



# Buckinghamshire Council

## North Buckinghamshire Area Planning Committee

### Agenda

**Date:** Wednesday 13 March 2024

**Time:** 2.30 pm

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

**Membership:** P Fealey (Chairman), H Mordue (Vice-Chairman), A Bond, P Cooper, C Cornell, P Gomm, F Mahon, S Morgan, A Osibogun, B Stanier Bt, R Stuchbury and D Town

Agenda Item	Time	Page No
1	<b>APOLOGIES</b>	
2	<b>MINUTES</b> To approve as a correct record the minutes of the meeting held 17 January 2024.	3 - 4
3	<b>DECLARATIONS OF INTEREST</b>	
<b>APPLICATIONS</b>		
4	<b>22/00613/APP - BROOK FARM, LEIGHTON ROAD, STOKE HAMMOND</b>	5 - 50
5	<b>AVAILABILITY OF MEMBERS ATTENDING SITE VISITS (IF REQUIRED)</b> To confirm Members' availability to undertake site visits if required.	
6	<b>DATE OF THE NEXT MEETING</b> 10 April 2024	

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

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





## North Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the North Buckinghamshire Area Planning Committee held on Wednesday 17 January 2024 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 2:30pm and concluding at 4:30pm.

### Members present

P Fealey (Chairman), H Mordue (Vice-Chairman), A Bond, P Cooper, C Cornell, P Gomm, S Lewin, F Mahon, A Osibogun, B Stanier Bt, R Stuchbury and D Town

### Agenda Item

#### 1 Apologies

Members received apologies from Councillors C Cornell and S Morgan. Councillor S Lewin sat as a substitute for Councillor S Morgan.

#### 2 Minutes RESOLVED

That the minutes of the meeting held on 20<sup>th</sup> December 2023 be agreed as a correct record.

#### 3 Declarations of interest

Councillor A Bond declared an interest in application 23/03600/APP as a member for the Wing Ward, in which this application fell. He did not feel predetermined on the issue, and felt able to participate fully in the consideration of the application.

Councillor P Cooper declared an interest in application 23/03600/APP as a member for the Wing Ward, in which this application fell. He did not feel predetermined on the issue, and felt able to participate fully in the consideration of the application.

#### 4 23/03600/APP - The Cottesloe School, Church Street, Wing

Proposal: Extension of existing sixth form building, new storage garage, parking, landscaping and other associated development.

The case officer drew members' attention to the update to the report which had

been issued prior to the meeting. The update made an amendment to the officer's recommendation, which now read:

*'Officers recommend that the application be APPROVED subject to no new material considerations being raised as a result of the re-consultation and subject to the conditions set out in Section 8.0 of the Committee Report.'*

A minor amendment was also made to condition 11 to remove an additional, unnecessary word.

#### Speakers

Councillor/Local Member: Councillor D Blamires

Parish Council: Claire Power (Wing Parish Council Clerk)

Objector: Jennifer Waples

Agent/Applicant: Patrick Daly (Agent) and Simon Jones (Headteacher)

It was proposed by Councillor R Stuchbury, seconded by Councillor F Mahon and

#### **RESOLVED**

That application 23/03600/APP be approved subject to no new material considerations being raised as a result of the re-consultation and subject to the conditions set out in Section 8.0 of the Committee Report.

That an informative be included to request that the Travel Plan for the Cottesloe School be reviewed, in light of the increased traffic caused by the application.

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

Details on any site visits deemed appropriate by the Chairman to occur prior to an application's consideration at the next scheduled meeting of the Committee would be communicated to Members as necessary.

#### **6 Date of the Next Meeting**

14<sup>th</sup> February 2024

## Report to Buckinghamshire Council – North Area Planning Committee

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<b>Application Number:</b>	22/00613/APP
<b>Proposal:</b>	Erection of 42 residential dwellings including associated parking and landscaping.
<b>Site location:</b>	Brook Farm, Leighton Road, Stoke Hammond, Buckinghamshire, MK17 9DD
<b>Applicant:</b>	Snowdon Homes Ltd
<b>Case Officer:</b>	Zenab Hearn
<b>Ward affected:</b>	GREAT BRICKHILL
<b>Parish-Town Council:</b>	STOKE HAMMOND
<b>Valid date:</b>	2 February 2022
<b>Determination date:</b>	Extension of time until 15 March 2024
<b>Recommendation:</b>	The recommendation is that the application be deferred and delegated to the Service 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 and a GNC license, then subject to no new material representations and the conditions as proposed and any other considered appropriate by Officers, or it these are not achieved for the application to be refused for such reasons as the Service Director of Planning and Environment considers appropriate.

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### 1.0 Summary & Recommendation and Reason for Planning Committee Consideration

- 1.1 This application has been brought before Planning Committee at the request of Councillors Gomm, Jordan and MacPherson to be reported for determination by the North Area planning committee. The application was also called in by Stoke Hammond Parish Council due to concerns relating to biodiversity, provision of open space and highway matters.
- 1.2 This application has been brought before Planning Committee at the request of Councillors Gomm, Jordan and MacPherson to be reported for determination by the North Area Planning Committee. The application was also called in by Stoke Hammond Parish Council due to concerns relating to biodiversity, provision of open space and highway matters.
- 1.3 This application seeks planning permission for the erection of 42 residential dwellings including associated parking and landscaping on a site located on the western edge of Stoke Hammond.

- 1.4 The first key issue relates to the principle of development of the site for residential development. Stoke Hammond is identified as a medium village in the settlement hierarchy which is a relatively sustainable location with access to some services. The site is not allocated within VALP and whilst there is no defined settlement boundary for Stoke Hammond, it is situated immediately to the west of existing built development within a field that benefited from consent previously for 33 residential dwellings permitted under outline permission reference: 16/02432/AOP (08.03.2018) and subsequent reserved matters reference: 19/03246/ADP (11.02.2021). These permissions lapsed in August 2022 and are therefore no longer extant. The proposal would however broadly follow the pattern of development approved under these previous consents. The key difference between the previous permission on the site for 33 dwellings and the current application proposal is the addition of 9 dwellings which has been achieved through increasing the density of development, by virtue of the reduction of the number of detached dwellings proposed and an increase in semi-detached dwellings being provided.
- 1.5 In respect of other issues, the proposal provides an appropriate sustainable drainage strategy, no heritage impacts are identified, the density and design are considered appropriate within this context, the proposal would maintain and provide adequate standards of residential amenity for existing neighbouring occupiers and future occupiers of the development, the proposal would not result in a significant loss of best and most versatile agricultural land and the highways and parking impacts are considered acceptable subject to the imposition of appropriate conditions.
- 1.6 In terms of the material considerations, paragraph 11 of the recently updated version of the National Planning Policy Framework, 2023 (NPPF) remains relevant and the presumption set out in paragraph 11d is triggered as the Council cannot currently demonstrate a 5-year supply of deliverable housing. This is because whilst the NPPF states at paragraph 76 that Councils that have an adopted local plan less than five years old that identified at least a five-year supply at the time its examination concluded, which applies to VALP, are no longer required to demonstrate a rolling 5-year supply, this policy is subject to transitional arrangements (set out in footnote 79). This states that the policy in paragraph 76 should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this NPPF (18<sup>th</sup> December 2023). In the context of paragraph 11(d)(i) there are no clear reasons for refusal in this case and therefore paragraph 11(d)(ii) (sometimes referred to as the 'tilted balance') applies. This states that permission should be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits.
- 1.7 The proposal does not meet the requirements of the Vale of Aylesbury Local Plan (VALP) in terms of providing a policy compliant level of biodiversity net gain or on-site open space. However, there is some improvement in biodiversity compared to what was previously permitted under outline permission ref: 16/02432/AOP (08.03.2018) and reserved matters reference: 19/03246/ADP, and a contribution towards sports and leisure to improving/enhancing facilities elsewhere in Stoke Hammond is proposed, to compensate for the lack of on-site open space and to mitigate the impact of the development. While

these shortcomings conflict with VALP policies NE1 and I1 and as a result the proposal does not comply with the development plan as a whole, the previous grant of planning permission for 33 dwellings on the site is a material consideration. As a result, moderate negative weight is afforded to these adverse impacts in the planning balance.

- 1.8 In terms of the benefits of the proposal, these are considered to be the contribution to housing supply, providing a range of housing types, which in the context of a lack of 5-year supply, should be given moderate weight in the planning balance having regard to the quantum of development proposed. In addition, the scheme proposes 26% affordable housing of a mix of tenures, to which significant positive weight should be given in the planning balance. Economic and social benefits associated with the construction and occupation of the housing, including job creation during construction and spending from future occupiers, should be given moderate positive weight in the planning balance. In addition, limited positive weight should be given to the sustainability credentials of the proposed development which includes a fabric first approach, use of air source heat pumps and steps to reduce water usage.
- 1.9 Overall, it is considered that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits, and therefore having regard to the provisions of paragraph 11 d) of the NPPF, planning permission should be granted. Whilst there is overall conflict with the development plan as a whole, in this instance, material considerations indicate that planning permission should be granted. As such, the *Officer Recommendation* is as follows:

**Recommendation:** The recommendation is that the application be deferred and delegated to the Service 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 and a GNC license, then subject to no new material representations and the conditions as proposed and any other considered appropriate by Officers, or it these are not achieved for the application to be refused for such reasons as the Service Director of Planning and Environment considers appropriate.

## **2.0 Description of Proposed Development**

- 2.1 The application site, measuring circa 1.62ha, is open grassland located to the west of the village of Stoke Hammond.
- 2.2 The site is roughly rectangular in shape and adjoins the existing embankment and elevated railway line to the west and existing residential development to the east.
- 2.3 The land falls gently from south to north towards an existing watercourse, which runs along the northern edge. Immediately to the west is the main west coast railway line, which sits elevated above the site. Notable landscape features include mature hedgerows and trees to the northern and southern boundaries.

## *Background*

- 2.4 Planning permission was previously granted on the site for the development of 33 dwellings. Outline planning permission was granted on 08.03.2018 (16/02432/AOP) and reserved matters approval was granted on 11.02.2021 (19/03246/ADP). Whilst these permissions lapsed in August 2022, the grant of planning permission on this site previously is a material consideration in the determination of the current planning application.
- 2.5 The Vale of Aylesbury Local Plan was adopted by Buckinghamshire Council as a Development Plan Document on the 15th September 2021. This represents a material change in the development plan since outline permission was granted and the reserved matters approval was issued on 11.02.2021 (19/03246/ADP).

