



Buckinghamshire Council

Central Buckinghamshire Area Planning Committee

Agenda

Date: Wednesday 10 January 2024

Time: 2.30 pm

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

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

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9 DATE OF THE NEXT MEETING

7 February 2024

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Central Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the Central Buckinghamshire Area Planning Committee held on Wednesday 13 December 2023 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 2:30pm and concluding at 5:44pm.

Members present

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

Agenda Item

1 Apologies

Members heard apologies from Councillor R Khan BEM.

Councillor S Lewin sat as a substitute in his place.

2 Minutes

RESOLVED:

That the Minutes of the meeting held on 13th September 2023 be agreed as a correct record.

3 Declarations of interest

Councillor R Newcombe declared an interest in agenda item five (22/00986/APP) as Buckinghamshire Council's representative on the Chilterns Conservation Board, which oversaw the Chiltern's Area of Outstanding Natural Beauty, near to the application site. He confirmed that he had made no comments related to the application prior to the meeting, and therefore felt able to participate fully in the consideration of the application.

4 20/03343/AOP - The Stadium, Buckingham Road, Aylesbury

Proposal: Outline planning permission for demolition of the former football club and redevelopment of the site for residential use (up to 42 dwellings) including land re-profiling and new public open space, with access to be considered at this stage. and appearance, landscaping, layout, and scale forming reserved matters.

Note: Councillor B Chapple OBE left the meeting at 3:23pm

Speakers

Councillor/Local Member: Councillor S Morgan

Agent/Applicant: Mr Jordan Fender (applicant) and Mr Simon James (agent)

Following discussion with officers, members of the committee agreed the following amendments to the report:

- That the wording of the S106 Sport and Leisure contribution project list at 5.147 (g) of the case officer's report be adjusted as deemed fit by officers to allow greater flexibility for the use of the contribution towards a football project in the north of Aylesbury.
- The wording of condition twelve (hard landscaping works) be re-worded as deemed appropriate by officers to explicitly require the use of permeable paving.

Members also made clear to officers their desire for any future Reserved Matters application to return for determination at the committee.

It was proposed by Councillor R Newcombe, seconded by Councillor N Brown and

RESOLVED:

That application 20/03343/AOP be deferred and delegated to the Director of Planning and Environment as amended above for **approval** subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report and in the update to the report, subject to the receipt of no new material representations, and the conditions as proposed and any other considered appropriate by Officers, or if these are not achieved for the application to be refused.

5 22/00986/APP - Callie's Solar farm, Owlswick Road, Ford

Proposal: Construction of a solar farm together with all associated works, equipment and necessary infrastructure.

Speakers

Parish Council: Councillor Jim White (Dinton with Ford and Upton Parish Council)

Objector: Mr Dominic Woodfield (on behalf of Simon Hope)

Applicant: Mr James Hartley-Bond

Note: Councillor A Waite left the meeting at 4:13pm

Following discussion with officers, members were agreeable to the following amendment to the report:

- That condition four be amended to require the most efficient panels to be used in the installation.

Reason: This is a pre-commencement condition which is required to ensure the development is carried out in a manner which represents the most efficient use of land and minimises the visual impact on the character of the rural area and to comply with policies BE2, NE4, NE1, NE2, NE8, BE3 of the Vale of Aylesbury Local Plan and the advice within the National Planning Policy Framework.

It was proposed by Councillor P Cooper, seconded by Councillor D Thompson and

RESOLVED:

That application 22/00986/APP be deferred and delegated to the Director of Planning and Environment for **approval** as amended above, subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report and in the update to the report, subject to the receipt of no new material representations, and the conditions as proposed and any other considered appropriate by Officers, or if these are not achieved for the application to be refused.

6 Availability of Members Attending Site Visits (if required)

Details of 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.

7 Date of the Next Meeting

10th January 2024

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Report to Buckinghamshire Council (Central) Planning Committee

Application Number:	23/02704/VRC
Proposal:	Variation of Condition 2 (approved plans) 3 (drainage strategy) 6 (drainage and flooding) relating to application CC/66/16 (New three form entry (3FE) primary academy with nursery and accommodation block to accommodate 1no year 1, 1no year 2 and 2no reception classrooms)
Site location:	Green Ridge Primary Academy, President Road, Aylesbury, Buckinghamshire, HP18 0YA
Applicant:	Morgan Sindall and Buckinghamshire County Council
Case Officer:	Carrie Chan
Ward affected:	STONE AND WADDES DON
Parish-Town Council:	BERRYFIELDS
Valid date:	6 September 2023
Determination date:	12 January 2024 (EOT)
Recommendation:	Approve subject to conditions

1.0 Summary & Reason for Planning Committee Consideration

- 1.1 Buckinghamshire Council is the joint applicant of this application therefore in accordance with the Buckinghamshire Council Constitution, this application must be determined by the Area Planning Committee.
- 1.2 This variation of conditions application seeks permission to make a number of amendments to a 2016 application (approved in 2017) planning application for a new three form entry (3FE) primary academy with nursery and accommodation block to accommodate 1no year 1, 1no year 2 and 2no reception classrooms). The planning permission has been implemented.
- 1.3 The changes proposed are considered to be modest in scale and appropriate to the use and the wider context of the site. Most of the changes will not be readily visible from outside the site and as such would have no additional adverse impact on the existing character and appearance of the area over and above the existing consent. It is not considered that the changes proposed will have any additional impact on the amenities of the neighbouring occupiers or the existing highway network. Provided the relevant conditions are added, the proposal would accord with the relevant policies within the Development Plan.

1.4 The recommendation is that the application be **approved subject to conditions** listed in Section 8 of this report.

2.0 **Description of Proposed Development**

Site Location

2.1 The application site is located to the north of President Road and west of Crispin Street, on the edge of Berryfields and comprises a new school and its associated outdoor space, parking and landscaping. Access to the site is via President Road.

2.2 To the east, south and west of the application site are residential dwellings and to the north is a public footpath and beyond that, an area of undeveloped land.

2.3 The site is not located within any designated Conservation Area, AONB or Green Belt. There are no protected trees or listed buildings within or adjacent to the site.

2.4 This application seeks planning permission to vary the wording of Conditions 2 (approved plans), 3 (drainage strategy) and 6 (drainage and flooding) attached to Planning permission CC/66/16, to accommodate the following changes:

- External alterations to the approved Phase II extension, with no change to the internal layout.

- Installing photovoltaic panels on roof.

- Removal of the growing garden (north of the approved building) to accommodate an area of new hardstanding (545m²) as hard play area with metal rebound fencing, ball walls and seating.

- Associated drainage.

- Creation of a grasscrete area to the north of the existing MUGA.

2.5 For clarification, the rest of the site remains unchanged.

2.6 The application is accompanied by [*As appropriate*]:

- a) Covering letter
- b) External finishes details
- c) Landscaping plans
- d) Security zoning and access plan
- e) Details of external services
- f) Drainage information
- g) External levels plans

3.0 **Relevant Planning History**

Reference: CC/66/16

Development: New Three Form Entry (3FE) Primary Academy with Nursery on a green field development, known as Berryfields, in Aylesbury and temporary accommodation block to accommodate 1no Year 1, 1no Year 2 and 2no Reception Classrooms.

Decision: Permission granted

Decision Date: 8 March 2017

Reference: 17/04560/ACC

Development: Approval of details pertaining to condition 5 (materials) of permission number CC/66/16 for New three form entry (3FE) Primary Academy with nursery on a green field development, known as Berryfields, in Aylesbury and temporary accommodation block to accommodate 1no year 1, 1no year 2 and 2no reception classrooms.

Decision: ACCN

Decision Date: 8 December 2017

Reference: 18/01489/ACC

Development: Consultation on Section 73 application for the variation of Condition 7 (Construction site work activities) pertaining to application CC/66/16 to extend the Saturday construction site work activity hours from 08:00- 13:00 to 08:00 -17:00.

Decision: ACCN

Decision Date: 18 May 2018

Reference: NMA/0058/2018

Development: Non Material Amendment sought for the amendments of landscape proposals for the permanent school, including general strategy, planting plan and details on Application CC/66/16; New Three Form Entry (3FE) Primary Academy with Nursery on a green field development, known as Berryfields, in Aylesbury and temporary accommodation block to accommodate 1no Year 1, 1no Year 2 and 2no Reception Classrooms.

Decision: Non Material Amendment Permitted

Decision Date: 27 July 2018

Reference: NMA/0047/2018

Development: The amendment of a boundary line and location of the substation for CC/66/16; New Three Form Entry (3FE) Primary Academy with Nursery on a green field development, known as Berryfields, in Aylesbury and temporary accommodation block to accommodate 1no Year 1, 1no Year 2 and 2no Reception Classrooms.

Decision: Non Material Amendment Permitted

Decision Date: 20 June 2018

4.0 Consultation comments and third party representations

Councillor Comments

Stone and Waddesdon

Cllr Paul Irwin

Cllr Ashley Waite

Cllr Mick Caffrey

No comments received.

Parish Council Comments (Verbatim)

Berryfields Parish Council: The Parish Council supports this application.

Consultation Responses (Summarise)

Ecology: No objection, the amendments proposed do not impact the ecological enhancement measures which are detailed in the landscape drawings submitted for this application.

Education Service: As the applicant, is supportive of the application.

Highways: No highway objections.

LLFA: No objection to the variation of condition, subject to the following condition being placed on approval.

Representations

No third-party comments received at the time of writing this report.

5.0 **Policy Considerations and Evaluation**

5.1 The starting point for decision making is the development plan, i.e. the adopted Vale of Aylesbury Local Plan (and any 'made' Neighbourhood Plans as applicable). S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) (2023) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither changes the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF

5.2 **The Development Plan**

Vale of Aylesbury Local Plan (VALP), adopted 15th September 2021 (carries full weight)

Policy S1 –Sustainable development for Aylesbury Vale
Policy T1 - Delivering the sustainable transport vision
Policy T4 – Capacity of the transport network to delivery development
Policy T5 – Delivering transport in new development
Policy T6 - Vehicle Parking
Policy BE2 Design of new development
Policy BE3 Protection of the amenity of residents
Policy NE1 Biodiversity and Geodiversity
Policy I3 - Community facilities, infrastructure and assets of community value
Policy I4 - Flooding
Policy C3 - Renewable energy

Neighbourhood Plan

There is no made neighbourhood covering the area.

5.3 **National Policy**

National Planning Policy Framework (NPPF) 2023
Section 2 –Achieving sustainable development
Section 4 –Decision making
Section 12 –Achieving well-designed places
Section 14 –Meeting the challenge of climate change, flooding and coastal change

In addition, the Planning practice Guidance (PPG) is also a material consideration

5.4 **Main issues:**

Principle of development
Design, character and appearance
Residential amenity
Highway and parking implications
Ecology
Flood risk

Principle of development

- 5.5 There have been several changes to both the national and local planning policies since the determination of the original application, including a new Local plan (VALP) having been adopted in Sept 2021.
- 5.6 This application seeks to vary to vary a number of conditions attached to a planning permission granted in 2017. For clarity, there will be no change to the end use of the site or the number of buildings on site.
- 5.7 The principle of development was considered acceptable at the time of assessing the original application and given majority of the works approved under the 2017 permission

have been completed and in use, it would be unreasonable to re-assess the principle of development under this application.

- 5.8 With the above in mind, the rest of this report will concentrate on the changes proposed in this application and these will be assessed against the latest Development plan.

Design, character and appearance

- 5.9 Policy BE2 of VALP emphasises that new development, including buildings and other structures must preserve local distinctiveness through design, use of materials, density, siting and height.
- 5.10 The Phase II of the building works (the subject of this application) would be attached to the rear (northern end) of the existing school building and would run parallel with the eastern site boundary. There will be minor changes to the envelope and roofscape of this part of the building, but no changes are proposed to the approved dimensions or the siting of this Phase Two extension. A stepover ladder is proposed on the roof and would provide access between the existing and proposed built forms.
- 5.11 The installation of photovoltaic panels on the roof of this extension would not be readily visible from outside the site given the setback position of the building and the design of the roof. Furthermore, the introduction of renewable energy is both encouraged and supported by Policy C3 of VALP and the NPPF.
- 5.12 The proposed removal of the growing garden to the north of the Phase II building in order to accommodate an area of hard surface play area with associated equipment is not objected to. The removal of the growing garden would have very little impact on the overall appearance of the site and from outside the site, the change would not be noticeable. Given the hard surface area is located within the school ground, there is very little risk of it being used outside of sociable hours. Details of the gate, the ball walls and seating will be secure via condition(s) if permission is granted. The provision of such facilities is a matter solely for the school.
- 5.13 Although changes to the approved drainage system are necessary due to an increase in hardstanding on site, the works are considered to have no adverse impact on the approved scheme.
- 5.14 The creation of a grasscrete area north of the existing MUGA would not be noticeable from outside the site.
- 5.15 A new metal rebound fence is also proposed between the existing building and the warm up area. According to the submitted plan, this fence will be 2m high with an access gate. Given this is set well within the site, it is unlikely to have any adverse impact on the wider area.
- 5.16 The above changes are supported by the Council's Education Team.
- 5.17 Overall, it is considered that, in the context of the wider site, the changes proposed are modest in scale and would not have any adverse impact on the character and appearance

of the wider school site. Provided the appropriate conditions are added, the proposed development would accord with Policy BE2 of VALP.

Residential amenity

- 5.18 Policy BE3 of the VALP seeks to ensure that development proposals do not cause an adverse impact on residential amenity.
- 5.19 The use of the site as a school has already been established and it has been accepted, by virtue of the 2017 permission, the Phase II extension would be located at the rear of the existing building where there was always an extension planned.
- 5.20 Given all the proposed changes will take place within the school site, it is not considered that there will be any additional impact to the neighbouring occupiers above what was expected at the assessment stage of the original application.

Parking and highways implications

- 5.21 Policies T1, T4 and T5 of VALP seek to ensure that development proposals are sustainable in regard to their links to public transport, traffic generation and general accessibility to all users of the highway. Policy T6 governs the parking requirement for the development and highlighted that all development must provide an adequate level of car parking.
- 5.22 Furthermore paragraph 111 of the NPPF 2021 highlighted that development can be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.23 In this instance, the changes proposed will not require any additional parking spaces above what was requested at the original application stage. The above is echoed in the Council's Highways Officer's comment where he confirmed that there is no highways objection to this application.

Ecology

- 5.24 Policy NE1 of VALP and the NPPF state that the Council will aim to conserve and enhance biodiversity. It also states that development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion, of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife.
- 5.25 It is considered that the amendments proposed do not impact the ecological enhancement measures which are detailed in the landscape drawings submitted for this application.
- 5.26 As such, no supporting ecological information is required and there are no ecological reasons to object to this application.

Flood risk

- 5.27 Policy I4 of VALP seeks to ensure development incorporates a sustainable drainage system and management plan.
- 5.28 The site is located within flood zone 1 where in accordance with the Environmental Agency flood map, the land and building have low probability of flooding.
- 5.29 Due to an increase in hardstanding, several drainage information has been submitted with the application and following consultation with the Council's LLFA Team, it is considered that provided the development is carried out in accordance with the approved details and the latest drainage layout submitted, the proposal would accord with Policy I4 of VALP and the NPPF.

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:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 6.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.4 As set out above it is considered that the proposed changes would accord with development plan policies BE2, BE3, NE1 and I4 of the Vale of Aylesbury Local Plan. The scale of change, in the context of the wider site, is considered to be modest and would not adversely impact on the use of the site, the character and appearance of the area or any neighbouring occupiers.

6.5 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.

Human Rights Act 1998

6.6 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

Equalities Act 2010

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

7.0 Working with the applicant / agent

7.1 In accordance with 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.

7.3 In this instance, the agent and applicant were kept up to date with the progress of the application and was notified of the recommendation in advance of the Planning Committee meeting.

