an out-of-date policy in the development plan is clearly outweighed by the other material considerations.

Recommendation

File Ref: APP/J0405/V/16/3151297

212. I **recommend** that planning permission be granted subject to the conditions set out in the Annex.

Clive Hughes

Inspector

APPEARANCES

FOR BELLWAY HOMES, BELLCROSS CO LTD & FOSBERN MANUFACTURING LTD:

Mary Cook of Counsel	Instructed by Armstrong Rigg Planning
She called	
Jason Clemons BA(Hons) MA	Head of Built Heritage, WYG
MSc MRTPI IHBC	
Martin Paddle BSc CEng	Divisional Director, Mouchel Consulting Ltd
CWEM MICE FHIT MCIWEM	
Dominic Veasey BA(Hons)	Associate Director, Nexus Planning Ltd
Dip TP MRTPI	
Geoff Armstrong BA(Hons)	Director, Armstrong Rigg Planning
MRTPI	

FOR AYLESBURY VALE DISTRICT COUNCIL:

Mark Westmorland Smith of Counsel	Instructed by Preetinder Cheema on behalf of Aylesbury Vale District Council
He called	
Mike Denman BA(Hons) BTP	Senior Planning Officer, Aylesbury Vale District Council

FOR BUCKINGHAM TOWN COUNCIL:

Christopher Wayman BA(Hons)	Town Clerk, Buckingham Town Council
BSc(Hons) MILCM CiLCA	
He called himself and	
Katharine McElligott BSc	Planning Clerk, Buckingham Town Council
Dr Bill Truscott DPhil (Oxon)	Local resident and local historian

CORE DOCUMENTS

CD	List of Core Documents
CD VOL1	Core Documents 1-6
CD VOL2	Core Documents 7-14
CD VOL3	Core Documents 15-21
CD VOL4	Core Documents 22-40

DOCUMENTS SUBMITTED PRIOR TO THE INQUIRY BY THE APPLICANTS

ARP1	Proof of evidence and appendices of Martin Paddle
ARP2	Proof of evidence and appendices of Dominic Veasey
ARP3	Proof of evidence and appendices of Geoff Armstrong
ARP4	Rebuttal statement and appendices of Geoff Armstrong
ARP5	Statement of case

DOCUMENTS SUBMITTED PRIOR TO THE INQUIRY BY THE DISTRICT COUNCIL

AVDC1	Proof of evidence and appendices of Mike Denman
ADVC2	Statement of case

DOCUMENTS SUBMITTED PRIOR TO THE INQUIRY BY THE TOWN COUNCIL

- BTC1 Proof of evidence of Christopher Wayman
- BTC2 Proof of evidence of Katharine McElligott
- BTC3 Proof of evidence of Dr Bill Truscott
- BTC4 Transport Survey, Moreton Road (January 2017)
- BTC5 Statement of case

OTHER DOCUMENTS SUBMITTED PRIOR TO THE INQUIRY

- GEN1 Statement of Common Ground between the applicants and Aylesbury Vale District Council
- GEN2 Statement of Common Ground between the applicants and Buckingham Town Council
- GEN3 Statement of Common Ground on Transport, Traffic and Highway Matters between the applicants and Buckinghamshire County Council
- GEN4 Email dated 1 February 2017 to the main parties from PINS setting out main issues/ matters for the Inquiry