## *Proposal*

- 2.6 The current application seeks full planning permission for the development of 42 dwellings including associated landscaping and parking and would sit to the west of the relatively newly constructed development of 40 dwellings permitted by planning permissions 12/02184/AOP & 15/01850/ADP.
- 2.7 Compared to the previous planning permission on the application site (planning permission refs: 16/02432/AOP and 19/03246/ADP for 33 dwellings), the current proposal is seeking an increase of 9 dwellings, proposing a total of 42 dwellings with associated parking and landscaping.
- 2.8 As with previous outline and subsequent reserved matters consents, the proposal is served by a single point of access from Brook Farm Close and broadly follows the layout permitted under ref: 16/02432/AOP (08.03.2018) and subsequent reserved matters reference 19/03246/ADP (11.02.2021),, resulting in the proposed dwellings being largely arranged in a perimeter block which follows the principles in the Aylesbury Vale Area Design SPD.
- 2.9 The application is accompanied by the following plans:
- Site Location Plan (drg no A19-081-SLP001 Rev. D)
  - Existing Site Plan (drg no: A18-081)
  - Topographical Survey (drg no. 222 Sheet 1 of 2)
  - Topographical Survey (drg no. 222 Sheet 2 of 2)
  - Proposed Site Layout Parking (drg no. A19-081-PL016 Rev. C)
  - Proposed Tenure Layout (drg no. A19-081-PL020 Rev. G)
  - Proposed Site Layout (drg no. A19-081-PL014 Rev. H)
  - Proposed House Types A and B (drg no. A19-081-PL011 Rev. E)
  - Proposed House Types – Plots 15,16,17 (drg no. A19-081-PL025)
  - Proposed House Types E and F (drg no. A19-081-PL013 Rev. B)
  - Proposed Site Layout Materials (drg no. A19-081-PL017 Rev. C)
  - Proposed Site Layout Boundary Treatments (drg no. A19-081-PL014 Rev. J)
  - Proposed Open Space Provision (drg no. A19-081-PL021)
  - Refuse Vehicle Tracking (drg no. 2203-TR01 Rev. A)



- Hard Landscape Proposals (drg. No 000 XX DR L 1000 Rev. D)
- Soft Landscape Proposals (drg no. 000 XX DR L 2000 Rev. E)

- 2.10 During the course of the application, amendments were made to the site layout, to include provision of a one-way link for refuse vehicles, changes to the layout of proposed residents and visitor parking, provision of three seating areas within the development and provision of a raised table junction.
- 2.11 Initially, the proposal was for all the houses to be affordable housing. However, during the application process, the proposal was changed to include 31 market homes and 11 affordable homes, which is equivalent to 26% of the total number of homes being affordable housing.

### **3.0 Relevant Planning History**

#### *Application Site*

Reference: 16/02432/AOP

Development: Erection of up to 33 residential dwellings

Decision: Approval                      Decision Date: 8 March 2018

Condition 3 states “The development hereby permitted shall be begun before the expiration of 18 months from the date of approval of the last of the reserved matters to be approved.”

Reference: 19/03246/ADP

Development: Approval of Reserved Matters pursuant to outline permission 16/02432/AOP for Layout, Scale, Appearance and Landscaping of a residential development of 33 dwellings. The application also discharged a number of the conditions imposed by the outline approval:

Condition 5 (Hard and Soft Landscaping)

Condition 7 (Boundary Treatment)

Condition 8 (Ecological Mitigation & Enhancement Plan)

Condition 11 (Archaeological Evaluation)

Condition 12 (Archaeological Preservation)

Condition 14 (Estate Roads)

Condition 16 (Parking)

Decision: Approval                      Decision Date: 11 February 2021

Expiry Date: 11 August 2022

16/A2432/DIS

Application for approval of details subject to condition 4 (materials), condition 13 (Archaeology – submission of Written Schemes of Investigation) and condition 17 (construction management plan) of planning permission ref: 16/02432/AOP

Decision: Materials and Construction Management Plan discharged, Written Scheme of Investigation agreed but condition not discharged until works completed. Date 1.11.2022.

16/B2432/DIS

Application for approval of details subject to condition 9 (surface water drainage scheme) and condition 10 (whole life maintenance plan) of planning permission ref: 16/02432/AOP. Application received on 18.07.22.  
Decision – details not satisfactory 1.11.2022

16/C2432/DIS

Application for approval of details subject to condition 9 (surface water drainage scheme) and condition 10 (whole life maintenance plan) of planning permission ref: 16/02432/AOP. Application received on 19.01.23. Both conditions were worded as pre-commencement conditions.

Decision – details satisfactory and conditions discharged 9.2.2023 (these details were approved after the expiry of the reserved matters application.

19/A3246/DIS

Application for approval of details subject to condition 4 (electrical vehicles charging points) of planning permission ref:19/03246/ADP.

Decision – details satisfactory and condition discharged. 11.02.21

19/B3246/DIS

Application for approval of details subject to condition 6 (drainage) of planning permission ref:19/03246/ADP.

Decision – details satisfactory and condition discharged. 08.11.22

- 3.1 As is clear from the planning history, the expiry date of reserved matters permission was 11<sup>th</sup> August 2022. While the current planning application in front of Members for consideration was valid on 02.02.22, the proposed scheme was still under consideration at the time the reserved matters approval (reference 19/03246/ADP) would have expired.
- 3.2 Following a visit to the site by Officer, it was not clear to Officers whether the previous permissions had commenced. The applicant maintains that they have implemented the permissions through undertaking a material operation to commence works on site, such to make the previous permissions extant. On request, the applicant provided photographs and written confirmation from a building inspector confirming a material start on site.
- 3.3 To lawfully implement a planning permission, one must comply with all condition precedent. Following that, they can commence by carrying out a material operation. Failure to comply with all conditions precedent may result in failure to lawfully implement the planning permission before the permission expires.
- 3.4 A condition precedent is a planning condition which prohibits the commencement of development unless or until certain actions or steps are taken; and goes to the heart of the permission.
- 3.5 Regarding the implementation status of outline permission ref: 16/02432/AOP and the subsequent reserved matters approval reference: 19/03246/ADP, it is important to highlight that the outline consent was subject to various pre-commencement conditions. Specifically, the requirements concerning a surface water drainage scheme and a whole life maintenance plan were pre-commencement conditions imposed on the outline consent;

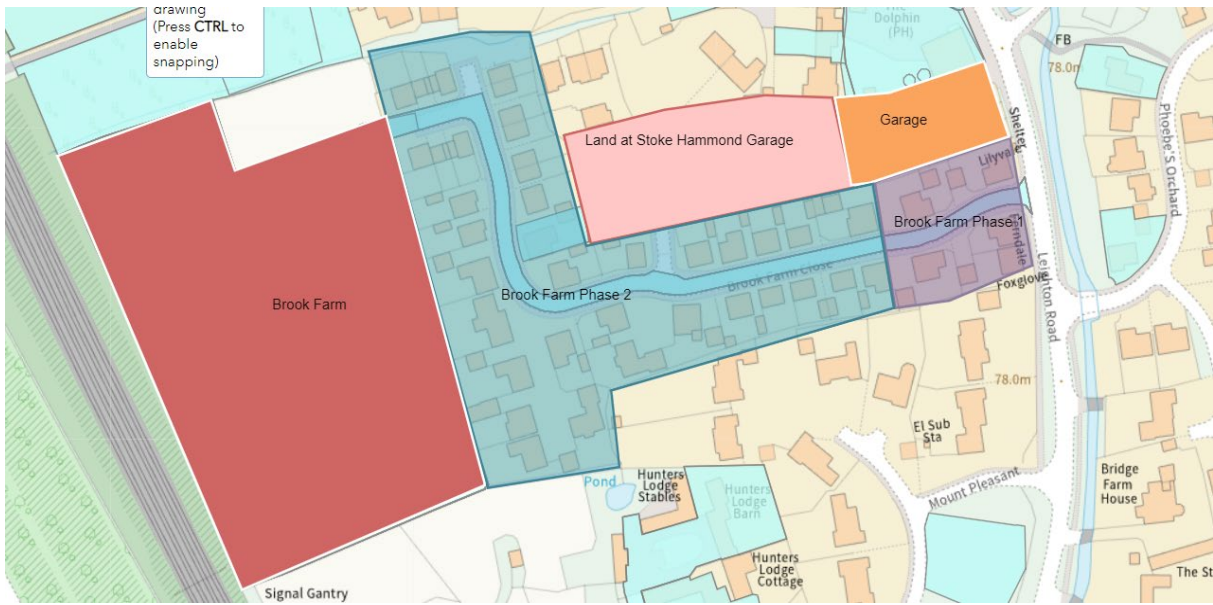
Condition 9 and 10. These two pre-commencement conditions were discharged after the expiration of the reserved matters approval. Officers consider the condition requiring the agreement and establishment of the SuDS strategy prior to the commencement of development, goes to the heart of the permission. However, as of August 11, 2022, the date when the reserved matters approval expired, this requirement had not been met. Consequently, it is deemed that the outline permission reference: 16/02432/AOP and subsequent reserved matters approval reference: 19/03246/ADP have lapsed. Notwithstanding the lapse of these permissions, the grant of permission previously on the site for the erection of 33 dwellings remains a material planning consideration.

## Planning History – Surrounding Area

### 3.6 Consented Developments adjacent to the application site at Brook Farm – see Figure 1

Address	Planning reference	Date	Description	Decision
Brook Farm – Phase 1 (purple on map)	12/02182/APP	09.04.13	Demolition of existing bungalow and erection of No.5 dwellings with access and amenity space	Approved
Brook Farm – Phase 2 (blue on map)	12/02184/AOP	09.12.12	Erection of No.40 residential dwellings	Refused by the Council and allowed at appeal under ref: APP/J0405/A/13/2198840
Brook Farm – Phase 2 (blue on map)	15/01850/ADP	30.10.15	Approval of reserved matters pursuant to outline permission 12/02184/AOP relating to access, appearance, landscaping, layout and scale for the erection of 40 Dwellings.	Approved
Land at Stoke Hammond Garage (pink on map)	14/03460/AOP	23.07.15	Application for outline planning permission with access to be considered and all other matters reserved, for residential development (up to 10 dwellings) with access from Leighton Road.	Outline permission approved.
Land at Stoke Hammond Garage (pink on map)	16/03006/ADP	23.05.17	Approval of reserved matters pursuant to outline permission 14/03460/AOP relating to appearance, landscaping, layout and scale for a residential development of 10 dwellings with new access from Leighton Road.	Details approved.
BMG Garage Leighton Road (orange on map)	17/00905/APP	14.09.18	Demolition of a disused workshop and garage and development of 5 no. dwellings (class C3 residential) and associated works.	Approved.

Figure. 1 – Consented Developments adjacent to the application site at Brook Farm



3.7 Applications determined and currently pending consideration to the north of the site – see Figure 2

Address	Planning History	Date	Description	Decision
The Mellows, Hillersdon Chase	16/03698/AOP	21.09.17	Outline application with access to be considered and all other matters reserved for the demolition of the existing two dwellings and the development of up to 16 new dwellings with associated works including part-demolition of rear garden wall to Stoke Lodge	Outline permission approved
The Mellows, Hillersdon Chase	19/00874/ADP	25.05.22	Approval of Reserved Matters pursuant to outline permission 16/03698/AOP for appearance, landscaping, layout and scale of a residential development of 16 dwellings and associated works	Approved
The Mellows, Hillersdon Chase	22/01744/APP	Registered 26.02.22	Erection of two dwellings, parking and proposed new vehicular access	Pending consideration
Orchard End, Hillersdon Chase	21/02508/APP	08.02.22	Demolition of existing garage and erection of dwelling and garage	Approved
Orchard End	22/02996/APP	Registered 07.09.22	Erection of 2 no. dwellings with associated parking and separate home office/storage space	Pending consideration
Orchard End, Hillersdon Chase	23/01532/AOP	Registered 16.05.23	Outline application with access to be considered and all other matters reserved for residential development of 10 dwellings and associated works	Pending consideration
Meadowbrook Off Newton Road	23/01533/AOP	Registered 16.05.23	Outline application with access to be considered for residential development of 9 dwellings and associated works	Pending consideration
The Mellows, Hillersdon Chase	23/00668/APP	27.09.23	Installation of a foul water pumping station to serve development approved under planning permission 16/03698/AOP and 19/00874/ADP, extension of service road, formation of turning head and relocation of visitor parking bays	Approved

Figure. 2 - Applications currently pending consideration to the north of the site



## **4.0 Representations**

- 4.1 Statutory publicity has been undertaken by means of site and press notices. All representations received have been summarised in Appendix A. Full copies of all representations are available on the Council's planning page.