8.0 Recommendation

8.1 The case officer recommends this application for approval, subject to the conditions and reasons listed below:

1. The approved development shall be carried out in accordance with the following drawings/details:

- 36020-HML-ZZ-ZZ-D-A-10154 Security, Zoning and Access – Planning.
- 36020-00600 rev C05 External Levels Hard Play Space.
- 36020-HML-ZZ-ZZ-A-10151 Site Phasing Plan – Planning.
- 36020-HML-ZZ-ZZ-D-A-10158 Proposed Elevations – Planning.
- 36020-AGL-01-XX-D-ME-40001 rev C07 External Services.
- 36020-BCL-00-XX-D-C-00900 rev C03 External Finishes Details Hard Play Space.

- 36020-HML-ZZ-RL-D-A-10156 rev P01 Roof Layout – Planning.
- 36020-HML-ZZ-ZZ-D-A-10152 rev P01 Landscape General Arrangement – Planning.
- 36020-HML-ZZ-ZZ-D-A-10157 rev P01 Proposed Sections – Planning.
- 36020-00500 rev C05 Drainage Layout Hard Play Space.
- 36020-BCL-00-XX-D-C-00550 rev C03 External Drainage Details Hard Play Space Phase II.
- 36020-HML-ZZ-00-D-A-10155 rev P01 General Arrangement Plan – Planning.
- 36020-HML-ZZ-ZZ-D-A-10153 rev P01 Landscape Availability Plan – Planning.
- 36020-00700 rev C05 External Finishes Hard Play Space.
- 36020-HML-ZZ-ZZ-D-A-10150 Proposed Site Plan

Reason: Reason: For the avoidance of doubt and to secure sustainable development in line with the objectives of the Development Plan.

2. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment FRA prepared by AKS Ward (ref. BPNS-AKSW-00-ZZ-RP-C00001_Flood_Risk_Assessment, dated March 2016), the Surface & Foul Drainage Design and Maintenance Philosophy prepared by PEP (ref. 453216-PEP-00-XX-RP-D-6200 Rev. P02, dated October 2016), the Drainage Layout Hard Play Space drawing prepared by BCAL Consulting (ref. 36020-BCL-XX-XX-DR-C-00500 C05, dated 23.08.23) and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the total site area to 12.2l/s,
- Incorporate sustainable drainage measures such as tanked permeable paving, attenuation storage and granular trenches,
- Whole life maintenance and management plan, which sets out the frequency of maintenance activities and who is responsible for completing such activities.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure a Sustainable Drainage Strategy is put in place and to minimise the impact of flooding elsewhere in accordance with Policy I4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

3. The development hereby permitted shall be carried out in accordance with the details within the Construction Management Plan and Traffic Management Plan approved as part of the Discharge of conditions application reference AOC/0027/17.

Reason: In the interests of highway safety, prevention of congestion and protect residential amenity and in accordance with Policies T4 and BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

4. The development hereby permitted shall be carried out and constructed in accordance with the materials specified on the approved plans and schedule.

Reason: To ensure the development is not detrimental to the character of the locality and in the interests of local residential and visual amenity, in accordance with Policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

5. Prior to the installation of the ball walls, seatings and the double leaf gate associated with the Hardplay area details including height, specifications and materials shall be submitted to and approved in writing by the Local Planning Authority. The fixtures shall thereafter be constructed / installed in accordance with the approved details.

Reason: To ensure the fixtures is not detrimental to the character of the locality and in the interests of local residential and visual amenity, in accordance with Policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

6. Construction site work activities must be restricted to the hours agreed and approved under Planning application reference CC/0033/18.

Reason: To ensure the development is delivered within a set timeframe and in the interests of highway safety, prevention of congestion and protect residential amenity and in accordance with Policies T4 and BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

7. The development hereby approved shall continue to be served by the following off site highway works:

- Zebra crossing to connect to the site to the south side of Bramley Road;
- “Keep Clear” road markings along Bramley Road adjacent to the school site;
- Double and single yellow lines along Bramley Road adjacent to the school site;
- Signage to set up parking restrictions and that stopping is prohibited during the hours of 8.00am and 9.00am in addition to 2.30pm and 4.00pm along Bramley Road adjacent to the school site.

Reason: To ensure the safety of pedestrians at drop off and pick up times and deter parking on the highway through enforceable parking restrictions, in the interests of local residential amenity and in accordance with policies T4 and BE3 of the VALP and the NPPF.

8. Prior to first use of the final school building, the Car Park management Strategy approved under Discharge of Condition application reference AOC/0046/18 shall be fully implemented and thereafter shall be complied with in perpetuity.

Reason: To ensure safety and effective management of the circulatory drop off/pick up facility minimising the need for parents to park on the Highway, in the interests of the local residential amenity and in accordance with Policies T4 and BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

9. The Travel Plan approved under Discharge of Condition application reference AOC/0062/17 shall be implemented fully prior to first use of the final school building and shall therefore be remained in perpetuity with regular review and monitoring.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with National and Local Transport Policy including in the interests of the local residential amenity and in accordance with Policies T1 and BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

10. The landscaping scheme hereby approved shall be carried out in accordance with the approved plans and specifications within or before the first planting season following the completion of development.

Any trees or shrubs removed, dying, severely damaged or diseased within the first two years following the implementation of the scheme shall be replaced in the next planting season with trees or shrubs of the same size and species.

Reason: In the interests of the visual amenities of the local area, in accordance with Policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

11. The school buildings shall not be occupied between the hours of 10pm and 6am on weekdays and 10pm and 8am on weekends and Bank/Public Holidays. The school shall not be used for any activity other than community use between the hours of 6pm and 10pm Mondays to Fridays and 8am to 10pm at weekends and Bank/Public Holidays.

Reason: In order to protect the local residential amenity and to promote community interactions and in accordance with Policies BE2, BE3 and I3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

12. Other than the lightings approved by the original permission and those including with the approved plans of this application no additional lighting (external) shall be installed until details have been submitted to and approved by the Local Planning Authority. Details shall include location, illuminance level, direction of lights and hours of

operation. The lights shall thereafter be installed in accordance with the approved details.

Reason: In the interest of protecting local amenities and biodiversity in accordance with Policies BE3 and NE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

13. Prior to the installation of any PV panels details including fittings shall be submitted to and approved in writing by the Local Planning Authority. The panels shall thereafter be fitted/ installed in accordance with the approved details.

Reason: In the interest of protecting local amenities in accordance with Policy BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

Informative(s):

This permission relates solely to the changes proposed within the application and shall be read in conjunction with the original planning permission reference CC/66/16.

Appendix A: Site Location plan

APPENDIX A: Site Plan



Do not scale - this map is indicative only

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Report to Buckinghamshire Council Central Area Planning Committee

Application Number:	23/01814/APP
Proposal:	Erection of two three-bed dwellings (Use C3) on land adjacent to the public house utilising existing access off Worminghall Road, with associated parking and landscaping, including demolition of an outbuilding of the public house and reconfiguration of beer garden, children play area and car park of the public house
Site Location:	Land Adjacent To The Rising Sun PH, 36 Worminghall Road, Ickford, Buckinghamshire, HP18 9JD
Applicant:	N/A Punch Partnerships (PML) Limited
Case Officer:	Bibi Motuel
Ward(s) affected:	Bernwood
Parish-Town Council:	Ickford
Date valid application received:	28.06.2023
Statutory determination date:	23.08.2023 (EOT agreed to 10.1.2024)
Recommendation	Approval subject to conditions

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Cllr Greg Smith called in the application to planning committee in the event the officer recommendation is for approval. The call-in is made citing the strength of local opinion and concerns from the Parish Council. Cllr Sue Lewin stated that she agreed with Cllr Smith's comments and asked for this to be called in for discussion at committee. Following due process it was considered that the application should be considered at the relevant committee in line with the provisions in the Council's Constitution.
- 1.2 The application seeks planning permission for the for the erection of two three-bed dwellings on land adjacent to the public house, with associated parking and landscaping. It has been evaluated against the adopted Development Plan and the NPPF.

- 1.3 The site lies within the built up part of a medium village and so the site is in principle a sustainable location for limited small-scale development. There would be economic and housing land supply benefits in terms of the construction of the development itself.
- 1.4 The scheme has been considered acceptable in terms of its impact to housing mix, transport and parking, residential amenity, flooding and drainage, trees and landscape, ecology and heritage.
- 1.5 Given the Council's current lack of a robust 5yr HLS, VALP policy D3 can be attributed limited weight at this time. However, other policies within the VALP are to be given full weight, e.g., VALP policy S7 supports the effective and efficient use of previously developed land, supports the supply of new housing and has a presumption in favour of sustainable development. It sets out the need to support economic growth, taking into account both local business needs and wider opportunities for development. The NPPF places provision of new homes at the heart of sustainable development, recognising that a range of homes to meet the needs of present and future generations is key to meeting the overarching social objective. Delivering a sufficient supply of new homes is a key objective of the NPPF, and affordable homes should be sought on all major developments. This proposal is able to meet the sustainable development objectives set out in the NPPF.
- 1.6 Taking all the relevant factors into account, and having regard to the NPPF as a whole, all relevant policies of the VALP, Neighbourhood Plan, it is considered that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits and it is therefore **recommended for approval subject to appropriate conditions** as set out in section 10 of this report.

2.0 Description of Proposed Development

Site

- 2.1 The application site is a rectangular (approx.) area of land 0.2 hectares in size, located on the east side of Worminghall Road in the village of Ickford.
- 2.2 The site consists of the Rising Sun Public House along with its gardens and car parking areas to the rear. The Rising Sun is a Grade II listed building dating from the seventeenth century. The building is L-shaped, has one and a half storeys and consists of a timber frame with brick infill and a half hipped, thatched roof.
- 2.3 To the north and east is a new housing development (for 66 dwellings) permitted on appeal under 17/03322/AOP and 20/01531/ADP. To the south is 32, Wayside And 34 Worminghall Road, Grade II listed buildings. To the west,

beyond the road are 23 and 33 Worminghall Road, also Grade II listed buildings. Part of the site lies within the Ickford Conservation Area.

- 2.4 Within the garden there are a number of outbuildings and sheds. The garden area is lawned with benches. The access into the site is from the entrance to the north of the pub, leading to the tarmacked car park.

Proposal

- 2.5 The application seeks full planning permission for the erection of two three-bed dwellings (Use C3) on land adjacent to the public house utilising the existing access off Worminghall Road, with associated parking and landscaping, including demolition of an outbuilding of the public house and reconfiguration of beer garden, children play area and car park of the public house.
- 2.6 The two proposed semi-detached dwellings would be positioned to the east of the site, orientated so that they would face north east. As amended during the course of the application, the dwellings would be one and a half storeys, with a total height of about 6.7m and an eaves height of 3.1m. The pair of dwellings would measure 12.4m in width and 9.5m in depth.
- 2.7 The dwellings would have rendered walls, a painted brick plinth, clay tile roofs and painted timber doors and windows. There would be two small dormer windows and two rooflights at the front (north) and two small dormer windows and two rooflights at the rear (south). Each dwelling would have living accommodation at ground floor level and two bedrooms and a bathroom at first floor level.
- 2.8 At the front (north) there would be a gravel area with four parking spaces. To the rear each dwelling would have a garden and patio area.
- 2.9 The application is accompanied by:
1. Application form received on 14.6.2023
 2. Agent's covering letter received on 14.6.2023
 3. Drawing No. 23.3402.100 Rev P2 – Block Plan/Location Plan received on 14.6.2023
 4. Drawing No. 23.3402.002 Rev P1 – Existing Elevations received on 14.6.2023.
 5. Drawing No. 23.3402.001 Rev P2 – Existing Site Plan received on 10.10.2023.
 6. Amended Drawing No. 23.3402.101 Rev P16 – Proposed Site Plan received on 11.12.2023.
 7. Amended Drawing No. 23.3402.102 Rev P9 – Proposed Plans received on 15.11.2023

8. Amended Drawing No. 23.3402.103 Rev P9 – Proposed Elevations received on 15.11.2023.
9. Amended Drawing No. 23.3402.104 Rev P7 – Proposed Indicative Street Scene Section AA received on 15.11.2023.
10. Transport Statement prepared by TPA (Transport Planning Associates) dated June 2023 received on 28.6.2023.
11. Revised Heritage Statement prepared by R P Heritage dated November 2023 Project No. 2023-014 received on 28.6.2023.
12. Revised Planning, Design & Access Statement received on 15.11.2023.
13. Arboricultural Implications Assessment and Method Statement prepared by Ecourban Arboricultural Report ref 191231-AiA2 dated 12.6.2023 received on 28.6.2023.
14. Davis Coffey Lyons (DCL) Viability Assessment received on 17.10.2023.
15. Acoustic Testing Report dated 25.9.2023 prepared by Airtight & Noisecheck Ltd received on 17.10.2023.
16. Viability Study prepared by Savills on behalf of Buckinghamshire Council dated November 2023 received on 8.11.2023.
17. Ecology and Trees Checklist received on 28.6.2023.

3.0 Relevant Planning History – *The list below relates to the Rising Sun Public House.*

- 3.1 Reference: 88/02634/APP - Development: Porch. Decision: Approved on 1 December 1988.
- 3.2 Reference: 88/02635/ALB - Development: Porch. Decision: Approved on 1 December 1988.
- 3.3 Reference: 88/02812/ALB - Development: Demolish lean-to. Decision: Approved on 21 December 1988.
- 3.4 Reference: 06/01659/ALB - Development: Replacement of roof thatch and structural and internal repairs following fire and water damage. Decision: Approved on 18.8.2006.
- 3.5 Reference: 06/03269/ATC - Development: Fell one ash tree. Decision: Approved on 31 January 2007.
- 3.6 Reference: 07/00138/AAD - Development: Externally illuminated signs. Decision: Approved on 11 April 2007.
- 3.7 Reference: 07/00142/ALB - Development: Externally illuminated signs. Decision: Approved on 11 April 2007.
- 3.8 Reference: 07/00149/ALB - Development: Replace existing rear window with double door. Decision: Approved on 14 March 2007.

3.9 Reference: 07/01222/APP - Development: Car park extension. Decision: Approved on 28 June 2007.

4.0 Ward Cllrs and Parish/Town Council

Ward - Bernwood

Cllrs : Nic Brown

Gregory Smith

Susan Lewin

4.1 Comments received from Ward Councillor Greg Smith on 12 August as follows (verbatim): *“Given the strength of feeling locally I request that decisions on this application are called in to the Central Bucks Planning Committee”*.

4.2 Second comments received from Cllr Greg Smith on 10th December 2023 –

“My original reason for calling in this application was based on the strength of local opinion and concerns from the Parish Council that the application breached the local neighbourhood plan on several grounds, including compromising the conservation area.

Whilst I remain unbiased in my view of the application I believe that the strength of objection requires a full and public discussion in order to reach the correct decision on this application.”

4.3 18.12.2023 : Cllr Sue Lewin stated that she agreed with Cllr Smith’s comments and asked for this to be called in for discussion at committee.

Ickford Parish Council (Verbatim):

4.4 Ickford Parish Council Comments received on 18 July 2023 objecting to the application (verbatim):

“Please read Ickford Parish Councils Objections to the above planning.

We would expect the applicant to argue that the garden to the pub is excessive, and not needed for the ongoing viability of the pub known as the Rising Sun. This is an opportunity for them to sell off assets for the benefit of their company, and in so doing neither reinvesting in the development and facilities of the pub, nor considering the amenity in the village or the longer-term viability of the pub. Indeed, this could well jeopardise the viability of the pub and accelerate a decision by the applicant to close the pub permanently in the future. The fact remains that Ickford is a growing village with 99 new houses either recently constructed or under construction, so potentially far more customers for the pub, and previous landlords have successfully used the garden for social events, music festivals, private parties, weddings etc. We also play in the Bucks Aunt Sally league, which is a key social part of the village and restricting the garden size could well prevent this in future. There is a great opportunity here for an entrepreneurial tenant to capitalise and use the garden to

enhance the profitability of the Rising Sun considerably, and it would be a crime to remove this permanently through approving this application.