DOCUMENTS SUBMITTED AT THE INQUIRY

- ID1 List of appearances on behalf of the applicant
- ID2 List of appearances on behalf of Aylesbury Vale District Council
- ID3 Rebuttal statement in respect to Heritage matters by Jason Clemons
- ID4 Draft Agreement under s106 of the Act
- ID5 Comparison of housing need assumptions (AVDC)
- ID6 Projected population growth 2013-33: Upper decile
- ID7 Housing targets from Local Plans found sound under the NPPF
- ID8 Projected population growth 2013-33
- ID9 Population growth trends 2011-15
- ID10 Assessing overall housing need (ORS) (March 2016)
- ID11 Appeal decision: APP/K0235/W/15/3005128 – Land to the east of Box End Road, Kempston Rural Bedford
- ID12 Appeal decision: APP/P0240/W/15/3003634 – 16 Langford Road, Henlow, Bedfordshire
- ID13 Appeal decision: APP/C1570/W/15/3010055 – Land north of Pelham Road, Clavering, Essex
- ID14 Comparison table – AVDC and applicant's position in relation to supply
- ID15 Opening submissions on behalf of the applicant
- ID16 Opening submissions on behalf of AVDC
- ID17 Opening submissions on behalf of Buckingham Town Council
- ID18 Extract from Winslow Neighbourhood Plan 2014 (p 43)
- ID19 Neighbour notification letters and list of persons notified
- ID20 Bundle of site specific emails concerning housing land supply
- ID21 Additional emails in respect of Furze Lane (Site 1)
- ID22 Four photographs of/around Stowe House by Dr Bill Truscott
- ID23 Extract from Aylesbury Vale District Local Plan Proposals Map
- ID24 Extracts from The History and Antiquities of the Town, Hundred, and Deanery of Buckingham by Browne Willis (1755)
- ID25 Comparison of demographic based starting points: 2013 to 2033
- ID26 Comparison of housing need assumptions version 2 (8 February 2017)
- ID27 ONS Information Paper 25 May 2016 (replaces Mr Veasey appendix 7)

- ID28 List of agreed conditions
- ID29 HLS Review (Applicant)
- ID30 Decision Notice 13/02837/ASOP (Furze Lane, Winslow)
- ID31 AVDC Strategic Development Management Committee addendum papers 11 January 2017 (re Furze Lane, Winslow)
- ID32 Source of AVDC Housing delivery rates
- ID33 Extracts from six Neighbourhood Plans
- ID34 Emails (February 2017) re Bloor Homes site (Furze Lane, Winslow)
- ID35 Letter (20 January 2017) from Government Legal Department
- ID36 Statement of Facts and Grounds concerning application for Judicial review of WMS issued 12 December 2017
- ID37 S106 Agreement: CIL compliance schedule
- ID38 List of additional commitments over 10 dwellings (1 Apr-31 Dec 2016)
- ID39 Emails 10 February 2017 re access to rugby pitch boundary
- ID40 AVDC statement on implications of the Housing White Paper
- ID41 BTC statement on implications of the Housing White Paper
- ID42 Agreement under s106 dated 16 February 2017
- ID43 Closing submissions by Buckingham Town Council
- ID44 Closing submissions on behalf of Aylesbury Vale District Council
- ID45 Closing submissions on behalf of the applicants

APPLICATION PLANS

- A Drawing No 1444/P/01 Rev A – Location plan
- B Drawing No 1444/P/02 – Overall site plan
- C Drawing No 1059624-D-003 Rev A – Access Strategy Plan (Appendix F of Transport Assessment (Mouchel: August 2014))

OTHER PLANS NOT FORMING PART OF APPLICATION

- D Drawing No 1444/P/03 – Indicative residential site plan
- E Drawing No 1444/P/04 – Indicative land use plan
- F Drawing No 1444/P/05 – Indicative street scenes
- G Drawing No 1056924-D004 Rev 01b – s106 Agreement "The Highway Works"

ANNEX: Suggested conditions (21 conditions)

1. Approval of details of the appearance, landscaping, layout and scale of the residential development on the southern field (hereafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The development shall be carried out as approved. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission.
2. The residential development hereby permitted shall begin before the expiration of 18 months from the date of approval of the last of the reserved matters to be approved.
3. The sports pitches/ recreational open space and informal open space forming the 'amenity land' shall be begun before the expiration of 3 years from the date of this permission.
4. The development shall be carried out only in accordance with the following plans:
1444/P/01 Rev A – Site Location Plan
1444/P/02 – Overall Site Plan (Indicative)
1059624-D-003A – Access Strategy Plan
The principles set out in the Design and Access Statement.
5. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Howes Atkinson Crowder LLP dated 8 December 2016 and the mitigation measures detailed within the FRA. The mitigation measures shall be fully implemented prior to occupation
6. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, in accordance with the submitted FRA, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed.
7. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
8. An ecological management plan (EMP) shall be submitted to, and approved in writing by the local planning authority prior to the carrying out of any ground

works associated with the development. The content of the EMP, consistent with the measures in the ecology assessment (August 2014) and ecology addendum (October 2016) by Aspect-Ecology, shall include the following:

- a) Techniques and schedule of works for the establishment of 2ha of mitigatory grassland.
- b) Species and provenance of donor seed.
- c) Aims and objectives of management.
- d) Appropriate management regime for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being implemented in perpetuity). The compensatory area will be expected to be seeded before development commences.
- g) Ongoing monitoring and remedial measures.
- h) Details of native tree planting, hedge planting, pond creation within the swales, integrated bat and bird box provision and wildlife sensitive lighting scheme.
- i) Details of mitigation for badgers, reptiles and birds.
- j) Details of management measures to safeguard the water quality in the ditch on-site and any connecting watercourses.

The approved plan will be implemented in accordance with the approved detail.

9. No site clearance works or development shall take place until there has been submitted to the Local Planning Authority for their approval a Tree Protection Plan showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained, consistent with the details in the submitted arboricultural impact assessment (December 2016) by Aspect-Landscape. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a barrier complying with Figure 2 of British Standard 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the Tree Protection Plan. No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these aspects:
 - a) There shall be no change in ground levels.
 - b) No materials or plant shall be stored.
 - c) No buildings or temporary buildings shall be erected or stationed unless these are elements of the agreed tree protection plan.
 - d) No materials or waste shall be burnt nor within 20 metres any retained tree; and
 - e) No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.
10. The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 shall include full details of both hard and soft landscape works within the residential land parcel and a phasing plan for their implementation. For hard landscape works, these details shall include; proposed finished levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials. For soft

landscape works, these details shall include new trees and trees to be retained showing their species, spread and maturity, planting plans, written specifications (including cultivation and other operations associated with plan and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The approved works shall be carried out in accordance with the approved phasing plan.

11. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.
12. The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 shall include details of the materials proposed to be used on the external surfaces of the buildings comprising the residential development. This development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.
13. The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 shall include details of the new access to Shetland and Lincoln. No part of the development shall be occupied until the new accesses to have been sited, laid out and constructed in accordance with the approved details.
14. Full details of the new access from Twickenham Road to the amenity land in the northern field parcel shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The access shall be constructed in accordance with the approved details prior to the first use of the sports pitches.
15. The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 shall include details of the estate roads and footways for the residential development. No dwelling shall be occupied until the estate roads approved in writing by the Local Planning Authority which provides access to it from the existing highway have been laid out and constructed in accordance with the approved details.
16. The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 shall include a scheme for the parking, turning and the loading/unloading of vehicles. The approved scheme shall be implemented and be made available for use before the relevant part of the development is occupied and that area shall not be used for any other purpose.
17. The development shall not begin until a Construction Traffic Management Plan including details of:
 - Phasing of the development;
 - Construction access;

- Management and timing of deliveries;
 - Routing of construction traffic;
 - A condition survey of the surrounding highway network;
 - Vehicle parking for site operatives and visitors;
 - Loading/off-loading and turning areas;
 - Site compound;
 - Storage of materials;
 - Precautions to prevent the deposit of mud and debris on the adjacent highway.
- Has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall thereafter be carried out in accordance with the approved management plan.
18. The details to be submitted for approval in accordance with Condition 1 shall include details of bin and recyclables storage associated with the residential development. The development shall be carried out in accordance with the approved details.
19. The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition 1 above shall include details of the proposed slab levels of the dwellings in relation to the existing and proposed levels of the site and the surrounding land, with reference to fixed datum point. The dwellings shall be constructed with slab at levels that have been approved in writing by the Local Planning Authority.
20. The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 shall confirm provision of a mixture of housing size and types (in the form of one, two, three, four and five bedroom or larger homes).
21. Details of measures to recycle rainwater and use water efficiently in the design of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the approved dwellings. The dwellings shall thereafter be carried out in accordance with the approved details.



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.