## **5.0 Policy Considerations and Evaluation**

### *Introduction*

- 5.1 For the purposes of the determination of this application the development plan comprises the Vale of Aylesbury Local Plan (2021) (VALP) and the Minerals and Waste Local Plan (2019). In accordance with S38(6) of the Planning and Compulsory Purchase Act, 1990, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The VALP is considered to be an up-to-date plan. It was examined in accordance with paragraph 227 of the NPPF (Dec 2023) which states that "The policies in the original National Planning Policy Framework published in March 2012 will apply for the purpose of examining plans, where those plans were submitted on or before 24 January 2019. This stipulation applies to the VALP. The starting position is the Development Plan in the knowledge that it is consistent with the NPPF 2012 and policies should be given full weight. If there is any conflict with a later version of the NPPF then that has to be considered as a material consideration.
- 5.3 The (recently updated) National Planning Policy Framework (NPPF 2023) and National Planning Policy Guidance (PPG) are important material considerations. There are a number of relevant sections / policies and given that the Council cannot currently demonstrate a 5-year supply of housing (as per the latest Council assessment dated September 2023, updated January 2024) the implications of paragraph 11 will be fully considered. It should be noted that, as explained in the summary section above, whilst the NPPF 2023 states at paragraph 76 that Local Planning Authorities that have an adopted local plan less than five years old that identified at least a five year supply at the time its examination concluded, which applies to VALP, are no longer required to demonstrate a rolling 5 year supply, this policy is subject to transitional arrangements (set out in footnote 79). This states that the policy in paragraph 76 should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this NPPF (December 2023). The application under consideration was made in January 2023 therefore paragraph 76 cannot be taken into account as a material consideration. The previous outline permission and reserved matters approval for 33 dwellings on the site is also a material consideration and will be referred to where relevant to the issues identified below.
- 5.4 The main issues to consider are the principle of development in this location; whether it provides for a satisfactory level and mix of affordable and other housing types, suitable to meet community needs; design and the impact on the character and appearance of the

countryside, landscape and settlement character and heritage assets; the impact on the amenity of existing and future residents; the impact on the transport network and whether it will promote sustainable transport modes; environmental issues including the flooding and drainage, ecology, biodiversity and trees, use of natural resources including the loss of agricultural land, the impact on the mineral safeguarding area and building sustainability; and whether it makes provision for necessary infrastructure to mitigate its impacts.

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

*Vale of Aylesbury Local Plan (VALP): S1 (Sustainable development for Aylesbury Vale); S2 (Spatial strategy for growth) and S3 (Settlement hierarchy and cohesive development)*

- 5.5 VALP Policy S1 outlines all development must comply with the principles of sustainable development set out in the NPPF. VALP Policy S2 states that the primary focus of strategic levels of growth and investment will be at the most sustainable settlements. Stoke Hammond is identified as a medium village, which is to accommodate growth of 194 new homes, supported by infrastructure. Table 2 sets out the settlement hierarchy and does not identify any new allocations at Stoke Hammond as the existing completions and commitments provide for the required level of growth identified in Policy S2.
- 5.6 VALP Policy S3 states that other than specific proposals which accord with the policies of the plan to support thriving rural communities and the development of allocations, new development in the countryside should be avoided where it would compromise the character of the countryside between settlements and result in a negative impact on the identities of neighbouring settlements or communities leading to their coalescence. In addition, it states that regard will be had to maintaining the individual identity of the village and avoiding extensions that might lead to coalescence.
- 5.7 The application site is sits to the western edge of Stoke Hammond. Within the VALP Stoke Hammond is identified as a medium village and is identified as a moderately sustainable settlement benefitting from some provision of key services and facilities. Stoke Hammond also benefits from local bus routes providing a regular service into the Strategic Settlements of Aylesbury, Leighton Buzzard, Bletchley and other nearby settlements. The site is flanked by a railway line to the west and by built development immediately to the east. Due to the presence of the railway line, the proposal would not result in any coalescence with neighbouring settlements. To the north of the site at 'The Mellows' permission has been granted in outline and subsequent reserved matters approved for the erection of for the demolition of the existing two dwellings and the development of up to 16 new dwellings (16/03698/AOP and 19/00874/ADP) as well as permission for a foul water pumping station associated with these consents (23/00668/APP).
- 5.8 With regards to the application site, the site received outline planning consent followed by reserved matters approval for the construction of 33 dwellings. While the previous outline permission and reserved matters approval have recently lapsed (in August 2022), these remain recent permissions and established the principle of the provision of residential



development on the application site and therefore forms a material consideration. The current proposal includes a similar layout to that approved through the lapsed outline permission and subsequent reserved matters approval, while increasing the overall number of dwellings from 33 to 42 through providing fewer detached houses and increasing the number semi-detached houses.

- 5.9 The previous outline permission on the site (now lapsed), reference: 16/02432/AOP was assessed under paragraph 14 of the National Planning Policy Framework (NPPF) due to the AVDLP housing supply policies being out of date. This paragraph of the NPPF at that time required a "tilted balance" approach. In the assessment of this previous application, moderate weight was given to the benefit of delivery 33 dwellings at that time, due to the AVDLP housing supply policies being out of date but the Council being able to demonstrate a 5.8-year housing land supply.
- 5.10 Consistency in decision-making is important. It means that when there has been a previous decision to grant or refuse planning permission in respect of the same site, this decision is a material consideration on a later application. Given the same location, development type, and continued relevance of paragraph 14 of the NPPF, the previous planning history for the site, with permission having been granted for the erection of 33 dwellings and only lapsing in August 2022, holding significant weight in assessing and determining this application. Departing from the previous decision necessitates a clear explanation and justification.
- 5.11 Within the VALP Stoke Hammond is recognised as a moderately sustainable settlement which is reasonably well connected to services and to local bus routes providing a regular service into the Strategic Settlements of Aylesbury, Leighton Buzzard, Bletchley and other nearby settlements. In addition, the proposal would not result in coalescence with any other settlement given the existing enclosure from the trainline to the west. The site is proposed for development in a manner that is consistent with recent developments off Brook Close. In this context, it is considered the development complies with policies S1, S2 and S3 of the VALP. Having regard to the Council's land supply for housing, moderate positive weight is given to the delivery of housing.

### **Affordable Housing and Housing Mix including Accessible Housing**

*Vale of Aylesbury Local Plan (VALP): H1 Affordable Housing, H6a Housing Mix, H6c Accessibility Affordable Housing SPD.*

#### *Affordable Housing.*

- 5.12 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.
- 5.13 The proposal would provide a development of 42 dwellings within an approximate site area of 1.62 hectares, thereby satisfying the thresholds established by VALP Policy H1 for on-site

provision of affordable housing. The initial proposition to deliver 100% affordable housing was amended by the applicant, resulting in a reduction to a level of affordable housing compliant with policy: equating to 11 affordable dwellings.

- 5.14 In accordance with VALP Policy H1, the proposal would deliver 26% affordable dwellings on site (just above the 25% minimum to be VALP policy compliant) and the provision of such could be secured by way of a S106 agreement. The applicant has not advised that such provision is unviable and has indicated a willingness to enter into a S106 agreement to secure the provision and subsequent retention of affordable housing.
- 5.15 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 units will be required to be wheelchair accessible and 15% Category 3 of Document M wheelchair accessible housing and remainder to meet category 2, accessible / adaptable housing. This is a matter that is secured by Condition 3 in the draft list of conditions.
- 5.16 The scheme would therefore provide a policy compliant level of affordable housing subject to the above requirements being secured via S106 agreement and conditions. This would be a significant benefit of the development.

*Housing Mix including Adaptable & Accessible Housing*

- 5.17 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.
- 5.18 The housing mix of the 42 dwellings proposed is set out in the table below:

Market Housing	Number	Percentage	HEDNA %
1 x bed flat	0	0%	4%
2 bed flat	0	0%	4%
2 bed house	12	39%	13%
3 bed house	19	61%	52%
4 bed house	0	0%	21%
5 bed house	0	0%	6.5%
Total	31		

Affordable Housing	Number	Percentage	HEDNA %

1 x bed	2	18%	9%
2 bed flat	0	0%	6%
2 bed house	5	45%	38%
3 bed house	3	27%	38%
4 bed house	1	9%	9%
5 bed house	0	0	0%
Total	11		

- 5.19 As illustrated by the tables above, the proposed split of market and affordable housing does generally respond to the needs identified by the HEDNA.
- 5.20 After consulting with the Council's affordable housing officer, it was determined that there was a higher demand for 1 bed 2 person and 4 bed 7-8 person houses. To address this, the applicant proposed the inclusion of 2 x 1 bedroom and 1 x 4 bedroom houses as affordable housing. This change resulted in the development providing an appropriate mix of affordable dwellings, consistent with Policy H6a of the VALP.
- 5.21 As indicated above policy H6c requires that all housing meets at least category M4 (2) accessible / adaptable dwellings (unless unviable to do so). The applicant has confirmed by through the submitted plans that all dwellings comply with the Nationally Described Space standards and M4(2) category housing with 15% of the affordable housing also complying with M4(3) category (wheelchair accessible) housing. This is proposed to be secured through the imposition of an appropriate condition.
- 5.22 Overall, it is concluded that the proposal would provide a good range of housing, with an appropriate percentage of affordable and accessible / adaptable housing to contribute to meeting the needs of the community and the overall housing supply of the district. In this respect, the development would accord with the relevant Development Plan policies, in particular VALP policies H1, H6a, H6b and H6c. Given the challenges regarding the provision of affordable housing including a mix of tenure and sizes, the provision of affordable housing should be afforded significant positive weight in the planning balance.

### **Transport matters and parking**

*Vale of Aylesbury Local Plan (VALP): T1 (delivering the sustainable transport vision), T4 (capacity of the transport network to deliver development), T5 (delivering transport in new development), T6 (vehicle parking), Appendix B (parking standards), T7 (footpaths and cycle routes), T8 (electric vehicle parking)*

#### *Access*

- 5.23 The proposal includes a single point of access into the application site via Brook Farm

Close. The Highways Officer has raised no objection to the proposed access. Brook Farm Close is of sufficient width to accommodate the vehicle movements associated with the proposed development. The estate roads within the development are of sufficient width also. All footways that run alongside the estate roads are of sufficient width to accommodate pedestrian traffic safely. It should be noted that the tracking information submitted does show that the site can be traversed by a 11.2m vehicle, ensuring adequate servicing can be achieved.

#### *Highway Safety*

- 5.24 The Highway Authority have conducted their own assessment of trip generation associated with the proposed development and expect approximately 190 2-way trips per day with peaks of 11 and 12 one way movements at 17.00 - 18.00 and 08.00 - 09.00 respectively. Whilst this will be an intensification of the existing site, the Highway Authority is satisfied that the proposed development will not have a material impact on the capacity of the local highway network.

#### *Car parking*

- 5.25 According to the VALP standards, based on the sizes of dwellings proposed, a total of 96 car parking spaces are required. The application provides a total of 97 car parking spaces including visitor parking throughout the development at 2.8 x 5m in accordance with VALP standards. The proposed scheme would provide policy compliant levels of car parking to serve the development in accordance with Policy T6 of the VALP.