In addition:

The applicant seems to have given no regard at all to the Neighbourhood Plan. In fact, they reference the appeal decision for 42 Worminghall Road, which was made before Bucks adopted it. Specifically, policy BEH1 states that the Neighbourhood Plan attaches great weight to the conservation of Heritage assets...proposals that preserve those elements of the setting that make a positive contribution to the heritage asset should be treated favourably. The Rising Sun is a key heritage asset in a conservation area, and this proposal will detract from the setting, and therefore by definition should be refused.

Policy BEH2 deals with design in the conservation area, and this proposal fails that test as it does not demonstrate how it will preserve or enhance positive features of the area. The design proposed is also not reflective of the style of existing buildings, materials nor does it complement the character of traditional buildings or reflect the traditional building material palette utilised in the village. So, on failing BEH2 it should be refused. In a similar vein it fails to meet BEH3 The setting of the Conservation Area and therefore warrants refusal.

Policy ND1 deals with developments within the Settlement Boundary and states that proposals will be supported ... where they do not cause unacceptable harm to the amenity or living conditions of neighbouring occupiers. This proposal fails on this account as well, as clearly it affects the amenity of the setting and outside garden of the Rising Sun.

This proposal also fails tests under ND3 'Form', 'Design' and Materials.

Policy TT1 states ...new development ...will only be supported, where it can be demonstrated that any severe adverse residual cumulative impacts on the road network will be mitigated and highway safety will not be demonstrated. This development is adjacent to the new housing at 42 Worminghall Road, which necessitated major road alterations for safety, but these did not make any allowance for any additional traffic that could exit from an adjacent site. Whilst the applicant can argue that the traffic this proposal is minimal, the volume of traffic now passing through the village as a result of new developments within the village and surrounding habitations is of major concern, with speeding becoming a major issue to the extent that a community speed watch group is to be formed.

Policy CF1 Community Facilities lists the Rising Sun Public House as one. This states clearly that ...proposals that result in either a loss of or significant harm to a valued community facility, as listed will NOT be supported, unless it can be clearly demonstrated that it is no longer viable.... This will require evidence that the property has been actively marketed ... for at least 12 months. A new tenant landlord has been appointed, so the applicant clearly feels the pub is a viable proposition, and therefore fails this test. indeed, reducing the size of the garden for this proposal could well have a negative effect on its viability, and therefore value.

The ongoing issues with flooding, sewage and the infrastructure generally in Ickford have not been resolved, so this proposal will inevitably exacerbate the situation. The

Parish Council cannot find one reason why this proposal could be supported, indeed the overwhelming case here is for a refusal, and we would urge you to side with this evidence accordingly.”

4.5 14.12.2023 – *“Ickford PC oppose this planning on the same grounds as we opposed the original application. Please see previous objections/proposals”.*

5.0 Representations

5.1 60 representations received at the time of writing, 59 objecting and 1 supporting, raising the following summarised issues:

- Would be contrary to neighbourhood plan.
- Would detract from setting of heritage asset and conservation area
- Unsympathetic design does not reflect style of existing buildings.
- Cynical attempt by Punch Taverns to run the business down and eventually sell pub for use as a private dwelling.
- Overdevelopment of site. Dwellings are tiny and shoehorned into site.
- New houses would not be affordable.
- Would reduce size of garden of Setting Sun by 30-40%.
- Insufficient landscaping buffer between pub and new houses.
- Noise from public house would affect amenity of new residents.
- Would have negative impact on existing public house business and affect its viability. Pub is an asset of community value.
- Would exacerbate ongoing flooding/sewerage/infrastructure situation in Ickford.
- Local schools are over-subscribed and there is groundwater flooding.
- Roads are under pressure and dangerous.
- Would reduce parking for the pub and result in on street parking.
- Parking for new dwellings is insufficient. No electric charging points.
- 3 healthy trees cut down just before application submitted.
- Ickford has had its quota for new housing already.
- No sign of any energy efficient or eco-friendly homes.
- Potential loss of wildlife habitats.
- Access to dwellings through car park would not be practical.
- Development will help Ickford grow into a more diverse village and widen the community.
- Negative impact on property values.

6.0 Policy Considerations and Evaluation

Ickford Neighbourhood Plan (INP) was made in June 2021 and has full weight.

Relevant policies include

- NE1: Landscape, Views and Dark Skies
- NE2: Green Infrastructure & Biodiversity
- BEH1: Heritage Assets
- BEH2: Design in the Conservation Area
- BEH3: The Setting of the Conservation Area
- F1: Flooding
- ND1: Settlement Boundary
- ND2: High Quality Design
- ND3: New Housing Development
- ND4: Housing Mix and Affordability
- TT1: Traffic and Transport
- CF1: Community Facilities

Vale of Aylesbury Local Plan (VALP) was adopted on 15th September 2021 and therefore has full weight.

National Planning Policy Framework (NPPF) 2023

Planning Practice Guidance (PPG)

Aylesbury Vale Design Guide SPD (adopted on 30 June 2023)

Buckinghamshire Minerals and Waste Local Plan (July 2019) - Policy 1: Safeguarding Mineral Resources – within a Mineral Safeguarding Area but exempt from consultation as within an urban area and less than 10 houses.

Recycling and Waste: Advice note for developers 2015

7.0 Principle and Location of Development

Sustainability of the location

- 7.1 The overall spatial strategy set out in policy S2 of VALP is to direct new development to the larger settlements, with moderate amounts of development in villages and very restricted development in the other settlements that are not defined as villages in the settlement hierarchy.
- 7.2 Ickford is identified in Table 2 of VALP as a medium village. Medium villages have some provision key services and facilities, making them moderately sustainable locations for development.
- 7.3 Ickford is recorded as having a population of 680 in the 2011 census. The village has a number of amenities including St Nicholas Church, a village hall, play area, allotments, Ickford (primary) School, Village Stores and The Rising Sun pub/restaurant.

- 7.4 D3 of VALP supports small scale development within the built-up areas of strategic settlements, larger and medium villages, including infilling and development that consolidates existing development patterns. Policy ND1 of INP states that within settlement boundary, “proposals for new development will be supported which are appropriate in scale, design and character to the village”.
- 7.5 The site is within the built up part of Ickford, substantially enclosed by built development, including a new housing development to the north and east. Therefore, in broad sustainability terms, the site is in principle a sustainable location for limited small-scale development.
- 7.6 Turning to housing land supply, the latest Five-Year Housing Land Supply Position Statement (September 2023) for the Aylesbury Vale area is 4.5 years’ supply of deliverable housing sites for the 2023-28 period.
- 7.7 The proposal would contribute to housing land supply tempered by the scale of the development (gain of two net dwellings). It is considered that there would also be some economic benefits in terms of the erection of the development as well as the resultant increase in population which would contribute to the local economy. This is a benefit of the proposal, albeit limited. It is important to note that this development would have been recommended for approval regardless of the housing supply issue, as it is compliant with Local Planning Policy.
- 7.8 The NPPF promotes the value of using suitable brownfield (previously developed) land as much as possible. Policy S7 of the VALP also encourages the reuse of previously developed land (PDL). The NPPF defines previously developed land as land that was occupied by a permanent structure, including its curtilage. However, it excludes land in built up areas such as residential gardens etc. In this case, the land where the dwellings would be built comprises part of a parking area and pub beer garden and as it is not a residential garden, it can be considered as brownfield.
- 7.9 The application represents a proposal for a non-allocated housing site in the built up area of Ickford. Given the number of dwellings proposed, when considered in the context of Ickford, the scheme is small-scale and thus part 1 of policy D3 is relevant. Criteria 1(b) of policy D3 states that subject to other policies in the Plan, permission will be granted for “development that consolidates existing settlement patterns without harming important settlement characteristics, and does not comprise partial development of a larger site”. The site relates well to the existing pattern of development and would not extend into open countryside. As such, the principle of residential development of this site is considered acceptable. Councillor attention is directed to the fact that the Council’s current lack of 5yr HLS (paragraph 5.7 above) and the recent publication of the NPPF (Dec 23). This application was

received prior to the publication of the NPPF in Dec 23, and therefore in accordance with guidance set out in the NPPF this application falls to be determined at a time when policy D3 was considered out-of-date in so far as it seeks to restrict housing supply. The policy can be afforded limited weight in the consideration of this proposal. However, in the view of officers the current lack of 5yr HLS only strengthens the need for housing within the area on this otherwise already acceptable site. Had the Council been able to demonstrate a 5 yr HLS officers confirm that the principle of development would still have been supported.

Impact on the viability of the public house

- 7.10 Several objectors have raised concerns over the impact of the development on the viability of the use of the remainder of the site as a public house, in particular due to the loss of some parking spaces and part of the garden area.
- 7.11 Policy I3 of VALP seeks to resist proposals for the change of use of community buildings and facilities for which there is a demonstrable local need. Policy CF1 of INP states that “Development proposals that will result in either the loss of or significant harm to a valued community facility, as listed below, will not be supported, unless it can be clearly demonstrated that its continued use is no longer viable”. The Rising Sun pub is considered a community facility by virtue of this policy.
- 7.12 It is proposed to erect two dwellings on land to the rear of the pub, land which is currently used as part of its garden and parking area. A large number of local residents and the parish council raised strong concerns over the proposal, with many claiming that the proposal would have a negative impact on the public house business and affect its long term viability. Suggestions have been made by objections that the proposal was a deliberate attempt by the owners to run the business down and eventually convert the pub into a dwelling.
- 7.13 Conversely, the agent has suggested that the proposed development would have no material impact on the operation or future viability of the existing public house, which would remain fully operational during and following construction phase of the dwellings. The agent added that the proposed development would ensure the application site continues to provide a community facility (public house) for the local community. A letter from the applicant (Punch Pubs) appended to the Planning, Design & Access Statement states that part of the proceeds from the development would be invested in the Rising Sun, thus ensuring its viability for the future.
- 7.14 To enable the impact of the proposed development on the viability of the public house to be independently assessed, the applicant arranged for a Viability Assessment to be prepared by chartered surveyors Davis Coffey

Lyons (DCL), and their report was then reviewed by the Council's own viability consultant, Savills who has looked at this from an independent expert position.

- 7.15 Savills state, in their report, that the development would result in the loss of approximately 446.6 sqm of garden, retaining 1,090.94 sqm. Savills dispute some of the assumptions made by DCL with regards to sales, profit margins and wages. However, despite the lower level of sales adopted, Savills consider that the business is capable of making a profit and is currently viable. Savills looked at the likely trading performance post the proposed development and agree with the statements from DCL, for example that the building and trading space in the pub would be unchanged and that the loss of the part of the garden most remote from the pub would not have any effect on the physical seating capacity of the pub in trading terms as currently configured. It was agreed that whilst "it is possible that some families might choose not to go to this pub as a result of the reduced garden size, this is likely to be a small minimal impact."
- 7.16 In conclusion, Savills do not envisage turnover to fall by more than 5% and therefore consider that the property would remain viable if part of the garden is lost to development.
- 7.17 Whilst the concerns of objectors are noted, on the basis of the above evidence submitted by 2 recognised experts in the field of public house viability it is considered that the proposal would result in the public house remaining a viable business and so it would accord with Policy I3 of the VALP and Policy CF1 of INP. No alternative evidence has been submitted that would put into doubt the opinions from either the applicant's consultant or the Council independent assessor. The proposal will not because of this development put at risk the viability of the pub. If at some point in future, the pub was to close and a change of use sought, an application would be assessed in accordance with adopted policies in place at the time, it is not for this application to make that future assessment.
- 7.18 The principle is acceptable however all other relevant policies must be met before permission is granted. This issue is afforded neutral weight in the planning balance.

Affordable Housing and Housing Mix

SPD – Affordable Housing

VALP policies H1 Affordable Housing and H6a Housing Mix

INP policy ND4: Housing Mix and Affordability

- 7.19 Policy H1 of VALP states that developments of 11 or more dwellings gross or sites of 0.3ha or more will be required to provide a minimum of 25%

affordable homes on site. Policy H6a expects that new residential development provide a mix of homes, with the housing mix negotiated having regard to the council's most up-to-date evidence on housing need.

- 7.20 Policy ND4 of INP states that in new residential developments there shall be a variety of dwelling types and sizes. In particular, it supports schemes containing smaller less expensive market homes suitable for young families and affordable housing for rent and home ownership.
- 7.21 With regard to affordable housing, the provision of 2 dwellings on a site of 0.2 hectares in area would not meet the thresholds for requiring affordable housing contributions to be made.
- 7.22 With regard to housing mix, there would be two 2 bedroom dwellings. The finding of the Housing and Employment Development Needs Assessment (HEDNA) set out in the VALP indicate that, based on current figures and population growth, 3 bedroom homes are of the highest need followed by 4-bed houses. INP policy ND4 supports schemes containing smaller less expensive market homes suitable for young families.
- 7.23 Given the scale of the proposal, the provision of two 2 bedroom dwellings would be acceptable and, in this instance, does not require a mix of sizes. This would accord with VALP Policy H6a of VALP and ND4 of INP. This issue is afforded neutral weight in the planning balance.

Transport matters and parking

VALP policies T5 (Delivering transport in new development) and T6 (Vehicle parking), T8 (Electric vehicle parking), Appendix B (Parking Standards)

INP policy TT1 (Traffic and Transport)

- 7.24 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, and that safe and suitable access can be achieved, taking account of the policies in the NPPF.
- 7.25 The site is located in Ickford, within walking distance of village facilities and opposite a bus stop providing infrequent services to Aylesbury.
- 7.26 Several local residents raised concerns over local roads and some suggested that the access into the site is dangerous.
- 7.27 The Council's Highways Officer was consulted and stated that Worminghall Road is an unclassified road subject to a speed limit of 30mph. Near the site, parking and waiting restrictions are not present. The proposal benefits from a footway on the opposite side of the road.
- 7.28 The Highways Officer added that as the proposals would see the net gain of two dwellings on the site, the site would be subject to intensification in use

in the region of 8-12 vehicular movements (two-way) per day. As this is the case, the access arrangements serving the site will need to be assessed in order to determine their suitability to accommodate the level of vehicular movements anticipated.

- 7.29 With regards to the access, the site will utilise the existing pub car park access from Worminghall Road. After assessing the site, the Highways Officer is satisfied with the level of visibility at this access point. He added that the access has also operated safely in its use for the pub car park and no incidents have been recorded in the last 5 years on CrashMap. Finally, he confirmed that two cars can pass at the site access. No contrary evidence has been submitted by parties which would put into doubt this conclusion.
- 7.30 Turning to on-site parking provision, VALP Policy T6 states that all development must provide an appropriate level of car parking, in accordance with the standards set out in Appendix B. For a two bedroom dwelling, 2 spaces are required. Policy T8 requires that a new house with a garage or driveway provide one electric vehicle charging point.
- 7.31 The proposed development includes four parking spaces for the two proposed dwellings, which accords with the guidance. There would also be two cycle parking spaces. Following initial comments from the Highways Officer, two EV charging points were added. The Highways Officer noted that the size of the parking spaces is still below the VALP size standards (2.8m x 5m) and considered that this matter could be resolved by a suitably worded planning condition. However, an amended drawing was submitted by the agent showing larger parking spaces and the Highways Officer confirmed that these spaces are of the appropriate standard.
- 7.32 Several local residents have expressed concern that the proposed development would reduce the amount of on-site car parking associated with The Rising Sun public house which could result in displacement of demand for parking space on to local roads.
- 7.33 The Highways Officer states that the public house would have 18 parking spaces after the reconfiguration of the car park. The VALP standards requires a pub to have one space per 17sqm. The applicant states that the floor space of the pub is 172sqm. Therefore, on this basis, 10 spaces are required. Given that 8 spaces have been provided over this number, the Highways Officer is satisfied with the parking provision for the pub. Finally, he also confirm that there is enough space for vehicles to turn and leave the site in a forward gear.
- 7.34 Mindful of the above, there is no highways objection, subject to conditions and informatives.

7.35 It is therefore considered that the proposal would comply with Policies T6 and T8 of VALP, the Council's Parking Standards, Policy TT1 of INP and the NPPF in this regard. This issue is afforded neutral weight in the planning balance.

Raising the quality of place making and design

VALP policy BE2 (Design of new development), NE4 (Landscape character and locally important landscape).

INP policies ND1 (Settlement Boundary), ND2 (High Quality Design) and ND3 (New Housing Development)

Vale of Aylesbury Design SPD (adopted 2023)

7.36 The NPPF at paragraph 8, states that one of the overarching principles of the planning system is a social objective, including fostering well-designed, beautiful, and safe places. Policy BE2 of VALP states that new development should respect and complement the character of the site and its surroundings and the local distinctiveness and vernacular character of the locality, as well as important public views.

7.37 Policy D3 of VALP states that in larger villages, permission will be granted for development comprising infilling of small gaps in developed frontages and development that consolidates existing settlement patterns without harming important settlement characteristics.

7.38 Policy ND1 of the INP states that proposals within the settlement boundary will be supported which are appropriate in scale, design and character to the village; contribute to its local distinctiveness.

7.39 Policy ND2 states that the rural character of the village and its surroundings will be respected through high quality new development. Policy ND3 states that all new housing development will be required to deliver a well-designed scheme that links both visually and functionally to the existing village. It adds that new buildings must respect the scale of surrounding development and exhibit a simplicity of design.

7.40 The Vale of Aylesbury Design SPD, adopted in 2023, states that in general, traditional houses in the area have a distinctly rural character. The majority of traditional buildings in Aylesbury Vale, in both urban and rural areas, adopt a very consistent, simple form, with rectangular floorplans and pitched roofs over narrow spans. Materials should reflect the character of the area and also the style of architecture adopted. It adds that new buildings in a street should follow the established building line.

7.41 It is proposed to erect two three bedroom dwellings on land to the east of the site, behind the existing public house, which would be retained. As submitted, the pair of dwellings would have measured 12.3m in width by

10.6m deep, with a total height of about 7.6m. There would have been two dormers on the front (north) elevation and a total of four dormers on the south (rear) elevation. Materials would have included UPVC fascias, soffits and rainwater goods.

- 7.42 The parish council and several local residents raised concerns over the proposed design, stating that it would be unsympathetic, would not reflect the style or character of existing buildings and would be shoehorned into the site.
- 7.43 It is acknowledged that the dwellings would be positioned at the rear of the pub, beyond the existing building line and so would be a form of backland development. However, the northern part of the village is not particularly characterised by linear forms of development, particularly to the north of Sheldon Road and east of Worminghall Road. Backland development therefore is not objectionable in principle.
- 7.44 The streetscene drawing submitted showed that the new dwellings would have been large in scale, with a ridge height above that of the public house (maximum of about 7.1m). The Heritage Officer stated that the dwellings would be very bulky and would not be subservient to the surrounding buildings. The Heritage Officer also expressed concerns over the design, stating that the modern design, detailing and character do not relate well to the listed buildings or conservation area and that the proposal would be an unsympathetic addition.
- 7.45 As a result, further discussions were held with the heritage officer and amended drawings were submitted. As amended, the dwellings would be and a half storeys, with a total height of about 6.7m (a reduction of about 1 metre) and an eaves height of 3.1m. The pair of dwellings would measure 12.4m in width and 9.5m in depth. The number of dormer windows on the rear elevation was reduced from four to two, with two small rooflights added. The front porches were removed, and a chimney stack added to the east elevation. With regards to materials, the fascias, soffits and rainwater goods are now black aluminium. There would also be materials such as clay roof tiles, render, painted timber doors and windows that would be appropriate in a rural area.
- 7.46 As a result of these design amendments, the dwellings would sit subserviently behind the listed building, at about the same height as the Rising Sun, and would have a more traditional appearance that reflects the detailing and character of the Rising Sun public house and uses vernacular materials seen in the conservation area. The footprint of the development has been reduced slightly, from around 136 sqm to about 128 sqm. The Heritage Officer is now content with the design and considers that it accords with VALP.

7.47 Overall, it is considered that the proposal has successfully addressed the initial concerns in terms of design. As such, the proposal would accord with Policy BE2 of the VALP, policies ND1, ND2 and ND3 of the INP, the adopted Design SPD and the guidance set out in the NPPF. This issue is afforded neutral weight in the planning balance.

Amenity of existing and future residents

VALP policy BE3 (Protection of the amenity of residents).

INP policies ND2 (High Quality Design) and ND3 (New Housing Development)

7.48 The NPPF at paragraph 130 states that authorities should always seek to create places that have a high standard of amenity for all existing and future users.

7.49 Policy BE3 of VALP seeks to protect the amenity of existing residents and achieve a satisfactory level of amenity for future residents.

7.50 Policy ND2 of the INP supports proposals provided that it will not cause unacceptable harm to neighbouring properties by way of loss of privacy, daylight, noise, visual intrusion or amenity. ND3 adds that new residential buildings must be designed to mitigate against issues of overlooking and loss of residential amenity.

7.51 The nearest dwellings to the proposed dwellings would be the new housing development (for 66 dwellings) being built to the north and east, 32 and 34 Worminghall Road to the south and 23 and 33 Worminghall Road to the west. The retained public house would be around 22m to the north west. There would be a reasonable separation distance between the two new dwellings and the surrounding dwellings, with no dwellings closer than 35-40m away. There would also be landscaping screening to the north, south and east, as well as between the pub and the new dwellings. As such, there would be no overlooking or loss of privacy to any nearby dwellings.

7.52 Turning to the amenity impacts on the proposed dwellings on each other, there would be a 1.8m high close boarded fence along the mutual boundary. The dwellings would have first floor windows facing their rear gardens and whilst these may afford oblique views into each other's gardens, this is unavoidable in a built up area and is not sufficiently harmful to warrant a refusal. Therefore, despite their close proximity, there would be no unreasonable impacts on Plot 2 from Plot 1 and vice versa.

7.53 Concerns have been raised over the impact of the public house on the new occupants, in particular through noise and disturbance. The proposed dwellings would have their side elevations facing the public house and so the principle windows would be angled away from the pub. A noise assessment was requested by the Environmental Health officer in their initial comments,

and the submitted Acoustic Testing report recommends a number of mitigation measures, including acoustic trickle vents and a glazing system. Furthermore, there would be a 1.8m high acoustic fence along the boundary with the pub.

- 7.54 The EH officer was reconsulted and stated that Environmental Health accept the findings and the proposed mitigation, subject to the development being constructed with the mitigation measures as detailed.
- 7.55 The dwellings would have relatively small rear gardens. As a general rule, the Council expects to see a garden length of at least 10m for new dwellings to ensure adequate outdoor amenity space for the occupiers of the property. In this case, the rear gardens would be about 9m in length (including patio) and whilst this would be marginally below the normally expected length, it is noted that many of the new dwellings being built to the north east (Poplar Way) and on Golders Close to the south have similar sized gardens and so a refusal on this basis could not be sustained.
- 7.56 All habitable rooms in the two proposed dwellings would have sufficient natural light and the dwellings would, at 84 sqm each, comply with the minimum nationally prescribed space standard for a two bedroom, four person house over two floors of 79 sqm.
- 7.57 It is concluded therefore that the residential amenities of nearby dwellings and the occupiers of the new dwellings would not be materially affected and that this would accord with policy BE3 of VALP, ND2 and ND3 of the INP and the NPPF. This issue is afforded neutral weight in the planning balance.

Flooding and drainage

VALP policy I4 (Flooding)

INP policy F1 (Flooding)

- 7.58 Paragraph 167 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere.
- 7.59 Some residents have raised concerns that the development would exacerbate ongoing flooding/sewerage issues in Ickford.
- 7.60 Whilst these concerns are noted, the site is within Flood Zone 1 and the development would therefore be at low risk of fluvial flooding. It is not in an area susceptible to surface water flooding. With regard to drainage, the application form states that surface water would be disposed of via the main sewer. No technical points of objection have been submitted to the Council that would suggest that a flood reason for refusal could be sustainable if challenged.

7.61 Therefore, the proposed development would be resilient to climate change and flooding, and it would not increase flood risk elsewhere in accordance with Policy I4 of Vale of Aylesbury Local Plan, Policy F1 of INP and the National Planning Policy Framework. This issue is afforded neutral weight in the planning balance.

Landscape Issues, including trees and hedgerows

VALP policies NE4 (Landscape character and locally important landscape) and NE8 (Trees, hedgerows, and woodlands).

INP policy NE1 (Landscape, Views and Dark Skies)

7.62 Policy NE4 of VALP requires that development must recognise the individual character and distinctiveness of particular landscape character areas set out in the Landscape Character Assessment (LCA), their sensitivity to change and contribution to a sense of place. The site lies with the Ickford Pastoral Vale Landscape Character Area (LCA) 8.12. This is a flat or gently sloping vale landscape, predominantly pastoral with small fields and good hedgerows.

7.63 However, the site lies with the built up part of the village, built development on all sides, including a large scale new housing development to the north east. As such, there would be no wider landscape impacts.

7.64 Policy NE1 of INP states that key views in and around Ickford should be maintained where possible. There would be no loss of any key views.

7.65 With regard to trees, Policy NE8 of VALP resists development that would result in the unacceptable loss of, or damage to, or threaten the continued well-being of any trees and hedgerows which make an important contribution to the character and amenities of the area. It adds that where trees within or adjacent to a site could be affected by development, a full tree survey and arboricultural impact assessment will be required as part of the planning application. Policy ND2 of INP states that proposals should retain and enhance natural features and boundaries, including trees, hedgerows and water courses, which contribute to visual amenity.

7.66 There are a number of trees and groups of trees located around the site. An Arboricultural Implications Assessment (AIA) and Arboricultural Method Statement (AMS) were submitted. The AIA identified that there are two Category B trees that would need to be removed and two Category C trees would also need to be removed to provide car parking spaces and the proposed dwellings.

- 7.67 The Council's Tree Officer was consulted and stated that two trees were removed immediately prior to submission of the application. In order for this to remain consistent with Policy NE8 of the VALP, compensatory planting would be required. The Tree Officer added that the tree protection measures as detailed on the submitted Tree Protection Plan (TPP) are sufficient and so a further TPP will not be required.
- 7.68 As such, there are no objections from the tree officer, subject to conditions.
- 7.69 Therefore, it is considered that the proposal would accord with policy NE4 and NE8 of VALP, policy NE1 of INP and the NPPF. This issue is afforded neutral weight in the planning balance.

Ecology

VALP NE1 (Biodiversity and geodiversity)

INP NE2 (Green Infrastructure and Biodiversity)

- 7.70 Regard must be had as to how the proposed development contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. Policy NE1 of VALP and NE2 of INP are also reflective of the NPPF in requiring all development to deliver a biodiversity net gain.
- 7.71 The Council's Ecologist was consulted and initially raised a holding objection and requested further evidence in the form of a Biodiversity Net Gain Report to demonstrate that BNG can be achieved as part of the proposed development. The Ecologist added that biodiversity enhancement features would need to be built into the development, namely 2 bat boxes, 2 bird boxes and hedgehog holes.
- 7.72 An Ecology and Biodiversity Net Gain Assessment was subsequently submitted, and this concluded that the development would result in a 12.93% BNG. However, the Council's Ecologist identified an error in the calculation and an updated metric was submitted. The Ecologist stated that the development would result in 11.40% habitat units and 10.77% hedgerow units within the site but later stated that the new site plan would result in a reduction of trees and hedgerows onsite which will influence the proposed biodiversity net gains, most likely negatively. Updated biodiversity net gain evidence was requested.
- 7.73 Updated evidence was then submitted showing a gain of 12.93% habitat units and 10.77% hedgerow units, with the agent clarifying that there would be no change to the trees and hedgerows. Notwithstanding this, the proposed hedgerow was then moved to another area within the site to

provide appropriate spacing for the parking area. Biodiversity net gain was not impacted by this change and the Ecologist confirmed that it should still achieve 0.1085 (12.93%) habitat units and 0.0740 (10.77%) hedgerow units.

- 7.74 To secure these gains, an ecological design strategy would need to be provided and biodiversity enhancement features will also be secured within the ecological design strategy.
- 7.75 The Ecologist added that there are no ponds within 250m of the application site and very little great crested newt records, however, the site and the surrounding area contains suitable terrestrial great crested newt habitat also the site is situated within a red impact zone. The Ecologist initially stated that it would be appropriate for a non-licence method statement to be secured for great crested newts to be secured through a planning condition subject to determination of the application. However, the agent queried this given that the closest pond is 240m from the site. The Ecologist responded by stating that whilst great crested newts do spend most of their time out of ponds within terrestrial environments and can travel over 250m away from a pond, a great crested newt informative would be more appropriate and proportionate in this instance instead of a non-licenced method statement.
- 7.76 Therefore, the Ecologist raises no objections, subject to a condition and informatives regarding protection of breeding birds and great crested newts.
- 7.77 It is considered that in terms of impact upon the natural environment, it has been demonstrated that the proposal would have an acceptable impact on protected species and their habitats. As such, the proposal would comply with VALP policy NE1, INP policy NE2 and relevant NPPF advice. This issue is afforded neutral weight in the planning balance.

Historic environment

VALP policies BE1 (Heritage Assets)

- 7.78 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 189 identifies heritage assets as an irreplaceable resource which should be conserved in a manner appropriate to their significance. Paragraph 203 states that the effect of an application on a non-designated heritage asset must be taken into account and that in weighing applications that affect such buildings, a balanced judgement will be required weighing the scale of any harm or loss and its significance.
- 7.79 Policy BE1 states that proposals will only be supported which do not cause harm to heritage assets.
- 7.80 Policy BEH1 of the INP states that the Neighbourhood Plan attaches great weight to the conservation of heritage assets. BEH2 states that proposals

must demonstrate that they aim to preserve or enhance the character or appearance of the Ickford Conservation Area. BEH3 states that proposals affecting the setting of the conservation area should demonstrate that the proposals have been designed to preserve or enhance the character or appearance of the conservation area and any designated and non-designated heritage assets within it.

- 7.81 The Rising Sun is a Grade II listed building which falls within the Ickford Conservation Area (CA). It also contributes towards the setting of other nearby listed buildings (LBs), primarily the Grade II 32 & 34 Worminghall Road. However, most of the rear beer garden and part of the car park falls outside of the CA.
- 7.82 A number of local residents and the parish council raised concerns over the impact of the proposed development on the setting of heritage asset and conservation area.
- 7.83 In her initial comments, as set out above in the section on placemaking and design, the Heritage Officer raised concerns over the scale and design of the proposed dwellings, stating that they would be greater in height than the public house with a design that would cause harm to the setting of the nearby listed buildings and detract from the significance of the CA. Following these comments, the applicant paused the application in order to engage with 'pre-application' type discussions with the heritage officer. Following this, amended drawings were submitted.
- 7.84 As outlined earlier in this report, the amended design reduced the height and scale of the proposed dwellings and would sit subserviently behind the listed building and be more traditional in appearance. The Heritage Officer considers that the proposal would be more sympathetic to the LB and CA and be unlikely to cause harm to the nearby LBs. Furthermore, it would now be in character with the CA and does not detract from its significance due to its traditional form, materials and relationship with the surrounding built form.
- 7.85 Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and to the statutory test of preserving the setting of the listed buildings under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which are accepted as a higher duty. It has been concluded that the development would preserve the character and appearance of the conservation area and that the setting of the listed building would be preserved and so the proposal accords with section 66 & 72 of the Act.
- 7.86 In addition, no harm would be caused to the significance of the heritage asset, and as such the proposal accords with guidance contained within the

NPPF and with the aims of policies BE1 of VALP and BEH1, BEH2 and BEH3 of INP. This issue is afforded neutral weight in the planning balance.