#### *Cycle parking*

- 5.26 The cycle parking standards in the VALP require each dwelling to be provided with 1 secure cycle parking space per dwelling. A review of the plans suggest that the site can accommodate this. Details of cycle parking provision will be secured by condition to ensure compliance with standards in the VALP and promote the use of sustainable modes of transport.

#### *Electric Vehicle Charging Points*

- 5.27 Policy T8 requires that one vehicle dedicated charging point is provided for each dwelling with a driveway or garage and at least two parking bays shall be marked out for use by electric vehicles only with charging infrastructure and cabling. A review of the plans indicates the development could meet these requirements and a condition is recommended to ensure details are provided of the electric vehicle charging provision in line with Policy T8 of the VALP.

#### *Sustainable travel*

- 5.28 The proposed access to the site is located 280m from the nearest bus stop, which provides an hourly service to Milton Keynes. However, Stoke Hammond lacks any major grocery or retail opportunities leaving residents of the proposed development reliant on travel to Milton Keynes/Newton Leys to the north or Leighton Buzzard to the south. There is a similar situation regarding leisure travel and employment opportunities. This will increase dependence on private vehicles for residents of the proposed. However, despite this,

taking into account the trip generation associated with the proposed development, and the recent permission at this site which permitted 33 dwelling on the site, the proposal would not result in a significant number of additional trips.

- 5.29 It is concluded that the proposal would not have a harmful impact on the local highway network. Furthermore, the proposal would be served by safe and suitable access points and a range of sustainable transport choices with improved walking and cycling links to connect to local amenities and facilities, subject to appropriate conditions.
- 5.30 Therefore, subject to appropriate conditions, the proposal would accord with local and national policy, in particular with the aims of VALP policies T1, T4, T5, T6, T7 and T8 and would not have an unacceptable impact on highway safety, would not have a severe residual cumulative impact on the road network and would provide adequate car parking, cycle parking and electric vehicle parking, the provision of which can be secured via suitable conditions. The matters of transport and parking impacts are therefore afforded neutral weight in the planning balance.

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

*Vale of Aylesbury Local Plan (VALP): BE2 (Design of new development); BE4 (density of new development), NE4 (Landscape character and locally important landscape)*

- 5.31 The proposed development seeks a single access point to the north-eastern corner of the site off Brook Farm Close, which leads onto Leighton Road. An attenuation feature is situated to the north of the site, adjacent to the existing watercourse and the adjoining attenuation basin part of the development on Brook Farm Close.
- 5.32 The proposal is similar in many regards to the development of 33 dwellings previously approved on the site. The development is able to achieve adequate spacing and separation distances, parking and private amenity space and thus would not result in an overdevelopment. All the dwellings proposed are to be two stories in height which is consistent with the adjacent development on Brook Farm Close.
- 5.33 The pattern of development including its density at 26 dwellings per hectare broadly follow that of the development to the east. The proposal would have an appearance based on a local palette of materials to respond to the characteristic of Stoke Hammond. The plans illustrate that proposed houses are all outward facing onto the public realm with back to back gardens providing surveillance and reducing opportunities for crime and anti-social behaviour. Each dwelling includes soft landscaping within the front garden, including the planting of trees, contributing positively to the streetscape. The hard landscape treatment includes a home zone approach which will reflect the development off Brook Farm Close. Final hard landscaping details are sought by condition. Details of any external and road lighting could be secured by condition to ensure compliance with the requirements of VALP Policy NE5. While concerns may arise regarding the reduced number of detached properties in terms of housing mix, the layout, density and design are deemed compatible

with the surrounding area.

### *Landscape Impacts*

- 5.34 The application site is well contained by the railway line to the west and existing built form to the east, with mature soft landscape planting providing screening to the northern and southern boundaries. It is considered that in this context and having regard to the previous consent for this site, the proposal would not result in harm to the wider landscape. Whilst the proposal would result in change to the landscape, changing from a greenfield site to accommodate 42 dwellings with associated parking and landscaping, it is not considered that change in itself is harmful, and the landscape impacts of development would be localised. The grant of planning permission previously for 33 dwellings on the site is also a material consideration. As such, it is considered neutral weight should be afforded to this matter in the planning balance.
- 5.35 The details concerning both hard and soft landscaping, inclusive of boundary treatments within the site and the area adjoining the railway, are to be secured by condition. Adhering to the principles outlined in the Aylesbury Vale Design Supplementary Planning Document (SPD), final specifications regarding finishes is also required by condition. Subject to securing conditions, the development is consistent with Policies BE2, BE4, and NE4 of the VALP (2021) and the Aylesbury Vale Area Design SPD. The matters of placemaking, design and landscape impacts are therefore afforded neutral weight in the planning balance.

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

*Vale of Aylesbury Local Plan (VALP): policy BE3 (Protection of the amenity of residents), NE5 Pollution, air quality and contamination*

- 5.36 Although there is an increase of 9 units in comparison to the previously approved scheme on the site, this is largely achieved through decreasing the number of detached properties and garages and increasing the number of semi-detached properties. In terms of existing adjoining residents, the properties most likely to be affected are those backing onto the site in Brook Farm Close. However as with the previous application, the proposal is separated by rear gardens. The separation between the existing properties and the proposed development will be 23 metres, measured between facing windows. Overall, the proposal would not result in harm to the amenity of the neighbouring properties. The amendments would have no greater effect on the amenities of existing residents than the previous permission. Sufficient external amenity space is provided for each dwelling such to achieve a satisfactory standard of amenity for future occupiers. The matters residential amenity is afforded neutral weight in the planning balance.

### *Noise and Vibration*

- 5.37 To ensure a satisfactory relationship for properties closest to the railway line, the application has been supported by an initial noise report. The report highlighted that the development was subject to high noise levels from the adjacent railway and the nearby A4146. A noise mitigation report was prepared by Enzygo Environmental Consultants which

outlined a number of recommendations. The report adheres to the principles established by the Environmental Health Officer as part of the reserved matters application reference: 19/03246/ADP (11.02.2021). This application follows the layout previously agreed under the reserved matters consent, the dwellings are no closer to the railway line than the previously consented scheme.

- 5.38 It is acknowledged that the Noise Mitigation Statement indicates that noise levels would not align with the recommended guidelines without mitigation. Furthermore, it is recognised that these guideline values may not be attainable in all circumstances where development is deemed desirable. In areas characterised by heightened noise levels, such as those adjoining the strategic transport network, a balance between elevated noise levels and other considerations, such as the convenience of residing in these areas or the efficient utilisation of land resources to meet development needs, may be warranted.
- 5.39 The applicant has committed to a condition which seeks further detail of noise mitigation measures which were also previously secured under ref: 19/03246/ADP (11.02.2021), the number of dwellings in the high-noise area has not increased. Subject to securing appropriate condition, it is considered that a reason for refusal on this basis could not be sustained. Overall, the proposal would comply with Policy BE3 of the VALP (2021). As such, it is considered neutral weight should be afforded to this matter in the planning balance.

### **Ecology, Biodiversity and Trees**

*Vale of Aylesbury Local Plan (VALP):) NE1 (Biodiversity and geodiversity), NE2 (river and stream corridors), NE8 (Trees, hedgerows and woodlands)*

- 5.40 The first aspect of Policy NE1 relates to Protected Sites, encompassing areas inhabited by protected species. The proposed development falls within the red impact zone designated for great crested newts. Nine ponds are situated within a 500-metre radius of the proposed development site, with the nearest pond positioned 50 metres to the southeast. Additionally, there are two ponds located at distances of 435 metres and 440 metres to the east, two more at 160 metres and 290 metres to the north, two ponds at 380 metres and 425 metres to the south/southeast, and one pond located 490 metres to the southwest. The final pond lies 150 metres west of the site. Records indicate the presence of great crested newts within 500 metres of the proposed development. The landscape features connectivity between the development and its surroundings through hedgerows, grassland, and small woodland blocks. The applicant has affirmed their intention to participate in the District Licensing Scheme with NatureSpace to address conservation concerns, as required by Buckinghamshire Council's District Licence scheme. Compliance with the initial part of Policy NE1 is demonstrated through adherence to the District Licence requirements, which include specific conditions and informatives to be incorporated into the decision notice.
- 5.41 The second part of VALP Policy NE1 requires protection and enhancement of biodiversity and geodiversity and the policy also requires proposals for minor and major development to demonstrate a measurable net gain in biodiversity.
- 5.42 Full detail on the levels of biodiversity net gain (BNG) (through the use of a biodiversity

metric) and associated Habitat Impact Assessment calculations were required following the submission of the application. This policy was introduced in the VALP and was not in place at the time of the consideration of the previous permissions on the site.

- 5.43 Initially, the submitted information lacked clarity regarding hedgerows and failed to demonstrate compliance with biodiversity net gain requirements. Subsequent correspondence with the applicant clarified that biodiversity habitats have increased from the previous application. However, the evidence submitted does not sufficiently demonstrate on-site biodiversity net gain, thereby conflicting with Policy NE1 of the VALP (2021). Discussions with the applicant ensued, leading to a recognition that while the proposed scheme represents an improvement in biodiversity habitats compared to the existing permission on the site, it fails to achieve a measurable net gain in biodiversity and therefore fails to comply with the second part of VALP Policy NE1. Furthermore, there is no intention to mitigate or compensate for the net loss in biodiversity through off-site provision. Consequently, given the lack of net gain in biodiversity, the proposal fails to comply and conflicts with Policy NE1 of the VALP (2021).

#### *Trees*

- 5.44 The application site does not currently contain any existing trees. In areas where hedges are present, they will be preserved and reinforced to serve as the boundary and soft landscaping feature within the proposed development. Additionally, the development is at odds with the specific buffer outlined in Policy NE8, which mandates a 10-meter gap between built structures and existing natural buffers. However, it should be noted that the footprint of this development does not encroach closer to the boundaries than the previous permission allows. As such, whilst the relevant buffer would not be achieved it is not considered the proposal would result in an unacceptable detrimental impact on trees or hedgerows and the scheme accommodates the provision of new soft landscape planting including trees. Overall, it is therefore considered the proposal accords with the aims of Policy NE8 of the VALP and is acceptable with regards to the impact on trees and hedgerows.
- 5.45 Overall, whilst subject to a Great Crested Licence being obtained the proposal adequately addresses the impact on protected species and is acceptable with regards to the impact on trees and hedgerows, its failure to achieve a net gain in biodiversity results in conflict with Policy NE1 of the Vale of Aylesbury Local Plan. This conflict with development plan policy is afforded moderate negative weight in the planning balance.

#### **Flooding and drainage**

*Vale of Aylesbury Local Plan (VALP): 14 (Flooding); 15 (drainage)*

- 5.46 The aforementioned policies require that development layouts be informed by drainage strategies, including Sustainable Drainage Systems (SuDS), and demonstrate effective surface water management to mitigate potential flood risks elsewhere, accounting for



climate change modelling and effects.