8.0 Weighing and balancing of issues / Overall Assessment

- 8.1 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.
- 8.2 The site lies within the built up part of a medium village listed within VALP, and so the site is in principle a sustainable location for limited small-scale development.
- 8.3 It is accepted that there would be economic benefits in terms of the construction of the development itself. The scheme would also deliver two net additional dwellings, thereby adding to the Aylesbury Area's housing supply.
- 8.4 The scheme has been considered acceptable in terms of its impact to housing mix, transport and parking, residential amenity, flooding and drainage, trees and landscape, ecology and heritage. However, these do not represent benefits of the scheme but rather demonstrate an absence of harm.
- 8.5 It is acknowledged that a tilted balance is engaged as a result of the Council being unable to demonstrate a 5-year land supply. Taking all the relevant factors into account, and having regard to the NPPF as a whole, all relevant policies of the VALP and NPPF, it is considered that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits and it is therefore recommended for approval.
- 8.6 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].
- 8.7 Human Rights Act (1998) There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

9.0 Working with the applicant / agent

- 9.1 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.

9.2 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.

9.3 In this instance, the applicant/agent was informed of the issues arising from the proposal and given the opportunity to submit additional information. This was found to be acceptable, so the application has been approved.

10.0 Recommendation

The officer recommendation is that the application be **APPROVED** subject to the following 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 the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the materials specified in the planning application from hereby approved and approved drawing no. 23.3402.103 Rev P9 received on 15.11.2023.

Reason: To ensure a satisfactory appearance to the development and to comply with policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework 2023.

3. The scheme for parking, and manoeuvring indicated on the submitted plan ref 23.3402.101 Rev P16 received on 11.12.2023 shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction, and inconvenience to users of the adjoining highway and to comply with Policy T6 of the Vale of Aylesbury Local Plan, Policy TT1 of Ickford Neighbourhood Plan and National Planning Policy Framework.

4. Any hard surfaces within the development shall be made of porous materials, or provision shall be made to direct run-off water from the from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouses.

Reason: In order to reduce the risk of flooding and to accord with policy I4 of Vale of Aylesbury Local Plan, Policy TT1 of Ickford Neighbourhood Plan and the National Planning Policy Framework.

5. Notwithstanding any indications illustrated on drawings already submitted, no development above slab level shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. Landscape details shall include:
 - 1) a scaled plan showing all existing trees, shrubs and hedgerows to be retained, including crown spreads and trees and plants to be planted with size and species included;
 - 2) details of tree pits and maintenance requirements for their establishment; and
 - 3) location, type and materials to be used for hard landscaping.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless already agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory landscaping of the site in the interests of amenity to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development and remain consistent with Policy NE8 of the Vale of Aylesbury Local Plan, policy NE1 of the Ickford Neighbourhood Plan and National Planning Policy Framework.

6. 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 a satisfactory and continuing standard of amenities are provided and maintained in connection with the development and in accordance with policy NE8 of the Vale of Aylesbury Local Plan, policy NE1 of the Ickford Neighbourhood Plan and the National Planning Policy Framework.

7. No development shall take place until an ecological design strategy (EDS) addressing biodiversity net gain, 0.1085 (12.93%) habitat units and 0.0740 (10.77%) hedgerow units and biodiversity enhancement features has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.
 - a) Purpose and conservation objectives for the proposed works.

- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Details of biodiversity enhancement features local and model specifications (i.e. hedgehog holes within proposed new fencing/boundaries, a minimum of two bat boxes and two bird boxes)
- h) Persons responsible for implementing the works.
- i) Details of initial aftercare and long-term maintenance.
- j) Details for monitoring and remedial measures.
- k) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the development safeguards protected wildlife and achieves a net gain in biodiversity in accordance with policy NE1 of the Vale of Aylesbury Local Plan, policy NE2 of the Ickford Neighbourhood Plan and National Planning Policy Framework.

8. The development hereby permitted shall only be carried out in accordance with the details contained in the planning application hereby approved and the following drawing numbers 23.3402.100 Rev P2 received on 14.6.2023; 23.3402.102 Rev P9, 23.3402.103 Rev P9 and 23.3402.104 Rev P7 received on 15.11.2023; 23.3402.101 Rev P16 received by the Local Planning Authority on 11.12.2023 and in accordance with any other conditions imposed by this planning permission.

Reason: To ensure that the development is carried out in accordance with the details of the development by the Local Planning Authority and to comply with the National Planning Policy Framework.

9. The dwellings hereby permitted shall be constructed with the noise mitigation measures set out in the Acoustic Testing Report (Airtight and Noise Check Limited dated 25th September 2023) and these shall thereafter be retained in perpetuity.

Reason: To preserve the amenities of the occupants of the proposed dwellings and to comply with BE3 of the Vale of Aylesbury Local Plan, ND2 and ND3 of the Ickford Neighbourhood Plan and the National Planning Policy Framework.

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

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of the dwellings or erection of a garage, windows, buildings, structures or means of enclosure having regard for the particular layout and design of the development, in accordance with policies BE1, BE2 and BE3 of Vale of Aylesbury Local Plan and National Planning Policy Framework.

11. No development shall take place on the building(s) hereby permitted above ground level until samples/details of the materials proposed to be used on the external surfaces of the development, including clay roof tiles, render, cladding and bricks, have been made available to be viewed on site and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that materials are in keeping with the local vernacular and will not detract from the setting of the Listed Building and character of the Conservation Area and to comply with policy BE1 of Vale of Aylesbury Local Plan, policies BEH1, BEH2 and BEH3 of the Ickford Neighbourhood Plan and the National Planning Policy Framework.

12. The rooflights hereby permitted as shown on drawing 23.3402.103 Rev P9 "Proposed Elevations" received on received on 15.11.2023 shall be flush fitting Conservation rooflights.

Reason: To ensure that materials are in keeping with the local vernacular and will not detract from the setting of the Listed Building and character of the Conservation Area and to comply with policy BE1 of Vale of Aylesbury Local Plan, policies BEH1, BEH2 and BEH3 of the Ickford Neighbourhood Plan and the National Planning Policy Framework.

13. Prior to their installation, elevation drawings (scale 1:20) fully detailing the new windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved specification and retained thereafter.

Reason: To ensure that materials are in keeping with the local vernacular and will not detract from the setting of the Listed Building and character of the Conservation Area and to comply with policy BE1 of Vale of Aylesbury Local Plan, policies BEH1,

BEH2 and BEH3 of the Ickford Neighbourhood Plan and the National Planning Policy Framework.

14. The dwelling(s) hereby approved shall be constructed to meet as a minimum the higher standard of 110 litres per person per day using the fittings approach as set out in the 'Housing: optional technical standards' guidance and prescribed by Regulation 36(2)(b) of the Building Regulations 2010

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; and to use natural resources prudently, and in accordance with Policy C3 of the Vale of Aylesbury Local Plan (adopted September 2021) and guidance contained in the NPPF (2023).

15. The development hereby approved shall store all additional runoff within the site and either reuse it or release it into the ground through infiltration. Where the additional runoff is not to be re-used or on-site infiltration methods are not proposed, details of how the risk of flooding elsewhere will not be increased shall be submitted to and approved by the local planning authority prior to any development taking place. The approved details shall thereafter be implemented prior to the development being brought into use and thereafter managed and maintained for the lifetime of the development.

Reason: To ensure that the development does not increase the risk of flooding elsewhere and in accordance with policy I4 of Vale of Aylesbury Local Plan and Paragraph 167 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

16. The residential dwelling hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' as a minimum prior to first occupation. Such provision shall be maintained for the lifetime of the development.

Reason: To ensure the adequate provision of accessible and adaptable dwellings in accordance with Policy H6c of the Vale of Aylesbury Local Plan.

Informatives:

1. 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 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.

3. Protection of breeding birds during construction (as per D.3.2.2 of BS42020:2013 Biodiversity – Code of practice for planning and development)

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. [Buildings, trees, scrub and other vegetation] are likely to contain nesting birds between 1st March and 31st August inclusive. [Buildings, trees, scrub and other vegetation] are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

4. **Protection of great crested newts and their breeding/resting places**

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England or opt into Buckinghamshire Council's District Licence. If a great crested newt is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

5. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

6. Your attention is drawn to the "Recycling and Waste: Advice Note for Developers 2019" to assist developers and planning applicants by highlighting Buckinghamshire Council's current management of refuse and recycling collections and what provisions will be expected when proposals for new dwellings and commercial premises come forward in the future and the adopted policy on waste container charges. Developers should contact the Council's Operations and Waste Management Section for specific advice on current recycling collection arrangements. <https://www.buckinghamshire.gov.uk/waste-and-recycling/developers-bins-for-new-builds/waste-management-planning-guide-former-aylesbury-vale-area/>

7. Developers are encouraged to maximise the water efficiency of the development. Thames Water offer environmental discounts for water efficient development which reduce the connection charges for new residential properties. Further

information on these discounts can be found at
<https://www.thameswater.co.uk/developers/charges>

8. Noise, Odour and Dust from Construction/Demolition

Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.

By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk

This is an advisory scheme. Should the applicant not adopt this specific scheme then Environmental Health recommend a similar scheme be considered to achieve the same effect as described above.

Site operational hours for works that generate noise over the boundary of the premises:

Monday to Friday - 8am until 6pm

Saturday - 8am until 1pm

Sunday, Bank Holidays and Public Holidays – No noisy works

Outside of these times, no noisy equipment should be used that would be audible to nearby residents.

The determination of this application falls within the scope of Officer delegated powers.

DATE: 14.12.2023

SIGNED: *Bibi Motuel*
Planner

PROFESSIONAL CHECK: Agree
Recommendation

DATE

Appendix A: Consultation Responses and Representations

Councillor Comments

- Comments received from Ward Councillor Greg Smith on 12 August as follows (verbatim): *“Given the strength of feeling locally I request that decisions on this application are called in to the Central Bucks Planning Committee”*.
- Second comments received from Cllr Greg Smith on 10th December 2023 – *“My original reason for calling in this application was based on the strength of local opinion and concerns from the Parish Council that the application breached the local neighbourhood plan on several grounds, including compromising the conservation area. Whilst I remain unbiased in my view of the application I believe that the strength of objection requires a full and public discussion in order to reach the correct decision on this application.”*
- 18.12.2023 : Cllr Sue Lewin stated that she agreed with Cllr Smith’s comments and asked for this to be called in for discussion at committee.

Ickford Parish Council Comments received on 18.7.2023 (verbatim):

“Please read Ickford Parish Councils Objections to the above planning.

We would expect the applicant to argue that the garden to the pub is excessive, and not needed for the ongoing viability of the pub known as the Rising Sun. This is an opportunity for them to sell off assets for the benefit of their company, and in so doing neither reinvesting in the development and facilities of the pub, nor considering the amenity in the village or the longer-term viability of the pub. Indeed, this could well jeopardise the viability of the pub and accelerate a decision by the applicant to close the pub permanently in the future. The fact remains that Ickford is a growing village with 99 new houses either recently constructed or under construction, so potentially far more customers for the pub, and previous landlords have successfully used the garden for social events, music festivals, private parties, weddings etc. We also play in the Bucks Aunt Sally league, which is a key social part of the village and restricting the garden size could well prevent this in future. There is a great opportunity here for an entrepreneurial tenant to capitalise and use the garden to enhance the profitability of the Rising Sun considerably, and it would be a crime to remove this permanently through approving this application.

In addition:

The applicant seems to have given no regard at all to the Neighbourhood Plan. In fact, they reference the appeal decision for 42 Worminghall Road, which was made before Bucks adopted it. Specifically, policy BEH1 states that the Neighbourhood Plan attaches great weight to the conservation of Heritage assets...proposals that preserve those elements of the setting that make a positive contribution to the heritage asset should be treated favourably. The Rising Sun is a key heritage asset in a conservation area, and this proposal will detract from the setting, and therefore by definition should be refused.

Policy BEH2 deals with design in the conservation area, and this proposal fails that test as it does not demonstrate how it will preserve or enhance positive features of the area. The design

proposed is also not reflective of the style of existing buildings, materials nor does it complement the character of traditional buildings or reflect the traditional building material palette utilised in the village. So, on failing BEH2 it should be refused. In a similar vein it fails to meet BEH3 The setting of the Conservation Area and therefore warrants refusal.

Policy ND1 deals with developments within the Settlement Boundary and states that proposals will be supported ... where they do not cause unacceptable harm to the amenity or living conditions of neighbouring occupiers. This proposal fails on this account as well, as clearly it affects the amenity of the setting and outside garden of the Rising Sun.

This proposal also fails tests under ND3 'Form', 'Design' and Materials.

Policy TT1 states ...new development ...will only be supported, where it can be demonstrated that any severe adverse residual cumulative impacts on the road network will be mitigated and highway safety will not be demonstrated. This development is adjacent to the new housing at 42 Worminghall Road, which necessitated major road alterations for safety, but these did not make any allowance for any additional traffic that could exit from an adjacent site. Whilst the applicant can argue that the traffic this proposal is minimal, the volume of traffic now passing through the village as a result of new developments within the village and surrounding habitations is of major concern, with speeding becoming a major issue to the extent that a community speed watch group is to be formed.

Policy CF1 Community Facilities lists the Rising Sun Public House as one. This states clearly that ...proposals that result in either a loss of or significant harm to a valued community facility, as listed will NOT be supported, unless it can be clearly demonstrated that it is no longer viable.... This will require evidence that the property has been actively marketed ... for at least 12 months. A new tenant landlord has been appointed, so the applicant clearly feels the pub is a viable proposition, and therefore fails this test. indeed, reducing the size of the garden for this proposal could well have a negative effect on its viability, and therefore value.

The ongoing issues with flooding, sewage and the infrastructure generally in Ickford have not been resolved, so this proposal will inevitably exacerbate the situation. The Parish Council cannot find one reason why this proposal could be supported, indeed the overwhelming case here is for a refusal, and we would urge you to side with this evidence accordingly."

14.12.2023 – "Ickford PC oppose this planning on the same grounds as we opposed the original application. Please see previous objections/proposals".

Consultation Responses

Highways:

- **19.07.2023** - Additional information is required.
- **24.11.2023** – No objection subject to condition and informatives.
- **11.12.2023** – No objection subject to condition and informatives.

Ecologist:

- **13.7.2023** – Holding objection. Insufficient information has been provided. Further information is required re biodiversity net gain.

- **24.10.2023** – Holding objection. Insufficient information has been provided. Further information is required re biodiversity net gain.
- **9.11.2023** – No objection subject to conditions.
- **13.11.2023** – No objection subject to conditions.
- **17.11.2023** – Holding Objection due to the changes in the site plan an updated biodiversity net gain metric and report is required to be provided and reviewed.
- **27.11.2023** – No objection subject to conditions.
- **11.12.2023** – No objection subject to conditions.

Environment Health:

- **14.7.2023** - A noise assessment report is required.
- **26.10.2023** – No objection subject to informative.
- **28.11.2023** – no additional comments to make.

Heritage Officer:

- **19.7.2023** – The proposal would result in less than substantial harm to the setting of the listed building and detracts from the significance of eh Conservation Area. In heritage terms the application does not comply with the relevant heritage policy and therefore unless there are sufficient planning reasons, it should be refused for this reason.
- **1.12.2023** – No objection subject to conditions.

Tree Officer:

- **18.7.2023** – No objection subject to conditions.
- **21.11.2023** – No objection subject to conditions.

Representations

60 representations received at the time of writing, 59 objecting and 1 supporting, raising the following summarised issues:

- Would be contrary to neighbourhood plan.
- Would detract from setting of heritage asset and conservation area
- Unsympathetic design does not reflect style of existing buildings.
- Cynical attempt by Punch Taverns to run the business down and eventually sell pub for use as a private dwelling.

- Overdevelopment of site. Dwellings are tiny and shoehorned into site.
- New houses would not be affordable.
- Would reduce size of garden of Setting Sun by 30-40%.
- Insufficient landscaping buffer between pub and new houses.
- Noise from public house would affect amenity of new residents.
- Would have negative impact on existing public house business and affect its viability. Pub is an asset of community value.
- Would exacerbate ongoing flooding/sewerage/infrastructure situation in Ickford.
- Local schools are over-subscribed and there is groundwater flooding.
- Roads are under pressure and dangerous.
- Would reduce parking for the pub and result in on street parking.
- Parking for new dwellings is insufficient. No electric charging points.
- 3 healthy trees cut down just before application submitted.
- Ickford has had its quota for new housing already.
- No sign of any energy efficient or eco-friendly homes.
- Potential loss of wildlife habitats.
- Access to dwellings through car park would not be practical.
- Development will help Ickford grow into a more diverse village and widen the community.
- Negative impact on property values.