- 5.47 Regarding flood risk, the application site is situated within flood zone 1 (fluvial flooding); however, given its size exceeding 1 hectare, a Flood Risk Assessment is required. Consultation was conducted with the Local Lead Flood Authority (LLFA) and the Buckingham and River Ouzel Drainage Board (IDB), both of whom initially raised objections to the proposal. An addendum was subsequently submitted, specifying a revised discharge rate of 2.5 litres per second to the Board's watercourse, deemed acceptable subject to a suitable condition. The LLFA is satisfied that surface water runoff generated by the development would be managed by a pond with an outfall to the IDB watercourse to the north of the site, thereby retracting their objection subject to conditions.
- 5.48 The Buckingham & River Ouzel Internal Drainage Board, in their comments, requested the imposition of conditions mandating the applicant to obtain consent from the drainage board to discharge into the nearby watercourse and comply with their bylaws. This request pertains to civil matters and separate legislation; thus, this information will be provided as an informative.
- 5.49 Therefore, subject to conditions, the proposal is deemed to align with policies I4 and I5 of the VALP and the NPPF in this regard. The matters of flooding and drainage impacts are therefore afforded neutral weight in the planning balance.

### **Historic environment including Archaeology**

#### *Vale of Aylesbury Local Plan (VALP): BE1 (Heritage assets)*

- 5.50 Stoke Hammond's Conservation Area is divided into two areas. The application site is situated approximately 80 metres from Stoke Hammond's southern conservation area and approximately 156 metres from the nearest listed building, Stoke Lodge, a Grade II Listed building located to the northeast of the site. Due to the distances involved and intervening built form, it is considered the proposal would not have an impact on any designated heritage assets including their settings. Furthermore, the proposal is not in proximity to any non-designated heritage assets, thus no harm is identified.
- 5.51 According to the requirement in the National Planning Policy Framework (NPPF), when evaluating the impact of a proposed development on the significance of a designated heritage asset, considerable weight should be given to the asset's conservation, regardless of the level of harm identified. However, the assessment reveals no harm to such heritage assets, and there is no necessity for further assessment. Therefore, it is deemed that the local authority has fulfilled its statutory obligation to give great weight to the preservation of the setting of nearby listed buildings and the enhancement of the character or appearance of the conservation area, as required by sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.52 Furthermore, no harm has been discerned concerning any nearby non-designated heritage assets. Consequently, the proposal aligns with VALP Policy BE1, Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, and the guidance outlined in

proposals impacting heritage assets within the National Planning Policy Framework.

- 5.53 In accordance with the aims of the NPPF and VALP Policy NE1 the LPA has considered the potential impact of the proposed development upon both designated and non-designated heritage assets of archaeological interest.
- 5.54 There are no designated heritage assets of archaeological interest on the application site.
- 5.55 An Archaeological Evaluation was submitted in support of this planning application.
- 5.56 Archaeological evaluation in the form of a geophysical survey and trial trenching has been undertaken at this site and the reports supplied to the Historic Environment Records (HERs). Neolithic/early Bronze Age features and pottery sherds were recorded in a couple of the trial trenches.
- 5.57 The Council's Archaeologist was consulted on this planning application and advises that the features and finds discovered within the trial trenches warrant further investigation through an archaeological excavation. Subject to securing further investigations by way of planning condition, the development would accord with Policy BE1 of the VALP.
- 5.58 Overall, the impact on heritage assets including archaeological assets is therefore afforded neutral weight in the planning balance.

### **Loss of agricultural land**

*Vale of Aylesbury Local Plan (VALP): NE7 (Best and most versatile agricultural land)*

- 5.59 The application site is currently undeveloped agricultural land.
- 5.60 VALP Policy NE7 requires that proposals involving development of agricultural land shall be accompanied by an assessment identifying the Grades (1 to 5) Agricultural Land Classification. Where development involving best and most versatile agricultural land (Grades 1, 2 and 3a) is proposed, those areas on site should be preferentially used as green open space and built structures avoided. Where significant development would result in the loss of best and more versatile agricultural land, planning consent will not be granted unless:
  - a) There are no otherwise suitable sites of poorer agricultural quality that can accommodate the development, and
  - b) The benefits of the proposed development outweighs the harm resulting from the significant loss of agricultural land Loss of agricultural land.
- 5.61 In this instance, there is no evidence submitted to allow an assessment of the proposal in respect to the impact on the quality and grade of the land and as such it fails to comply with policy requirements. However, having regard to the previous approval on the site for 33 dwellings (planning permission refs 16/02432/AOP and 19/03246/ADP) in which the loss of agricultural land was permitted, the fact that the current proposal does not involve any additional land take compared to the previous permissions and that the application site

only extends to 1.62 hectares, any loss of Best and Most Versatile agricultural land would not be significant and Officers do not consider that a reason for refusal on the basis of the loss of Best and Most Versatile agricultural land could be sustained. As such, it is considered the proposal does not conflict with the aims of VALP policy NE7 and the aims of the NPPF with regards to the loss of Best and Most Versatile agricultural land. The impact of the proposal with regards to loss of agricultural land is therefore afforded neutral weight in the planning balance.

### **Minerals safeguarding**

#### *Buckinghamshire Minerals and Waste Local Plan: Policy 1*

- 5.62 The application site is located within a Minerals Safeguarding Area (MSA), as defined by the Buckinghamshire Minerals and Waste Local Plan (BMWLP) 2016-2036 (adopted July 2019).
- 5.63 Policy 1 (Safeguarding Mineral Resources) of the BMWLP requires that proposals for development within MSAs, other than that which constitutes exempt development, must address the criteria set out by Policy 1, and be supported by a Mineral Assessment.
- 5.64 Box 1 of the BMWLP sets out development which is exempt from Policy 1 (Safeguarding Mineral Resources). The exemptions include amendments to previously approved/current permissions (with no additional land take involved).
- 5.65 In this instance, having regard to the previous approval on the site for 33 dwellings (planning permission refs 16/02432/AOP and 19/03246/ADP) and the fact that the current proposal does not involve any additional land take compared to this previous permission, the development proposal is not found to be in conflict with BMWLP Policy 1. This matter is afforded neutral weight in the planning balance.

### **Waste and recycling and Building Sustainability**

#### *Vale of Aylesbury Local Plan (VALP): C3 (Renewable Energy), I5 (Water resources and infrastructure)*

- 5.66 Policy C3 of the VALP stipulates that development schemes should prioritise greater efficiency in the use of natural resources. This includes measures aimed at minimising energy consumption, enhancing water efficiency, and promoting waste minimisation and recycling. Additionally, developments are encouraged to minimise, reuse, and recycle construction waste wherever feasible. Policy C3 further requires that an Energy Statement be provided for major residential developments (comprising over 10 dwellings) to demonstrate adherence to the energy hierarchy.
- 5.67 The Energy and Sustainability Statement submitted by the applicant advocates for a fabric-first approach, requiring the use of highly insulated walls, floors, and roofs, along with energy-efficient measures. The applicant has committed to using air-sourced heat pumps, which are anticipated to result in a reduction of more than 40% in CO2 emissions. To

ensure compliance with VALP Policy C3 and the objectives outlined in the National Planning Policy Framework (NPPF), it is deemed necessary to secure an Energy Statement confirming the proposed energy efficiency measures for the development through a condition. Subject to these conditions, the proposal aligns with Policy C3 of the VALP.

- 5.68 A condition requiring the dwellings to be built and fitted out so as not to exceed the optional water consumption standard of 110 litres per person per day, as set out in Approved Document G of the Building Regulations 2010 (as amended) is also required. This is in accordance with VALP Policies C3 and Policy I5. This acknowledges the susceptibility of the former Aylesbury Vale area to future drought conditions. The sustainability credentials of the proposed development which includes a fabric first approach, use of air source heat pumps and steps to reduce water usage is afforded limited positive weight in the planning balance.
- 5.69 The development is deemed acceptable in terms of access for refuse vehicles, waste storage provisions, and the distances required for waste collection.

### **Land contamination**

*VALP Policies: NE5 Pollution, air quality and contaminated land*

- 5.70 The application site is agricultural land and the planning history does not suggest the site has been subject to any activities which may have generated pollutants. A ground conditions report was submitted as part of the application which has not identified any sources of contamination. As such, the proposal is considered to accord with Policy NE5 of the VALP and is acceptable in this regard. This matter is afforded neutral weight in the planning balance.

### **Green networks and infrastructure**

*VALP Policies: I1 Green infrastructure, I2 Sport and recreation, I3 Community facilities, infrastructure and assets of community value*

- 5.71 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.
- 5.72 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.
- 5.73 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. 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 and MUGAs) as set out in the Fields in Trust (FiT) publication will be required.

- 5.74 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.
- 5.75 The proposal generates the following requirements:
- Minimum Major Open Space requirement = 1,073m<sup>2</sup>
  - Minimum Incidental Open Space requirement = 1,252 m<sup>2</sup>
  - Minimum Equipped Play Area requirement = 400m<sup>2</sup> LEAP
- 5.76 Stoke Hammond has only one play area, which is situated over 800 metres away from the furthest dwelling within the proposed development (and over 600 metres from the nearest), significantly exceeding the recommended minimum safe walking distance of 400 metres for all dwellings to have access to a Local Equipped Area for Play (LEAP) as advised by Fields in Trust. Moreover, accessing this play area would necessitate crossing the main Leighton Road that runs through Stoke Hammond, further adding to the inaccessibility for the intended users. The proposal fails to provide adequate open space on-site in accordance with the policy requirements; however, the layout and the minimal incidental open space provision are consistent with the previous application approved for this site, which granted permission for 33 dwellings. Given the lack of open space provision on-site, the proposal is found to be in conflict with Policy I1 of the VALP.
- 5.77 To mitigate the impact of development, a contribution of £122,925 towards sport and leisure is sought, to be allocated for the improvement of open space and play provision in Stoke Hammond, in agreement with the Parish Council. This financial contribution, which seeks to mitigate the impact of the development will be secured through a Section 106 obligation. Whilst the provision of a financial contribution seeks to mitigate the impact and is a material consideration, the proposal remains in conflict with Policy I1 of the VALP. This conflict with development plan policy, however given the financial contribution is proposed to mitigate against this, this is afforded moderate negative weight in the planning balance.

### **Infrastructure and Developer Contributions**

*Vale of Aylesbury Local Plan (VALP): S5 (Infrastructure), I3 (community facilities, infrastructure and assets of community value), H1 Affordable Housing*

- 5.78 The above-mentioned policies require that conditions will be imposed on permissions or

planning obligations will be sought in order to secure appropriate community facilities, or financial contributions towards community facilities, reasonably related to the scale and kind of development proposed.

5.79 Through this application, the following contributions are sought to mitigate the impact of the development:

- Affordable housing – 26% overall, with the split of 80% affordable rent and 20% shared ownership together with arrangements for its provision
- Contribution of £122,925 towards open space
- Provision of £230,258 towards the Council's secondary school expansion in the area, specifically, the expansion of Cottesloe School.

5.80 The Education Officer has confirmed that there is insufficient school capacity locally. The catchment secondary school is operating at close to capacity, over the recommended limits, and contributions will go towards expansion schemes to ensure that the demand generated by this and other local developments can be met. The contributions are based on the per pupil cost likely to be generated by the development is therefore necessary and justified. The amount is calculated based on the latest related DfE costs and in accordance with well-established principles.

5.81 It is considered, by officers, that without the above-mentioned contributions, the impacts of the development would not be appropriately mitigated and would adversely impact on the provision of open space and education for new and existing residents.

5.82 While the Clinical Commissioning Group was consulted in relation to health facilities, they advised that access to GP appointments and healthcare provision is a wider issue, and the impact of smaller developments is harder to evidence in terms of healthcare provision. On this basis, no contribution in relation to health is recommended or sought.

5.83 The applicant has confirmed that they are willing to enter into a legal agreement on this basis. Subject to securing a legal agreement, the proposal would accord with Policies I3, S5 and H1 of the VALP and these contributions would be necessary to enable the impacts of the proposal to be satisfactorily mitigated.

## **Other Matters**

### *Housing Land Supply*

5.84 The Council is unable to demonstrate a 5-year housing land supply (HLS) and thus the tilted balance of NPPF paragraph 11 should apply. The Council has recently published the 5-year Housing Land Supply Position Statement September 2023 (updated 8 January 2024) which confirms that there is a 4.7 year supply of housing sites for the period 2023-28, representing a shortfall of 459 dwellings. As indicated above, the NPPF 2023 has introduced changes to the requirements for a 5-year housing land supply to be demonstrated as set out in paragraph 76 but given that this application was submitted before the publication of the NPPF 2023, this policy does not apply.

### *Management of Road*

- 5.85 In addition to the above assessment, several representations were received during the application process regarding the management of the unadopted road in front of the site. The ownership and management of the road in front of the site are civil matters for the applicant to resolve with the landowner and management company outside of the planning process. For the purposes of the application, the Applicant has demonstrated that notices were served.

### *Gas Tank*

- 5.86 As part of the adjacent development, which is completed, a gas compound was installed next to the northeastern boundary of the site. No amendments to this existing provision are to be made as part of this proposed development, and the existing gas tank falls outside the development boundary for this application.

### *Piecemeal development*

- 5.87 Whilst Officers do typically prefer a comprehensive approach to developments, the Local Planning Authority, in most instances, is unable to require the development of sites to come forward as part of a single application. Officers are therefore required to determine each scheme on its own individual merits.

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

- 6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 6.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- Provision of the development plan insofar as they are material,
  - Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - Any other material considerations
- 6.3 The NPPF is a significant material consideration, and the proposal should be assessed against relevant policies. Paragraph 11 is of relevance.
- 6.4 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. It states that for decision-taking this means:
- (c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (footnote 8), granting permission unless

- the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.5 Footnote 8 has been amended in the latest version of the NPPF and states:

“This includes, for the applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if application, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76 or (b) where the Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.”

6.6 Paragraph 76 of the NPPF states that Local Planning Authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing for decision-making purposes if the following criteria are met:

- Their adopted plan is less than five years old; and
- That adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.

6.7 Paragraph 76 does apply to planning decision made in the VALP area however there is a further transitional requirement identified in footnote 79 which requires that the exception contained in this paragraph should only be taken into account as a material consideration when dealing with applications made on or after the date of the publication of this version of the Framework. That date being 20th December when a further edition of the NPPF was published which corrected errors in the 19th December publication.

6.8 In this instance the application was submitted 31st January 2023 and does not benefit from the exception in paragraph 76.

6.9 It should be noted that the presumption in favour of sustainable development does not displace S38(6) and a planning application should be determined in accordance with the relevant policies of the development plan unless material considerations indicate otherwise.

#### *Accordance with the Development Plan*

6.10 Having regard to the detailed assessment above, it is noted that there is compliance with a number of policies of the development plan. However, the application fails to deliver a policy compliant level of biodiversity net gain or on-site open space in line with the



requirements in the Vale of Aylesbury Local Plan (VALP).

- 6.11 Having regard to these policy conflicts, it is concluded that the proposal does not comply with the development plan as a whole.
- 6.12 In the context of the 'presumption', it is necessary to consider the implication of NPPF paragraph 11(d) which is 'triggered' by virtue of the lack of a demonstrable 5-year housing land supply.

*Assessment under NPPF paragraph 11(d)*

- 6.13 The first part of this paragraph (i) indicates that the 'presumption in favour of granting permission' will not apply if **“the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”**. The policies referred to in this paragraph are those in the NPPF and are set out in footnote 7 to the policy. They relate to habitats sites, and/or designated SSSIs, Green Belt, Local Green Space, AONBs, National Parks (or within Broads Authority), Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.
- 6.14 The only policies of relevance to this case are those related to designated heritage assets. However, it has been concluded (above) that there would be no harm caused to the affected designated asset and their settings (Stoke Hammond Conservation Area and Listed Buildings). Therefore, in the context of the above policies, there is no clear reason for refusing the development proposed thus the presumption does apply and the proposal needs to be assessed against part (ii).

*Adverse impacts of the proposal*

- 6.15 As outlined in the preceding sections of the report, the proposal is in conflict with several policies outlined in the development plan, specifically policies NE1 and I1 of the VALP. The failure to achieve biodiversity net gain and the inadequate provision of open space within the development fail to comply with the requirements in the VALP (2021). Having regard to these policy conflicts, it is concluded that the proposal does not comply with the development plan as a whole.
- 6.16 Nevertheless, there is a notable increase in habitats (+19.59%) and hedgerow units (+46.56%) compared to the specifications outlined in ref: 16/02432/AOP (previous permission on the site for 33 dwellings). Additionally, a contribution towards sports and recreation facilities is proposed to alleviate the deficiency in open space provision.
- 6.17 Therefore, while conflicts with policies NE1 and I1 of the VALP are evident, the overall negative impacts of the application proposal are tempered by the contribution towards sports and recreation facilities to be secured through a Section 106 legal agreement and used towards improving and/or enhancing existing facilities in the locality. Accordingly, these adverse impacts arising from the conflict with policies in the development plan are afforded moderate negative weight in the planning balance. Whilst these matters result in the proposal conflicting with policies in the VALP, the grant of planning permission previously for the provision of 33 dwellings of the site, which only recently lapsed in August

2022 forms a material consideration which should be taken into account.

*Benefits of the proposal*

- 6.18 One key benefit of the scheme is the contribution it will make to the authority's housing supply although this is tempered by the number of houses being provided. It is notable that there are no known legal or other constraints which could delay implementation of the scheme and therefore it is reasonable to anticipate the development being deliverable within the next 5 years such to assist with the delivery of housing and contribute towards the identified shortfall. In the context of a lack of a 5-year supply, the benefit of the provision of 42 dwellings in a sustainable location immediately adjacent to the medium village and moderately sustainable settlement of Stoke Hammond should be given moderate positive weight in the planning balance.
- 6.19 Another key benefit of the scheme is that the development includes 11 affordable dwellings, constituting 26% of the total number of dwellings provided. The scheme is therefore policy compliant in this regard and would deliver affordable dwellings on-site. The development will therefore make a valuable contribution towards affordable housing provision in the former Vale of Aylesbury area. A range of housing types and sizes are also proposed, contributing to local community needs, though that is a requirement of policy. Overall, given the challenges regarding the delivery of affordable housing, significant positive weight should be given to these benefits in the planning balance.
- 6.20 The economic and social benefits that can be associated with such development, such as contributing to the local and wider economy through local spending by future occupiers of the development and construction jobs during the construction of the proposal are acknowledged. Overall, moderate positive weight should be given to these benefits in the planning balance.
- 6.21 The construction of the development will include energy efficiency measures, incorporating air source heat pumps and measures to decrease water consumption. The 'fabric first' approach will be adopted, exceeding the requirements of building regulations. These benefits are given limited positive weight in the planning balance.

*Conclusion on paragraph 11(d)*

- 6.22 Having regard to the [footnote 7] policies of the NPPF, there is no clear reason for refusal. Taking into account the above, it is concluded that, notwithstanding the weight that should be given to the policy conflicts, they do not significantly and demonstrably outweigh the benefits when assessed against the policies in the framework when taken as a whole. Therefore, having regard to the provisions of paragraph 11d) of the NPPF, planning permission should be granted subject to the proposed conditions and a S106 agreement.

***Overall S38(6) balance***

- 6.23 It is concluded that whilst there is conflict with the development plan overall, there are material considerations, which in this case is the previous permission for 33 homes, and

the policies of the NPPF in particular the application of paragraph 11, that indicate that permission should be granted.

- 6.24 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.
- 6.25 The protection of property and the peaceful enjoyment of possession under Article 1 of the Human Rights Act, and the right to respect for private and family life under Article 8 of the Human Rights Act have been taken into account in considering any impact of the development on residential amenity and the measures to avoid and mitigate impacts. It is considered that the proposed development would not infringe on these rights.
- 6.26 It is considered that there are no other reasons why permission should not be granted, subject to conditions to include those identified within section 7 of this report, a Great Crested Newt license being obtained and to the prior completion of a S106 agreement to secure the obligations set out in the report, necessary to mitigate the impact of the development.

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

- 7.1 In accordance with paragraph 38 of the NPPF (2023) 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.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application. In this case, the applicant was given an opportunity to provide amended plans and more information clarifying aspects of the application.

### **8.0 Recommendation**

- 8.1 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore recommended that the application be deferred and delegated to the Director of Planning and Environment for **APPROVAL** subject to the satisfactory negotiation and completion of a S106 agreement and Great Crested Newt license to secure the requirements set out in the report, such approval to be subject to the conditions set out below (with any amendments or additions as considered appropriate by Officers), or to refuse if a satisfactory S106 agreement cannot be completed for such reasons as the Service Director of Planning and Environment considers appropriate.

#### Recommended conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans as follows:

- *Site Location Plan (drg no A19-081-SLP001 Rev. D)*
- *Proposed Site Layout Parking (drg no. A19-081-PL016 Rev. C)*
- *Proposed Tenure Layout (drg no. A19-081-PL020 Rev. G)*
- *Proposed Site Layout (drg no. A19-081-PL014 Rev. H)*
- *Proposed House Types A and B (drg no. A19-081-PL011 Rev. E)*
- *Proposed House Types – Plots 15,16,17 (drg no. A19-081-PL025)*
- *Proposed House Types E and F (drg no. A19-081-PL013 Rev. B)*

Reason: For the avoidance of doubt and in the interest of proper planning.

#### *Accessible Housing*

3. The proposed dwellings shall be designed to provide an appropriate level of accessibility and adaptability, with all dwellings compliant with Category 2 (Part M4(2) of the Building Regulations and 15% of the affordable units compliant with Category 3 (Part M4(3) of the Building Regulations) unless demonstrated by an accompanying report that the development would be unviable to do so.

Reason: To ensure that the development provides an accessible and inclusive development and to comply with policy H6c of the Vale of Aylesbury Local Plan.

#### *Highways*

4. No development shall commence, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the routing of construction vehicles;
  - ii) construction access details, temporary or otherwise;
  - iii) the parking of vehicles of site operatives and visitors;
  - iv) loading and unloading of plant and materials;
  - v) storage of plant and materials used in constructing the development;
  - vi) construction working hours;
  - vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - viii) wheel washing facilities;
  - ix) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: A pre-commencement condition is required in order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with Policy T5 of the VALP (2021).

5. No dwelling hereby permitted shall be occupied until the access has been built in accordance with A19-081-PL020 Rev. G the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note 'Private Vehicular Access Within Highway Limits' 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highways and of the development and to accord with policy T5 of the VALP (2021).

6. Prior to the initial occupation of any dwelling hereby approved, a comprehensive plan detailing car parking, manoeuvring areas (including the designated location of electric vehicle charging points), and cycle parking must be submitted to and approved in writing by the Local Planning Authority. Thereafter, these designated areas and associated electric vehicle charging infrastructure must be laid out prior to first occupation of the dwelling to which it relates and maintained and preserved for their intended use indefinitely and may not be repurposed for any other use. The electric vehicle charging point must remain operational and be maintained at a useable standard.