Appendix B: Site Location plan





Report to Buckinghamshire Council – (Central) Planning Committee

Application Number:	23/03595/VRC
Proposal:	Variation of condition 2 (plans) 3 (materials) relating to application 22/01925/APP (Demolition of existing single garage and sheds. Construction of a double garage with ancillary home office) – Part Retrospective
Site location:	Weston Lodge , 39 Brook End, Weston Turville, Buckinghamshire, HP22 5RJ
Applicant:	Mrs Morwenna Breen-Haynes
Case Officer:	Carrie Chan
Ward affected:	WENDOVER, HALTON & STOKE MANDEVILLE
Parish-Town Council:	HALTON
Valid date:	20 November 2023
Determination date:	15/01/2024
Recommendation:	Approval, subject to conditions

1.0 Summary & Reason for Planning Committee Consideration

- 1.1 The applicant of this application is an employee of Buckinghamshire Council, therefore in accordance with the Buckinghamshire Council Constitution, this application must be determined by the Area Planning Committee.
- 1.2 This variation of conditions application seeks to make changes to the approved and partially constructed double garage and ancillary home office (referred to as outbuilding in this report).
- 1.3 The changes include fenestration alterations and a change in the external materials. There would be no change to the size of the building (as approved), the siting and orientation of the building will also remain the same.
- 1.4 The changes are minor and will not affect the siting or the scale of the outbuilding and in the absence of any additional impact on the Conservation Area, the proposal is considered to be acceptable, as such, the application is recommended for approval.
- 1.5 Officer's recommendation is to **grant approval, subject to conditions** listed in Section 8 of this report.

2.0 Description of Proposed Development

Site Location

2.1 The application site is located on the corner of Brook End and Halton Village on the outskirts of Weston Turville and comprises of a semi-detached dwelling and its associated garden, access and parking.

2.2 The subject dwelling is not a listed building but is a Non-Designated Heritage Asset (NDHA) and the site is located within the Weston Turville Conservation Area.

This application

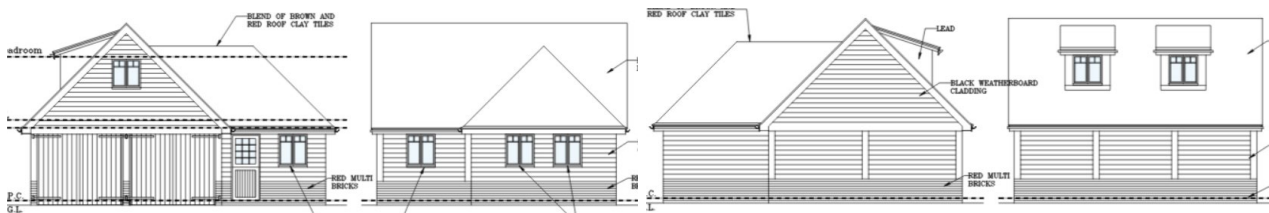
2.3 This is a variation of conditions application seeking permission to make changes to the approved and partially constructed outbuilding.

2.4 The original permission for a new outbuilding was granted on 1st September 2022 and works have started on site.

2.5 The following changes are proposed:

- Replace a window and a door with a set of single glazed cart style doors (Northwest elevation).
- Omission of one window in the side elevation (Southwest elevation).
- External materials to the workshop from part timber cladding above brick plinth to brick (red multi).

Approved:



Proposed:



For clarity, there will be no change to the siting; footprint; or scale of the outbuilding. T

The application is accompanied by a covering letter.

2.6

3.0 **Relevant Planning History**

Reference: 22/01925/APP

Development: Demolition of existing single garage and sheds. Construction of a double garage with ancillary home office

Decision: HHA Decision Date: 1 September 2022

4.0 **Consultation responses and third party representations**

Ward Councillors (Wendover, Halton & Stoke Mandeville)

Cllr Steve Bowles – No comments received at the time of drafting this report.

Cllr Richard Newcombe - No comments received at the time of drafting this report.

Cllr Peter Strachan - No comments received at the time of drafting this report.

Parish Council (Verbatim)

Halton Parish Council- No comments received at the time of drafting this report.

Neighbouring Parish Council (Verbatim)

Wendover Parish Council - *The Parish Council Object and maintain the Council's original objection to the previous planning application (22/01925/APP) due to the overbearing nature of the building and the loss of privacy to the neighbouring property.*

Ecology: *"No objection subject to condition of biodiversity enhancement features to be incorporated into the proposed development."*

Heritage: *"I have looked at the new proposal against that previously approved and consider that the new proposal introduces minor amendments which are not felt to be detrimental to the special character of the CA or to the setting of the main dwelling which is an NDHA. The change of materials is in keeping with the overall appearance of the new outbuilding and the main house, loss of a side window provides for a more simplistic southwest elevation, and the new larger glazed opening to the workshop would have a less domesticating appearance than the previously approved separate door and window.*

As such I am happy to support the proposal in heritage terms and ask that Planners take these comments into consideration when making their own recommendations."

Highways: *"No comments."*

Third party (summary)

One letter of objection received and comments related to this application are summarised below:

- Removing one window does not justify the enlarging of another opening.
- Brickwork to the workshop is not entirely approved bricks as it was finished in Sept 2023.

- Too close to boundary.

5.0 **Policy Considerations and Evaluation**

5.1 The starting point for decision making is the development plan, i.e. the adopted Vale of Aylesbury Local Plan (and any 'made' Neighbourhood Plans as applicable). S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) (2023) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither changes the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF

5.2 **The Development Plan**

Vale of Aylesbury Local Plan (VALP), adopted 15th September 2021 (carries full weight)

Policy S1 –Sustainable development for Aylesbury Vale

Policy S2 – Spatial strategy for growth

Policy T6 - Vehicle Parking

Policy BE1 – Heritage assets

Policy BE2 Design of new development

Policy BE3 Protection of the amenity of residents

Policy NE1 Biodiversity and Geodiversity

Buckinghamshire Minerals and Waste Local Plan 2016-2036

Biodiversity Net gain SPD

Vale of Aylesbury Design SPD

Neighbourhood Plan

Although the application address indicates the site to be in Weston Turville, the site is actually within the Halton Parish boundary.

Halton does not have a 'made' neighbourhood plan.

5.3 **National Policy**

National Planning Policy Framework (NPPF) 2023

Section 2 –Achieving sustainable development

Section 4 –Decision making

Section 12 –Achieving well-designed places

Section 14 –Meeting the challenge of climate change, flooding and coastal change

Section 16 – Conserving and enhancing the historic environment

In addition, the Planning practice Guidance (PPG) is also a material consideration

5.4 **Main issues:**

Principle of development
Design, character and appearance
Residential amenity
Highway and parking implications
Other matters

Principle of development

- 5.5 This is a variation of conditions application for the erection of an outbuilding that was granted permission in September 2022 (reference: 22/01925/APP). The principle of development was considered acceptable at the time of assessing the previous application, and in the absence of any material changes to the Development Plan, it is considered unnecessary to reassess the acceptability of an outbuilding in this location. The Council would be acting unreasonably if an objection in principle was raised now, an objection on this point would not be sustainable and costs would likely be awarded if challenged at appeal.
- 5.6 The rest of this report will therefore concentrate on the changes subject to this application. This application is part retrospective, however this must not factor in the acceptability of the proposal.

Design, character and appearance

- 5.7 In accordance with the Vale of Aylesbury Local Plan (VALP) and the National Planning Policy Framework (NPPF), development, amongst other requirements, should function well and add to the overall quality of the area, should be visually attractive as a result of good architecture, layout and landscaping, and should be sympathetic to local character and history.
- 5.8 The site also falls within the Weston Turville Conservation Area.
- 5.9 The outbuilding is in the same location as previously approved, in the garden area of Weston Lodge, northwest of the neighbouring properties outbuilding. The changes proposed, although partially visible from outside the site, are not considered to result in any additional harm on the character of the host dwelling or surrounding area above what was previously considered acceptable. It is acknowledged that resultant outbuilding would look different to the original approved however, the level of change is considered acceptable. As such it is considered that the proposal complies Policies BE1 and BE2 of VALP.

Residential amenity

- 5.10 Policy B3 of VALP seeks to ensure that all development proposals create and protect a good standard of amenity for neighbouring buildings and their occupiers.

- 5.11 Although fenestration changes are proposed, there would be no change to the scale, siting or orientation of the outbuilding. One opening in the southwest elevation has been omitted to reduce the level of views towards the neighbouring dwelling. There will also be fenestration change to the workshop element in the northwest elevation where a larger opening is proposed in place of a door and a window to allow for adequate natural lighting. Considering the changes made/proposed and the relationship between the outbuilding and the boundary fencing, the development is not considered to cause additional harm to neighbouring privacy.
- 5.12 In summary, the development proposed is not considered to result in any further impact on residential amenity and the proposals accords with Policy BE3 of VALP.

Parking and highway implications

- 5.13 The changes subject to this application will not alter the existing off-street parking provision and therefore there will be no impact to highway safety. Therefore the development proposed is considered to be in accordance with Policy T6 of VALP and the parking standards.

Other matters

- 5.14 Comments relating to the building not sited in the location approved are noted. The applicant has confirmed in the covering letter and in a separate correspondence that there is no change to the position of the building and that it is in full accordance with the approved plans. Nothing has been submitted to the Council to demonstrate that the building is in the wrong location.
- 5.15 Comments from Weston Turville Parish Council (WTPC) are noted. As this application is to vary the wording of two conditions (approved plans and materials) attached to the original permission for the erection of an outbuilding, there is no scope to reassess the acceptability of the subject outbuilding in this location. Furthermore, it would be unreasonable to reassess elements that do not form part of this application.
- 5.16 Given the previous approval, matters relating to Flood Risk, Ecology and Trees are not relevant to this proposal and are not therefore assessed further.
- 5.17 A total of 6 conditions were attached to the original permission, including materials and use restrictions. These conditions will be reviewed and if necessary, revised accordingly.

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:

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

6.3 As set out above it is considered that the proposals would accord with development plan policies BE1, BE2, BE3 and T6 of VALP. The principle of development has already been established and the latest changes are considered to be minor changes that will not alter the character and appearance of the Conservation Area or the main dwelling. The resultant appearance of the outbuilding would not be altered to a degree that would warrant a refusal.

6.4 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].

Human Rights Act 1998

6.5 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

Equalities Act 2010

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

7.0 **Working with the applicant / agent**

7.1 In accordance with the NPPF the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

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

7.3 In this instance, the application was acceptable as submitted and no further assistance was required.

8.0 **Recommendation**

8.1 Officer recommends this application be approved, subject to the following conditions:

1. The approved development shall be carried out in accordance with the following drawings/details:

Received on 20th November 2023:

- Plans & Elevations, dated November 2023.

Plans approved under the original planning permission:

- 1322-L1 Location plan.
- 1322-L2B Existing and Proposed Block Plans.

and in accordance with any other conditions imposed by this planning permission.

Reason: For the avoidance of doubt and to secure sustainable development in line with the objectives of the Development Plan.

2. The development hereby approved shall be carried out in accordance with the materials specified on drawing ref: Plans & Elevations, dated November 2023.

Reason: To ensure a satisfactory appearance to the development and to comply with policy BE1 & BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework 2023.

3. The detached building hereby permitted shall not be used or occupied for any purposes other than as ancillary to the residential use of the property on the site, currently known as Weston Lodge, 39 Brook End, Weston Turville, Buckinghamshire, HP22 5RJ. The building shall at no time be used as overnight accommodation on a rental basis or let out to a third-party business.

Reason: To preserve and maintain the residential character of the area and the character and appearance of the Conservation Area in accordance with policies BE1 and BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework 2023.

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

Reason: : To enable vehicles to draw off, park, and turn clear of the highway to minimise danger, obstruction, and inconvenience to users of the adjoining highway in accordance with policy T6 of the Vale of Aylesbury Local Plan.

5. The development hereby permitted shall not be occupied until biodiversity features comprising 2 Bird box has been installed into the building on the north, north-east or north-west elevations. The feature shall have been installed as per its manufacturing guidelines and retained thereafter.

Reason: In the interests of improving the biodiversity of the area in accordance with policy NE1 of Vale of Aylesbury Local Plan, Biodiversity Net Gain SPD and the National Planning Policy Framework 2023.

Informative:

Great Crested Newts (European Protected Species)

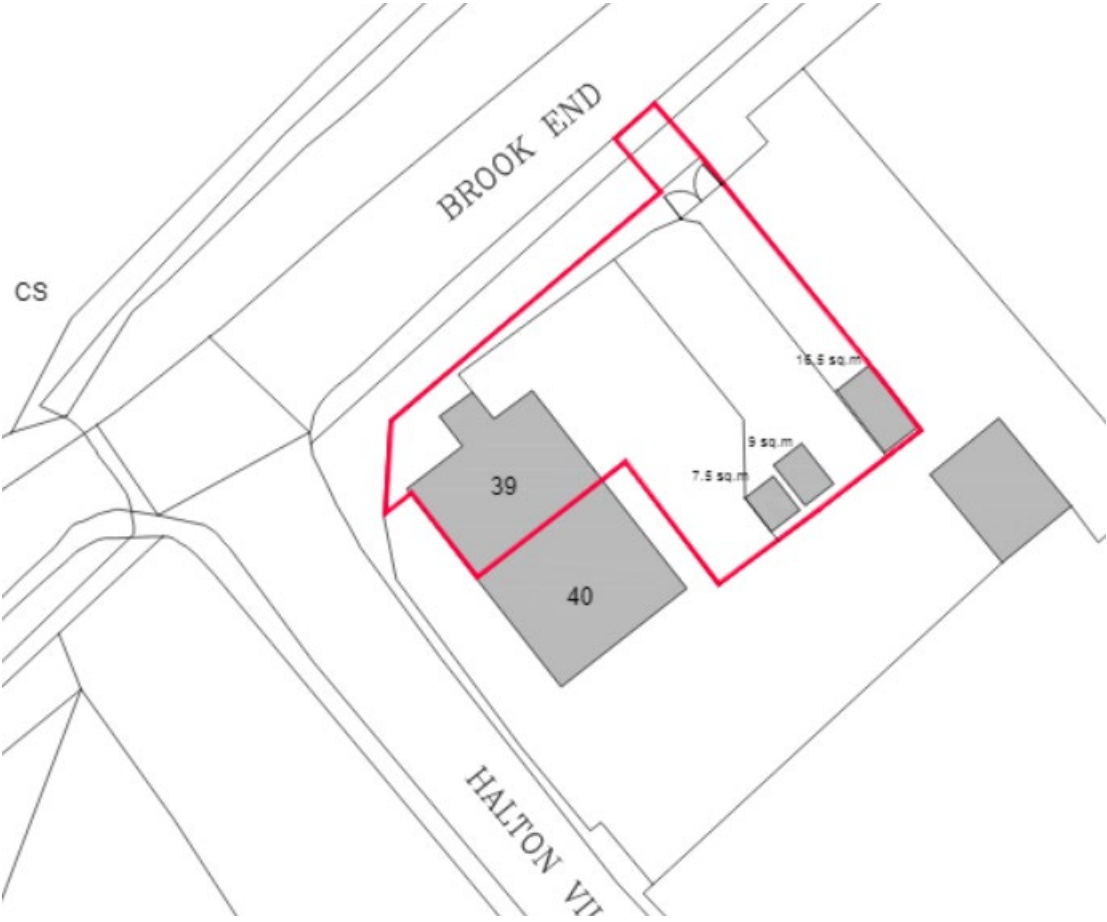
The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a EPS mitigation licence from Natural England or the district licence distributed by Buckinghamshire Council. If a great crested newt is encountered during development, works must cease and advice should be sought from a suitably qualified ecologist.