Reason: To ensure the availability of adequate facilities for electric vehicles, promote sustainable transportation options, and align with the principles outlined in the National Planning Policy Framework and Policies T6, T7, and T8 of the Vale of Aylesbury Local Plan.

7. No works above ground shall take place until details of the adoptable estate road have been approved in writing by the Planning Authority in consultation with the Highway Authority and no dwelling shall be occupied until the estate road which provides access to it from the existing highway has been laid out and constructed in accordance with the approved details.

Reason: The reason for this pre-commencement condition is to ensure an appropriate road layout is in place before the development commences to minimise danger, obstruction and inconvenience to users of the highway and of the development.

### *Design and Landscaping*

8. No development above ground shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
  - i) earthworks showing existing and proposed finished levels or contours (including SuDS pond);
  - ii) means of enclosure;
  - iii) vehicle parking layouts;
  - iv) other vehicle and pedestrian access and circulation areas;
  - v) hard surfacing materials;
  - vi) external lighting including details of any street lighting;
  - vii) new trees and hedges showing their species, spread and maturity;
  - viii) planting plans including details of tree pits;

- ix) written specifications (including cultivation and other operations associated with plant and grass establishment);
- x) schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate
- xi) boundary treatments across the development including details of acoustic fencing for properties affected by noise from the railway and boundary treatment to the attenuation pond
- xii) details of seating areas and provision of seating

Reason: To ensure a satisfactory appearance to the development and to comply with Policies BE3, NE3, NE4 and BE2 of the VALP (2021) and the National Planning Policy Framework.

9. All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the completion of the development, whichever is the sooner. Any retained trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area in accordance with Policies NE1, BE2 and NE4 of the VALP (2021).

10. The hard landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied. The completed scheme shall be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with Policies BE2 and NE4 of the VALP (2021) and the National Planning Policy Framework.

11. A schedule of materials to be used in the elevations of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction works above ground level. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with Policies BE2 and NE4 of the VALP (2021) and the National Planning Policy Framework.

### *Archaeology*

12. No development shall take place until the applicant, or their agents or successors in title, have undertaken a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. The archaeological investigation should be undertaken by a professionally qualified archaeologist working to the agreed written schemes of investigation and take the form of an evaluation in the first instance.

Reason: To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with Policy BE1 of the VALP (2021).

### *Ecology and biodiversity*

13. No development shall take place (including demolition, ground works, vegetation clearance) unless and until the Landscape and Ecological Management Plan (LEcMP) has been submitted to and approved in writing by the local planning authority. The content of the LEcMP shall include the following.
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management which will (without limitation) include the provision of biodiversity net gain within the Site as shown within the Biodiversity Gain Plan
  - d) Appropriate management options for achieving aims and objectives.
  - e) Appropriate details of biodiversity enhancement features
  - f) Prescriptions for management actions.
  - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period).
  - h) Details of the body or organization responsible for implementation of the plan.
  - i) Ongoing monitoring and remedial measures.

The LEcMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall be for no less than 30 years. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEcMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: The reason for this pre-commencement condition is to ensure appropriate protection and enhancement of biodiversity, to make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare in line with Policy NE1 of the VALP (2021).

14. No development hereby permitted shall take place until a Great Crested Newt License is in place with Nature Space. Details of the license shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall be implemented in accordance with the mitigation principles set out in the District License.

Reason: The reason for this pre-start condition is to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence in accordance with Policy NE1 of the VALP (2021).

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML[1]OR112, or a 'Further Licence'), section 15 of the National

Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

### *Noise*

15. The development hereby approved shall be carried out in accordance with recommendations contained within the Brook Farm III Noise Mitigation, prepared by Enzygo Environmental Consultants, dated 22nd April 2020, ref: SHF.549.002.NO.TL.001 and shall be retained thereafter.

Reason: To ensure the occupiers of the development are not exposed to adverse noise impacts and to accord with Policies BE3 and NE5 of the Vale of Aylesbury Local Plan and the advice within the National Planning Policy Framework.

### *Sustainable Drainage*

16. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles within the Flood Risk Assessment Addendum (22003, 17th June 2022, Welland) 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:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- 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.
- 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.
- Flow depth
- Flow volume
- Flow direction

Reason: This is a pre-commencement condition to ensure that a sustainable drainage strategy has been agreed prior to construction and that there is a satisfactory solution to managing flood risk in accordance with Policy I4 of the VALP (2021) and Paragraph 167 of the National Planning Policy Framework (2021).

17. Prior to the occupation of any dwelling a whole-life maintenance plan for the drainage infrastructure within the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage



system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.

Reason: To ensure that arrangements have been arranged and agreed for the long-term maintenance of the drainage system in accordance with Policy I4 of the VALP (2021) and Paragraph 167 of the National Planning Policy Framework (2021).

### *Sustainability*

18. The energy efficiency measures as outlined within the approved Energy Statement shall provide for no less than a 40% on-site total CO<sub>2</sub> reduction in comparison with total emissions from a building which complies with Building Regulations 2010 and measures to reduce water consumption as detailed within the Energy Statement and shall be installed and operational prior to the first occupation of any dwelling. Should there be any change to the energy efficiency measures within the approved Energy Statement, the following shall be submitted prior to the commencement of the development: A revised Energy Strategy, which shall provide for no less than a 40% onsite total CO<sub>2</sub> reduction in comparison with total emissions from a building which complies with Building Regulations 2013.

The final agreed scheme shall be installed and in operation prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason: In the interest of addressing climate change and to comply with the requirement to achieve greater energy efficiency through the lifetime of the development in accordance with Policy C3 of the Vale of Aylesbury Local Plan (2021), Sections 2, 12 and 14 of the National Planning Policy Framework (2021) and Sections I2, R1 and R2 of the National Design Guide (2021).

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwellings hereby permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control to ensure that the finished appearance of the development will enhance the character and visual amenities of the area and in the interests of residential amenity in accordance with Policies BE2 and BE3 of the VALP (2021).

### *Unexpected contamination*

20. If, during development, contamination not previously identified is found to be present at the site:

- (i) it shall be reported to the local planning authority within 1 working day;
- (ii) no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until site investigations have been carried out and a remediation strategy has been submitted to and approved in writing by the local planning authority detailing how this unsuspected contamination will be dealt with;
- (iii) the remediation strategy shall be implemented as approved
- (iv) no occupation of any part of the permitted development identified in the remediation strategy as being affected by the previously unidentified contamination shall take place until:
  - a. the approved scheme has been implemented in full and any verification report required by the scheme has been submitted to and approved in writing by the local planning authority;
  - b. if required by the local planning authority, any proposals for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action have been submitted to and approved in writing by the local planning authority.
- (v) the long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that the potential contamination of the site is properly dealt with and the risks to the planned end user groups minimised in accordance with Policy NE5 of the Vale of Aylesbury Local Plan (2021) and the National Planning Policy Framework.

## **Informatives**

1. The off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Highways Development Management at the following address for information:-

Highway Development Management (Delivery)  
Buckinghamshire Council  
6th Floor, Walton Street Offices  
Walton Street,  
Aylesbury  
Buckinghamshire  
HP20 1UY  
[highwaysdm@buckinghamshire.gov.uk](mailto:highwaysdm@buckinghamshire.gov.uk)

- 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.
- 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.

2. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

3. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newt are thereby committed then criminal investigation and prosecution by the police may follow.

4. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

5. Please note, the Buckingham & River Ouzel Internal Drainage Board notes that the intended method of storm water discharge is via a balancing facility and then to a watercourse under the Board's statutory control. Any discharge to the Board's watercourse will require the Board's prior consent. Consent from the Board is separate from and additional to any planning permission that may be granted. Furthermore, the watercourse on the boundary of, or passing through this site is under the statutory control of the Board. In accordance with the Board's byelaws, no development should take place within 9 metres of bank top, without the Board's prior consent, this includes any planting, fencing or other landscaping.

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

### Councillor Comments

#### *Councillor MacPherson*

*The plans in the VALP were for 33 houses but now the application is for 42 - that's a 27% increase in dwellings without any increase in plot size - I believe. Surely just on this basis you would be challenging the application? In our large geographical ward, we have allocated a division of duties that means Cllr Gomm handles Stoke Hammond, so why is there a need to have all three of us calling this application in if Cllr Gomm, after careful and close connections with local representatives feels it should be called in? Our approach avoids duplication of duties and wasted time.*

#### *Councillor Jilly Jordan*

This application has been revised from its original proposition of “up to 33 dwellings”, as set out in previous applications and for which approval was granted. In the delegated report for that application, concern was expressed over provisions for parking as follows: “As such the parking layout fails to comply with the relevant policies. Given that the layout is reflective of parking arrangements for the existing properties on Brook Farm Close and no objection from the Council’s Highways Officer a reason for refusal could not be sustained.”

On a daily basis, residents in the existing development that constitutes Brook Farm Close are familiar with vehicles being parked on the footway, blocking access for pushchairs and mobility scooters and degrading the street scene. The existence of an inadequate parking scheme and a failure to uphold the authority’s policies in a previous development should not be used as a reason to further exacerbate the problem in the new development. Indeed, lessons should be learned from that experience. Furthermore, the car parking scheme proposed in 22/00613/APP is totally impractical, with designated visitor parking mostly located on the western side of the development, remote from the majority of properties. For reasons of inconvenience and security, these spaces seem unlikely to be used by most properties. This can only encourage the practice of parking on footways to the detriment of pedestrians and restriction of access for refuse lorries and emergency vehicles.

The proposed parking arrangements for properties with no off-street parking allocation (approximately 50% of the total) would make the provision of EV charging points difficult, if not impossible. Any new development must have proper provision for charging points in its design. Officers have pointed out in previous reports that the development does not have adequate provision of open space and play areas. This remains the case with the new application and must be addressed.

Whilst the need for a 3-metre sound attenuation fence on the western boundary is understood, given the close proximity of the railway, it raises doubts as to whether this is a suitable location for residential properties. In any event, such a fence is likely to appear highly oppressive and would require careful attention to soft landscaping, etc., in order to minimise its impact. The authority is keen to establish and maintain green corridors where development on greenfield sites is considered. Were this application to be approved, an important north-south link will be interrupted given the absence of any green space in the proposal. Apart from the lack of amenity for residents, this has important ecological consequences.

As regards the ecological impact of the proposed development, a number of the Ecology Officer's requests have not been met. The provision of bird and bat boxes as the principal response to the requirement for net biodiversity gain seems a derisory gesture in a development almost totally devoid of green space. The applicant needs to properly account for the loss of biodiversity and provide a coherent plan to achieve the required increase in biodiversity on completion of the development.

*Councillor Gomm*

I would request a call-in, if the Officers are looking to pass the application. The Parish Council and many parishioners have requested I do so too, on their behalf.