Protection of breeding birds during construction

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. [...Buildings, trees and other vegetation...] are likely to contain nesting birds between 1st March and 31st August inclusive, therefore removal of scrub, dense bushes, ivy, trees or parts of trees (or other location where birds are likely to nest) during this period could lead to an offence under the Act. Likely nesting habitat must not be removed during the nesting period unless a survey has been undertaken by a competent ecologist, immediately prior to the works commencing and it has been established that bird nesting is not taking place.

Appendix A: Site Location plan

APPENDIX A: Site Location Plan



Do not scale—this map is indicative only

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Report to Buckinghamshire Council Central Area Planning Committee

Application Number:	23/00311/AOP
Proposal:	Outline planning application for demolition of existing structures and residential development up to 89 dwellings, open space, landscaping, drainage features and associated infrastructure. Detailed approval is sought for principal means of access with all other matters reserved.
Site Location:	Land at Churchway Haddenham Buckinghamshire
Applicant:	Richborough Estates Ltd
Case Officer:	Philippa Jarvis
Ward(s) affected:	Bernwood
Parish-Town Council:	Haddenham Parish Council
Date valid application received:	31 January 2023
Statutory determination date:	2 May 2023 (EoT to 13/12/23)

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 seeking to secure various matters, the details of which have been set out in this report, and subject to the conditions as proposed (with any amendments or additions as considered appropriate) by Officers and receipt of no new material representations or if these are not achieved for the application to be refused for such reasons as the Service Director of Planning and Environment considers appropriate. :

1. Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1. This application has been brought before Planning Committee at the request of Cllrs Lewin and Smith. Cllr Lewin requests a full discussion at committee and her previous comments about the need for a call in have not changed. Cllr Smith considers a full public discussion to determine the outcome of the application is required because the site has been the subject of a previous refusal at appeal, there is considerable public concerns about the location of the development and it is contrary to both the VALP and the Neighbourhood

Plan. There are also concerns about surface water drainage and the strategy needs to be understood by local residents.

- 1.2. The application seeks outline permission with only access to be determined at this stage for a development of up to 89 dwellings on a site of just under 5 hectares located in open countryside on the northern edge of the village of Haddenham.
- 1.3. The first key issue relates to the principle of development on this site. Whilst Haddenham is identified as a Strategic settlement in VALP which in general terms, are the most sustainable locations for development, the site is located to the east of Churchway which, together with Stanbridge Road, provides a clear delineation of the main built footprint of the village in this part of the settlement. The buildings immediately to the south of the site are considered to comprise a group of dispersed buildings outside the main built framework of the village within a predominantly countryside setting.
- 1.4. The site is not allocated within VALP and whilst there is no defined settlement boundary for Haddenham, it is considered to lie outside the built framework, where new development is to be focussed, and within open countryside where policy S3 states that development will be restricted.
- 1.5. The proposal would fundamentally change the character of the site and result in the loss of its pleasant agricultural / rural appearance. Furthermore, given the character of the surroundings with a clear delineation between the built village and countryside beyond, it would be seen as an urban intrusion encroaching into the countryside around the village which contributes to its rural character and settlement identity.
- 1.6. In a previous appeal decision in 2018 for a similar (albeit lesser amount of development on the same site) the Inspector found very significant harm to the character and appearance of the area; the appeal was dismissed. Since that time the Redrow site (VALP allocation HAD007) has gained planning permission and is currently under construction. The Applicant considers this to be a significant material change since the appeal decision.
- 1.7. At the time of the appeal decision it was a draft allocation in the emerging local plan and, whilst the Inspector noted that the appeal proposal would be likely to appear *'significantly less intrusive than it would appear within the existing open and largely undeveloped context that exists at present'* also stated that she was *'unable to draw any firm conclusions on future changes to the local landscape and this reduces the weight I can attribute ...'*.
- 1.8. However, the Redrow site lies wholly to the west of Churchway which remains a clear boundary to the built form of the village in this area. In addition, the slightly set back nature of the buildings on HAD007 together with its planted / landscaped Churchway frontage, provides a softened edge to the development albeit the dwellings can / will be seen in approaches from the direction of the A418.
- 1.9. In respect of the other relevant issues, the proposal would be acceptable. Amended details have been provided in respect of drainage and biodiversity to demonstrate that there would be no adverse impacts, subject to the imposition of conditions. Similarly, the

transport impacts of the development would be acceptable subject to conditions and obligations to secure off-site improvements and various contributions to local sustainable transport schemes to ensure a good choice of alternative modes for residents, with some facilities within easy walking distance and others further but not beyond reasonable cycling and walking distances. There would be no harmful impacts on heritage assets, with minor harm to a non-designated asset that would be outweighed by the scheme benefits. There would also be loss of BMV but this would also be outweighed by the scheme benefits.

- 1.10.No other adverse environmental or other impacts are envisaged. In addition, commensurate contributions would be secured via S106 to mitigate the impact of the development on local infrastructure.
- 1.11.It is concluded that overall the principle of development of the site would be contrary to the plan led, spatial strategy of VALP as set out in policies S2 and S3. In addition, there would be a significant level of harm due to loss of the intrinsic character and beauty of the site and incursion of built development into the open countryside, beyond the existing and planned built up area of the settlement leading to a conflict with VALP policies NE4 and BE3 to which significant negative weight should be given. The exceptional circumstances set out in policy D3 do not currently exist and the proposal would conflict with criteria within it. Overall, as a result, there is considered to be a conflict with the development plan.
- 1.12.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 Council's 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. 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.
- 1.13. The adverse impacts in respect of the spatial strategy, landscape, visual amenity, countryside loss and settlement identity are considered to be of significant negative weight. In addition, there would be limited harm arising from loss of BMV and limited harm arising due to the harm to the setting of a non-designated heritage asset.
- 1.14.In terms of the scheme benefits, 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 significant weight. In addition, the scheme proposes 30% affordable

housing, in excess of the minimum policy requirement, to which significant weight should also be given. Further economic and social benefits associated with the construction and occupation of the housing should be given moderate weight. Further limited weight should be given to the sustainability credentials of the housing and to the wider benefits arising from off-site highway improvements, play facility provision and biodiversity enhancements.

1.15. Overall, it is considered that the adverse impacts do not significantly and demonstrably outweigh these benefits and therefore permission should be granted.

1.16. Whilst there is overall conflict with the development plan as a whole, material considerations indicate that permission should be granted.

1.17. Therefore, it is recommended that the application be approved, subject to the prior completion of a S106 agreement to secure the matters set out in the report, with conditions as proposed in the report.

2. Description of Site and Proposed Development

Site Description

2.1. The application site lies on the north-eastern edge of the village and comprises partly small paddocks and part of a former orchard together with the adjoining arable field to the north totally just under 5 ha. It is bounded by Churchway to the west and by the Public Right of Way (bridleway) (HAD/4/1) to the south (also known as Green Lane), the south-west corner of the site being adjacent to the junction of Churchway with Stanbridge Road. There is an existing field gate into the southern paddock parcel opposite Rosemary Lane and an existing gap in the hedgerow towards the northern end of the site giving access into the arable parcel. A further field gate gives access to the south-east corner of the paddock land where a few agricultural buildings are located.

2.2. The northern and western hedgerow boundaries of the northern arable field appear to have been regularly maintained whilst the boundaries of the southern part have been left to grow and include a number of mature hedgerow trees along the central (northern) boundary and along the boundary with the bridleway.

2.3. The agricultural land comprises predominantly Grade 3a with a small area of Grade 2 in the northern corner (together comprising a total of 98% of the site). The total area of best and most versatile land (BMV) is 4.8 ha.

2.4. The site is bounded by farmland to the north and east. A row of semi-detached dwellings and a single detached dwelling lie to the south, separated by Green Lane, which front Stanbridge Road. To the south and east of these dwellings lies Bradmoor Farm, a former complex of farm buildings incorporating some new buildings (some of which are the subject of current applications for retrospective development) and now used for a variety

of commercial uses including farm shop, café, other shops and leisure uses, beyond which lies further agricultural land.

- 2.5. The built-up part of the existing settlement lies to the west and south of the site with its built extent contained by Churchway and Stanbridge Road; the properties opposite the site comprising mainly residential properties some of which lie within the Haddenham Conservation Area which extends up to the junction of Rosemary Lane with Churchway opposite the southern part of the western boundary of the site.
- 2.6. To the north of Rosemary Lane on the western side of Churchway lies the site on which residential development is currently taking place (HAD007 – land north of Rosemary Lane) which was granted outline permission for 273 dwellings in 2020 and reserved matters approval for 153 dwellings in 2022.

Proposed Development

- 2.7. The application is in outline with only means of access to be determined at this stage. The proposal, which has been amended during the course of determination to respond to various consultee comments and which resulted in the reduction in the number of maximum units proposed by 2, now comprises of the following documents:
- a) Site location plan (1:2500 - P16-0007_4)
 - b) Location plan (1:5000 - P16-0007_22)
 - c) Revised proposed site access junction with visibility splays (T22562/001 RevD)
 - d) Revised proposed site access junction with visibility splays (T22562_002 RevC)
 - e) Revised propose hedgerow removal /replacement (T22562_004 RevA)
 - f) Access and pedestrian and cycle connectivity plan (T22562_005)
 - g) Revised Illustrative Master Plan (P16-007_DE_030_01_J)
 - h) Revised Illustrative Landscape Strategy (P16-0007_EN_0038_D_0001LS Rev G)
 - i) Planning Statement, as updated by cover letter dated 27/10/23
 - j) Design and Access Statement
 - k) Updated Flood Risk Assessment (Oct 23), Sustainable Drainage Statement (updated November 2023), and further response dated May 2023
 - l) Transport Assessment and Technical Note No. 1 dated April 2023
 - m) Framework Travel Plan (updated April 2023)
 - n) Updated Ecological Impact Assessment (October 23)
 - o) Updated biodiversity net gain report (October 23)
 - p) Arboricultural Report
 - q) Revised Hedgerow Protection Plan (RSE_5040_HPP-1023_V2R1)
 - r) Ground Investigation Study
 - s) Landscape and Visual Impact Assessment

- t) Agricultural Land Considerations
- u) Sustainability Report
- v) Noise Impact Assessment Report
- w) Air Quality Assessment
- x) Utilities Assessment
- y) Heritage Assessment
- z) Geophysical Survey
- aa) Housing Land Supply Statement

2.8. The development is proposed to be served by the following points of access:

- A single priority junction vehicular access off Churchway located towards the northern part of the site, opposite the very southern end of HAD007 (to the north of Downley Lodge). It would be 5 metres in width and would involve the loss of around 30 metres of boundary hedgerow the majority of which would be replaced with a new hedge set back along the visibility splay. Churchway would be widened at this point to include a turning right lane for traffic approaching the site from the south.
- Three new pedestrian / cycle access points along Churchway, two of which will provide access to crossing points to be provided (one by altering the island at the northern end of the site proposed as part of the HAD007 scheme and the other to be provided at the southern end of the site just to the south of the Rosemary Lane junction. The third is to be provided in the far southern corner of the site giving access to a new crossing to be provided to the western side of Churchway and a further crossing at the end of Green Lane to link to the existing bus stop on the eastern side of Stanbridge Road.
- A new pedestrian crossing is also proposed from Stanbridge Road across the green central reservation to Churchway just south of the Rudds Lane junction.
- A further pedestrian/cycle link to connect to the bridleway onto Green Lane is also proposed in the south-east corner of the site at the point of the existing paddock gate.

2.9. The existing field gate and entrance points would be closed off and hedgerow planted across the gaps.

2.10. As indicated above, the remainder of the reserved matters are not for determination at this stage but further details (in the DAS and other documents) as well as the illustrative plans (masterplan and landscape strategy) are provided to demonstrate how the site might accommodate the amount of development proposed. There is no detailed information relating to the dwellings provided at this stage but the DAS and supporting

planning statement confirms that there would be a range of dwelling types, sizes (from 1 to 5 bed) and tenures accommodating a range of household types with an emphasis on starter and family housing. The proposal would allow for a greater number of smaller units consistent with the HEDNA with 79% being 1-3 bedroom properties. Dwelling types would range from larger detached to smaller semi-detached, terraced forms and apartments. 30% of the dwellings would be provided as affordable homes.

2.11. The Illustrative masterplan indicates that the net developable area would be just under 3 ha. (just over 60% of the site) providing a density of 30 dwellings per hectare. The built development would occupy the majority of the site with open space and attenuation basins provided around the perimeter areas, particularly towards the northern boundary and south-east corner. The total of the areas of open space, including SuDS, would amount to 1.93 ha. Dwellings would generally be 2 storey, reducing to 1.5 storey towards the northern part of the site. The affordable units, equating to 27 dwellings, would be in clusters of up to 10 dwellings comprising a mix of rented and shared ownership tenures.

2.12. The Design and Access Statement sets out the following 'Design Principles':

- Vehicular access off Churchway.
- Primary street with integrated verges, trees and footpaths.
- Secondary street with footpath to one side and reduced carriageway width.
- Shared surfaces, some providing vehicular access, along the rural edge with extended front gardens and planting to soften the transition from development to open space.
- Private drives.
- Focal space with keynote buildings and planting.
- Outward facing development providing natural surveillance over open space.
- Reduced dwelling height on the approach to Haddenham.
- Proposed pedestrian loop and link to the junction of Churchway/Stanbridge Road.
- Existing landscape infrastructure retained.
- Public open space with proposed planting and natural grassland/wildflower meadows.
- Potential footpath link to existing bridleway.

2.13. The design proposals identify a hierarchy of street typologies with a principal street, secondary street and tertiary street. A Placemaking plan identifies a Churchway / conservation area interface along the western edge and soft edge to the north. Continuous frontage development with focal spaces would be provided with focal buildings at key locations within the development and dual aspect buildings at corner edge locations. 2 character areas are identified, the soft green edge / Churchway interface located along the northern edge of the built area with the remainder described

as 'The Village' (to reflect traditional layout and building types) with features set out for each.

2.14. Green / blue infrastructure would be sited mainly towards the site boundaries but with the existing hedgerow between the two fields retained to provide a central linear green space with two gaps created to allow vehicular access to the southern part of the site.

3. Relevant Planning History

- 3.1. 90/02234/APP – erection of dwelling, refused January 1991.
- 3.2. 97/02244/APP – erection of stables, tackroom and hay barn, refused December 1997.
- 3.3. 17/012225/AOP – outline application for up to 72 dwellings, open space and associated infrastructure, refused on 31st July 2017. An appeal was subsequently lodged on the 3rd November, and following a hearing held on the 4th & 5th July 2018, the appeal was dismissed on 20th July 2018.

4. Representations

- 4.1. There have been a total of 56 individual objections received (relating to both the original and amended plans) including comments from Haddenham Parish Council, Haddenham Village Society, Haddenham Safe Walking and Cycling Group and The Rosemary Lane Action Group. These have been clearly set in Appendix A. The key concerns are:
 - Site remains unsuitable for development, and more so now that VALP in place – Haddenham has already grown significantly – build out of HAD007 is not 'gamechanger'
 - Site has rural character, beyond confines of village
 - Loss of BMV
 - Lack of facilities / infrastructure to support further development
 - Site beyond reasonable walking distance to most facilities / lack of connections to existing cycle routes
 - Harm to landscape setting and rural character, including of bridleway
 - Highway safety

5. 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 Haddenham Neighbourhood Development Plan (2015) (HNP). While the Minerals and Waste Local Plan is part of the Development Plan the site is not in a Minerals Safeguarding area nor comprises related development, and therefore the policies contained in the Minerals & Waste Local Plan are not relevant. 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. 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 HNP was made in 2015. It is of note that whilst it contains relevant policies, those relating to housing (which include settlement boundary and design policies) were quashed following a High Court Order on the 7th March 2016 made as a result of a challenge to the plan.
- 5.4. 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) 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 appeal decision of 2018 is

also a material consideration and will be referred to where relevant to the issues identified below.