### Parish/Town Council Comments

*Stoke Hammond Parish Council – December 2023*

*At the Stoke Hammond Parish Council Extraordinary meeting on Monday 18th December 2023, Cllrs resolved to call in this planning application.*

*At the 5th December 2023 Stoke Hammond Parish Council meeting, Cllrs resolved to OBJECT to this application on the following grounds: An earlier application was approved for 33 houses. This application has increased the households by 9 to 42. By building this number of houses into the available space it creates a development that is out of keeping with the existing Brook Farm developments and places an unacceptable impact on both green space and parking. The original application was made in 2016 and much of the material used to support this application dates to that time. The demographics of Brook Farm have changed since then and Cllrs feel this should lead to, at the very least, a refresh of the supporting evidence. In addition, Cllrs question why this application has not timed out. Parking at the existing development is already an issue. The volume of vehicles means that parking frequently flows out onto the roadside. When comparing the agreed application with the new updated application, households increase by 11, parking spaces for householders reduce by 18 and this includes an increase in tandem parking bays of 7. In addition, visitor spaces have been reduced by 7. This level of provision is unacceptable and will cause a badly congested development with inappropriate arrangements for householders. The proposed outdoor play area is not large enough and what has been proposed is unsafe due to its proximity to the trainline and the attenuation pond. It will also be too noisy for anyone to enjoy the play area. A further area of concern raised by the change in the scope of this application is the lack of green space provision which is completely out of synch with local plan policies. It does not appear that there are any provisions on the West side of the development for electric charging points. There are huge concerns that no attention has been given to how HGVs will get to the development due to the only access being via a residential street that is narrow and has cars parked on both sides of the road. There are a couple of bends in the road which HGVs will struggle to manoeuvre, and the road simply isn't suitable for construction vehicles, HGVs etc. to travel on.*

*Stoke Hammond Parish Council – October 2023*

*All previous grounds for opposing this application, submitted by Stoke Hammond Parish Council, remain. - No green space shown on the site plan and the distance to closest space being 800m away with the need to cross a main road to access it. Concerns raised that children will be tempted to play near the railway line. - Concerns remain with the proximity to the railway and it was noted that Network Rail have also raised a number of concerns about this. - Site traffic for residents is a major concern with the increased construction traffic through the village and along Brook Farm*

*Close. Brook Farm Close is a narrow road and with cars parked out on the road, often on both sides, it makes access incredibly difficult. - Only 15 visitor spots allocated for 42 houses. Parking is already an issue on Brook Farm Close with residents and visitors from Brookfields using Brook Farm Close for additional parking. Concerns were raised that parking from this new development will also spill out onto Brook Farm Close. -It was noted that there are already over 30 objections in place for this proposed development.*

*Stoke Hammond Parish Council – March 2022*

*The VALP states there should be no more growth considered in the Stoke Hammond parish until 2033. We accept the original 33 home development (16/02432/AOP & 19/03246/AOP) as included in the VALP assessment, however, this new application with an additional 9 homes should be refused if the VALP is to maintain its credibility. \* There are far too many houses included for the size of the plot, and the new plans look like a glorified car park, all squeezed into too small a space. \* Whilst some of the original residents would have had one new house overlooking them on the original plans, with the new design, some could potentially now have three houses overlooking them, therefore changing the outlook for the original homeowners. \* Again, comparing the original design with the revised design, although there are no open spaces, the original drawings did appear to have some trees. The new design aspect looks like a totally different plot, with no green spaces anywhere. \* Little consideration has been given to noise and vibration from the adjacent Railway Line and A4146 Bypass, and the PC strongly request new surveys be carried out. Not only were the published surveys carried out in 2016, but the extra traffic now using the bypass must be taken into consideration. \* Some of the current Brook Farm Close properties closest to the railway line have windows without ventilation to keep the noise out. In contrast, the new houses, despite being closer to the railway, are proposed to have standard windows with vents. \* There are no planned amenities for this increase in properties. \* The original application had a mix of housing whereas this new application is entirely made up of affordable housing, totally changing the design. \* This proposed development is contrary to the policies described and not only now changes the character of the area, it is also in conflict with H1 of the Local Plan. \* Parking is already a major issue, and with the garages having been removed, the majority of parking is in front of the properties, causing concern that visitor parking will spill out into the existing Brook Farm Close roads. \* Brook Farm Close is quite narrow and the months and months of disruption that residents will have to endure would be further aggravated if it were to be 42 rather than 33 new homes built. This would take its toll not only on the residents of Brook Farm Close but also the entire village with the higher level of HGVs on our small roads. In conclusion, since Brook Farm was first built, the demographics have changed significantly and the increase in homes is based on out-of-date survey information from 2016, and so to re-iterate, Cllrs strongly oppose this application.*

### Consultation Responses

#### **Affordable Housing:**

09.03.2022: No objection subject to provision of an affordable housing plan

15.09.2022: Based on a quantum of 42 dwellings, a policy compliant level of affordable housing is 11 dwellings. No objection is raised to the proposed size and tenure of the affordable housing proposed. The requirements of Policy H6C must be secured. A S106 will be required to secure the affordable housing.

#### **Buckingham & River Ouzel Drainage Board:**

Objection removed. A reminder that a 9m easement from the bank of the top of the watercourse should be retained.

**Clinical Commissioning Group:**

Noted access to GP appointments and healthcare provision is a wider issue and the impact of smaller developments is harder to evident in terms of health care provision. No contribution sought.

**Crime Prevention Design Adviser:**

04.09.2022: The previous concerns raised have largely been addressed, however the rear access should be located at the front fascia of the building and this needs to be addressed for plots 29-19.

Officer comment: This has been resolved in the amended plans.

**Archaeology:** Condition requested.

**Education:** Financial contribution sought towards school expansion

**Ecology:**

Holding objection. Insufficient information provided to demonstrate biodiversity net gain.

**Environmental Health:**

11.03.2022: No objection subject to conditions

**Highways:**

17.03.2022: no objection subject to conditions

**Open Spaces:**

23.09.2022: Objection. Previous comments about why the scheme is unacceptable in terms of on-site public open space remain

**Waste & Recycling:**

No comments made.

**Network Rail:**

No objection.

**SUDS:**

No objection raised subject to condition.

Representations

**Other Representations**

90 comments have been received objecting to the proposal:

**Objections to the development based on flood risk and railway proximity:** Many residents expressed concerns about the potential flooding of the site and the nearby properties due to

the increased runoff from the development and the insufficient drainage capacity of the local brooks and streams. They also pointed out the safety hazards of building homes so close to the railway line, which could pose a risk of derailment or noise pollution.

**Objections to the development based on access and traffic issues:** Several residents argued that the access road to the site, Brook Farm Close, was not suitable for the construction traffic or the additional vehicles from the new homes. They cited problems such as narrow and bendy roads, parked cars, poor visibility, and damage to the existing road and pavement. They also mentioned the difficulty of exiting onto Leighton Road, which is often busy and has a bus stop near the junction.

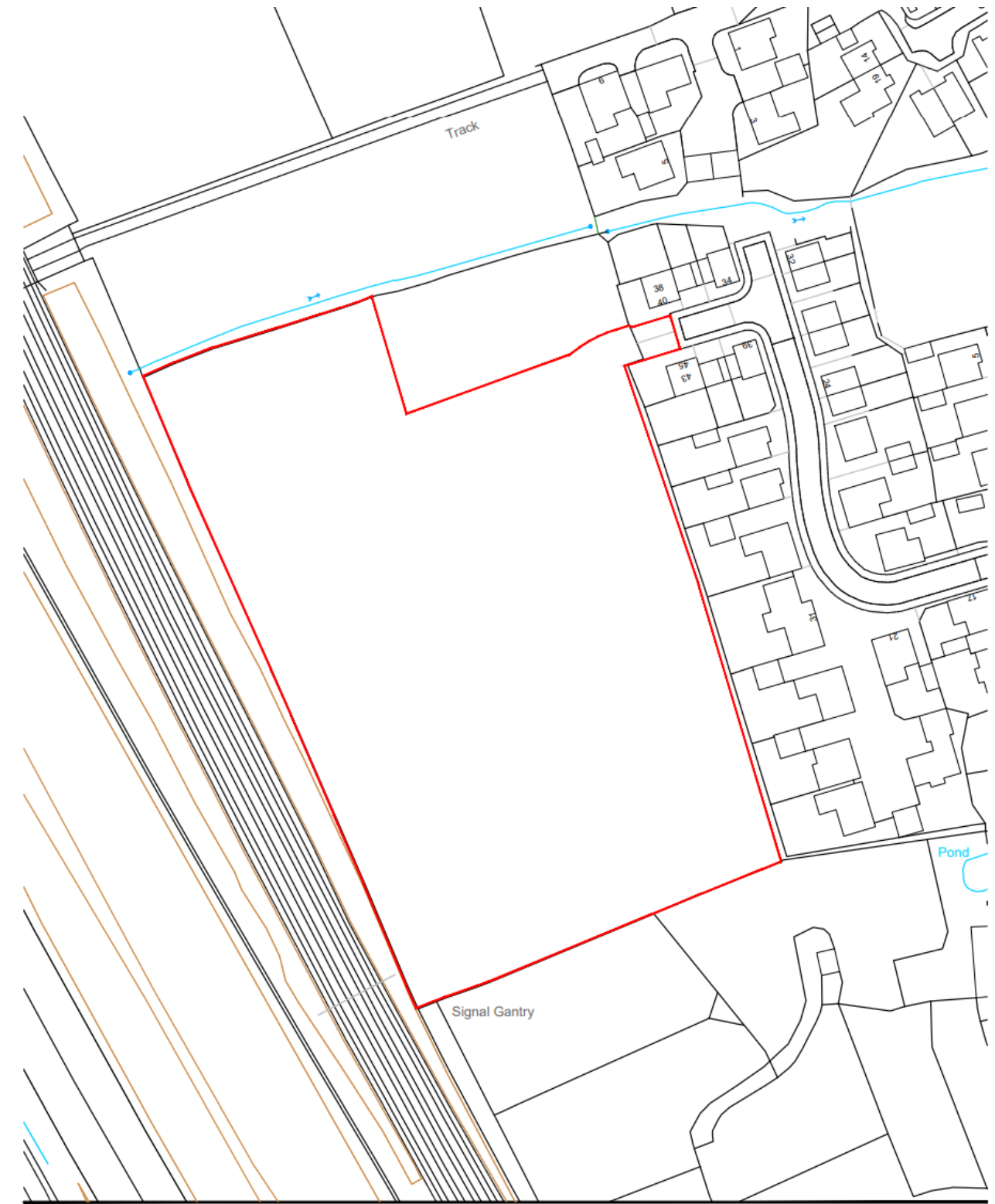
**Objections to the development based on housing mix and design:** Some residents complained that the proposed development did not match the existing housing mix and design of Brook Farm Close and Brookfields, which are mainly four-bedroom detached houses. They claimed that the development of 42 two- and three-bedroom semi-detached houses, with 100% affordable ownership, would have a negative impact on the property values and the character of the area.

**Objections to the development based on lack of local amenities and services:** A common theme among the residents was the lack of local amenities and services to support the growing population of the village. They mentioned the absence of a school, a doctor's surgery, and adequate public transport links in the village, as well as the strain on the sewage system and the gas supply. They also questioned the need for more housing in the village, given that it had already met its allocation in the Vale of Aylesbury Local Plan.

**Objections to the development based on boundary and management issues:** The directors of Hammond Fields Estate Management Company Ltd, which is responsible for the maintenance of some areas of Brook Farm Close, raised objections to the development based on boundary and management issues. They claimed that the proposed plans encroached on their managed land, including the perimeter of the gas compound, the attenuation pond, and the block paved road at the entrance to the field. They also asked for clarification on the access and security arrangements for the gas compound and the attenuation pond, as well as the legal costs and rights of way involved.



## APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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