- 5.5. 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; the impact on the character and appearance of the countryside, landscape and settlement character and nearby heritage assets; the impact on the transport network and whether it will promote sustainable transport modes; environmental issues including the impact on climate change, flooding and drainage, ecology, use of natural resources, including BMV, and building sustainability; and whether it makes provision for necessary infrastructure contributions to mitigate its impacts.

Principle and Location of Development

VALP: S1 (Sustainable development for Aylesbury Vale); S2 (Spatial strategy for growth) and S3 (Settlement hierarchy and cohesive development); D3 (Proposals for non-allocated sites at strategic settlements, larger villages and medium villages).

- 5.6. Policy S2 states that the primary focus of strategic levels of growth and investment will be at the most sustainable settlements, including Haddenham, which is to accommodate growth of 1082 new homes, supported by infrastructure. Table 2 sets out the settlement hierarchy and does not identify any new allocations at Haddenham as the existing completions and commitments provide for the required level of growth identified in Policy S2. The policy goes on to state that development that does not fit with the scale, distribution or requirements of the policy will not be permitted unless brought forward through neighbourhood planning. The HNP does not allocate housing sites, the relevant chapter having been quashed following a High Court challenge.
- 5.7. 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.
- 5.8. Policy D3, which relates to proposals for non-allocated sites at strategic settlements and the villages, is also relevant. This policy allows for larger scale development but only exceptionally where the council's monitoring of housing development across Aylesbury Vale shows that the allocated sites are not being delivered at the anticipated rate. Proposals will need to be accompanied by evidence to show how the site will be delivered in a timely manner. In addition, the proposal must contribute to the sustainability of the

settlement, be in accordance with all applicable policies of the plan and fulfil all of the listed criteria (c – h) of the policy.

- 5.9. The application site is outside the current and planned built limits of the village and lies in the countryside for the purposes of policy. Its development would therefore conflict with the identified spatial strategy of policy S2 as whilst Haddenham is identified as a sustainable settlement the site and the proposal does not accord with the scale and distribution of development identified as appropriate within that policy, nor is it allocated through the HNP. Furthermore, it would conflict with policy S3 in that it would compromise the character of the countryside beyond the settlement limits that is considered to be an important feature of the part of the village in which the site lies, contributing to its rural character, albeit the proposal would not result in any coalescence with neighbouring settlements. This matter is assessed in detail below.
- 5.10. As noted above, exceptionally, Policy D3 allows for larger scale development on non-allocated sites only where the Council's monitoring of housing delivery across Aylesbury Vale shows that the allocated sites are not being delivered at the anticipated rate; in addition, a number of criteria must be fulfilled.
- 5.11. The Council's monitoring information which reviews delivery on all the VALP allocated sites indicates that whilst some sites may not be being delivered as anticipated, other sites are delivering more than anticipated. Overall, at this point in time (the relevant monitoring period being to end of the 2022/23 period) there is a slight surplus of delivery over the anticipated rates (against the projected delivery of 415, a total of 480 homes have been delivered).
- 5.12. Therefore, the 'exceptional' circumstances identified in Policy D3 do not exist at present and it is considered that this policy does not provide any support for the scheme. Notwithstanding this position, it is of note that, in any event, the proposal does not comply with all of the criteria of the policy, specifically (e – which requires sites to be of a scale and in a location that is in keeping with the existing form of the settlement and not adversely affect its character and appearance) and (g – which requires that there is no adverse impact on environmental assets such as, amongst others, landscape). As a result, whilst the proposal could be said to contribute to the sustainability of the settlement in respect of supporting its services and facilities, it is not in accordance with all the applicable policies of the plan. These matters are considered in more detail below.
- 5.13. Overall, having regard to the above, whilst Haddenham is recognised as a strategic settlement, it is considered that the principle of development as proposed in this location would conflict with the overall strategy of the plan as it lies in the countryside beyond the built footprint of the existing village, albeit on the edge of it, within an area that contributes positively to the rural setting of the village. There are no exceptional

circumstances in policy D3 terms, to justify its development at this time. This results in conflict with policies S1, S2, S3 and D3.

Affordable Housing and Housing Mix including Accessible Housing

H1 Affordable Housing, H6a Housing Mix, H6c Accessibility

Affordable Housing SPD

Affordable Housing

- 5.14. 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.
- 5.15. The application provides for 30% affordable housing which is above the minimum policy requirement. The DAS and planning statement indicate that it will be dispersed across the development in clusters no greater than 10 units comprising a mixture of rented and shared ownership types with an indicative mix of 1-4 bed dwellings. Given that this is an outline scheme, the details of that provision and its delivery will need to be secured through a S106 agreement which will set out the key requirements (tenure mix – 75% rented and 25% shared ownership, overall mix of housing sizes and types, avoidance of clustering). Full details would be required through the submission and approval of an affordable housing plan, also secured through the S106 agreement. The requirement to meet the appropriate Building Regulations standard M4(3) in accordance with Policy H6c will require the imposition of a condition in addition to any details being secured through the S106 agreement.
- 5.16. 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. The S106 would also need to secure these matters and with a suitably worded obligation.
- 5.17. 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

- 5.18. 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.

- 5.19. In terms of the market housing mix, this should satisfy the most up to date evidence at the appropriate time (consideration of reserved matters in this instance); at this time these requirements are set out in the HEDNA and this and any other relevant updated policy or evidence will be taken into account in the assessment of the reserved matters applications.
- 5.20. This is an outline scheme and therefore the exact mix of housing has not yet been determined. However, the DAS indicates that it is intended to create a balanced residential development which offers a range of housing types, sizes (from 1 to 5 bed) and tenures. To ensure that the final mix which comes forward as part of the reserved matters scheme meets policy requirements, a condition can be imposed to ensure that regard is had to policy H6a of VALP which requires regard to be had to the HEDNA and any more recent relevant policy and/or guidance.
- 5.21. As indicated above policy H6c requires that all housing meets at least category 2 accessible / adaptable dwellings (unless unviable to do so). The applicant has confirmed that the illustrative masterplan provides for all dwellings to comply with the Nationally Described Space standards and M4(2) category housing with 10% of the general housing also complying with M4(3) category (wheelchair accessible) housing. This should be secured through the imposition of an appropriate condition.
- 5.22. VALP policy H5 relating to custom / self-build housing expects developments proposing 100 dwellings and above to provide a percentage of serviced plots in this regard; however, as the proposal would provide below the threshold set, there is no policy requirement, and no such provision is to be made.
- 5.23. 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 policy, in particular VALP policies H1, H5, H6a, H6b, H6c and the benefits arising in this regard should be accorded significant weight.

Countryside, Landscape, Visual Amenity and Settlement Character

VALP policies BE2 Design of new development, NE4 Landscape Character and C4 Protection of Public Rights of Way

Aylesbury Vale Landscape Character Assessment

- 5.24. The above policies seek to ensure that new development reflects the character of the existing settlement in respect of, amongst other things, local distinctiveness, scale and landscaping; that it respects and complements the physical characteristics of the site and its surroundings, the historic scale and context of setting and the natural qualities and features of the area; and that that it includes landscaping to help buildings fit in with and complement their surroundings. Furthermore, development should take a landscape led approach and have regard to Landscape Character Assessments, minimise impacts on visual amenity and be supported by appropriate mitigation to overcome any adverse impacts. The integrity and connectivity of rights of way will be protected and enhanced.
- 5.25. These policies are consistent with NPPF 2023 paragraph 180 which seeks to ensure that development contributes to and enhances the natural and local environment by recognising the intrinsic character and beauty of the countryside and wider benefits from the natural capital.

Countryside / Settlement Character Impact

- 5.26. It is apparent from a visual inspection of the site and its surroundings that it lies outside the main developed footprint of the village and within open countryside. The eastern edge of the built framework of this part of the village is clearly defined by Churchway / Stanbridge Road with dense built development to the west and generally open countryside to the east. Whilst there is some built development on the east side of Stanbridge Road just to the south of the site, this is limited to a short row of semi-detached houses and a single large, detached dwelling. In addition, to the south and east of these lies Bradmoor Farm which comprises a complex of (formerly agricultural) buildings that now accommodate various commercial uses, including a shop and café. This complex retains a rural character and setting, adjoined to the east and south by further open agricultural fields. These are considered to comprise a group of dispersed buildings (as defined in the footnote to VALP policy D3) and thus do not form part of the continuous built form of the settlement.
- 5.27. It is acknowledged that (since the previous appeal decision) the built footprint of the village to the west of the site on the opposite side of Churchway is being / will be extended by the recent permission for residential development on the site allocated through VALP as HAD007. This allocation / development has resulted in the northern boundary of the village being extended and now defined by this development and that which had previously taken place on the former airfield on land to the west (the northern extent of these developments providing a relatively uniform boundary in this part of the village). Whilst the proposed development would not extend any further northward than these developments, it would still result in a considerable incursion into the countryside to the east beyond the current settlement footprint defined by Churchway itself and beyond the

built footprint of buildings on the site to the south, which are in any event, considered to be outside the main developed built framework.

- 5.28. The applicant notes that permission has been granted for residential developments (totalling 54 dwellings) at Fairfields Farm, a site around 1km to the south of the application site which lies on the eastern side of Stanbridge Road. Other built development within this area to the east of Stanbridge Road is also highlighted in seeking to suggest that there is an 'evolving character along Churchway / Stanbridge Road'. However, these recent residential developments lie some distance from the site between established frontage development and the garden centre. There is a considerable countryside gap between them and the former agricultural complex at Bradmoor Farm and row of dwellings fronting the northern end of Stanbridge Road to the south of the application site and do not form part of the context of the site. Nor is it agreed that the application site can be described as a 'transitory' site as suggested by the applicant.
- 5.29. Despite the inclusion of areas of open space, retention of much of the existing boundary vegetation and proposed new planting, the proposed residential development will result in the loss of its current open, natural appearance resulting in an 'urbanisation' of the site. In this context, the proposed development would be seen as a clear extension of the built footprint of the village into the open countryside on the east side of Churchway / Stanbridge Road at the northern end of the village.
- 5.30. As such the proposal would result in a countryside intrusion that would not be in keeping with the existing form of the settlement and would adversely affect the countryside edge character. This would result in conflict with policies S3 and D3.

Landscape Character and Visual Impact

- 5.31. As noted above, VALP policy NE4 seeks to ensure that development respects and complements the physical characteristics of the site and its surroundings, the historic context and the natural qualities and features of the area and recognises the individual distinctiveness of particular landscape character areas set out in the LCAs and minimises impacts on visual amenity and avoids the loss of important views and landscape features.
- 5.32. The site is not within an AAL but lies approximately 600 m to the south of the Brill and Winchendon Hills LLA, the southern boundary of which is marked by the A418. The Chilterns escarpment within the AONB can be seen in the far distance in views looking south but the site is not considered to fall within its setting.
- 5.33. The site itself lies within *LCA 9.9 A418 Ridge and LCT Low Hills and Ridges* as identified in the Aylesbury Vale Landscape Character Assessment (AVLCA). The AVLCA notes the contrast between the steep slopes north of the ridge (formed by the A418) and the gentler falls toward the vale to the south. It also notes the open character associated with large scale arable use around the fringes of Haddenham changing to smaller paddocks near the settlement. The overall guideline is to conserve and enhance through, amongst other

things, conserving the pattern of smaller fields and woodland parcels by encouraging local woodland management and planting, reinforcing the existing field pattern and hedgerow trees, and to conserve and enhance the distinctive character of settlements and individual buildings. As part of an audit of the AVLCA as a result of new development at the village it was recommended to include that new built development on the edge of the settlement should be integrated through sensitive design of buildings and boundaries, and sensitive use of materials and planting.

5.34. The applicant's LVIA provides a detailed assessment of the landscape character and visual impacts. It includes the same viewpoints used in the earlier LVIA (for the 2018 appeal scheme) and provides verified montages from viewpoints 5 and 7 (both to the north of the site, one from the footpath running north from the village, HAD/19/2, part of the Aylesbury Ring (viewpoint 5) and the other from along Churchway). It concludes in respect of landscape character that (summarised from the summary and conclusion section);

- The proposed development will result in a nominal extension to the northern and eastern settlement edge; however, this is in the context of existing residential development directly south and west and the emerging development to the north of the CA and east of Stanbridge Road.
- The landscape impacts result from direct changes, limited to the site area and associated with the change from existing agricultural enclosures to a residentially led development, including removal of hedgerow.
- The development retains boundary hedgerows and trees and includes reinforcement planting with GI / open spaces within the western and northern edges, a basin in the south-east corner and new linear woodland belt on the eastern boundary
- The significance of effect on the LCA will be 'minor adverse' at completion falling to negligible to minor at year 15
- The LVIA has also considered impacts at a more detailed level and would result in 'moderate adverse' effect at completion, falling to minor to moderate at year 15
- In both instances the effects are limited and highly localised.

5.35. In terms of visual amenity, the LVIA conclusions are (in summary):

- Nature of visual impacts is heavily influenced by the limited visual envelope and containment of the site by existing built form and vegetation within this part of the settlement edge as well as bands of existing woodland and field boundary tree cover in the wider countryside. This restricted visibility is reinforced by the presence of the A418 ridge to the north and generally flat / undulating landform to the south-east. Further views are distant and the village indiscernible.

- Highest degree of effect is from high sensitivity receptors either directly adjacent or close to the site including a section of the bridleway and a small number of residential properties on Churchway.
- A range of visual impacts are reduced once mitigation is fully established. Such effects will be highly localised and the consequential degree of impact arising would be expected with almost any development site which retains public access adjacent or close to its location
- In other locations further from the site generally the significance of such effects is limited overall.
- Night-time lighting will have the greatest impact on a small number of adjacent properties and is limited due to the small number of windows affected. The low density on northern and western edge combined with minimal residential lighting as part of detailed design will minimise effects.

5.36. The overall conclusion within the LVIA (summarised) is that for the majority of views the inherent mitigation for the scheme incorporating GI and open space with strategic landscape planting is successful in mitigating impacts in the longer term. The scheme will result in limited impacts at a localised level, limited to the site and its immediate context. These are seen in the context of the existing settlement edge including emerging development at HAD007. The proposal will not result in significant landscape and visual effects overall.

5.37. In considering the conclusions of the applicant's LVIA, the findings of the Inspector in the previous appeal decision are relevant albeit the HAD007 site did not have planning permission (though it was a draft allocation in the emerging plan) at the time. The following points are of particular note and commentary is provided setting out how they compare with the current scheme:

5.38. At paragraph 18 the Inspector notes that *"the introduction of substantial built form would fundamentally change the character of the site and its pleasant agricultural and rural appearance"*. The impact of the current scheme would be essentially the same, and arguably exacerbated given that the scheme is for a greater number of dwellings.

5.39. Paragraph 18 goes on *"from viewpoints 7 and 17 the full extent of the development would be evident in the fieldscape, where even with extensive landscaping the proposal would form an intrusively urban departure in open countryside."* These viewpoints are from the north of the site along Churchway and from the end of Rosemary Lane, directly opposite the site's existing field gate entrance. It is considered that the same conclusion can be reached in respect of the current scheme, notwithstanding that the HAD007 development would now be seen to the right of viewpoint 7. Whilst this has resulted in an extension to the built form on the western side of Churchway, the view across the application site remains of uninterrupted agricultural fields. The additional built development has not

significantly altered the perception of the site itself as being part of the open countryside. This impact is demonstrated by the Applicant's photomontage.

- 5.40. The Inspector went on to say that the impact of the proposal as noted above would also be evident from viewpoint 5 (Aylesbury Ring footpath to the north of the village). However, this view is now affected by the development on HAD007 which lies to the south and which would screen much of the development site in this view. The much closer viewpoint 6 is along the southern edge of the HAD007 site and it is agreed that the majority of the site would be obscured by existing (and proposed) properties.
- 5.41. The Inspector found the proposal would have a very significant adverse effect on the landscape in these collective views – this would be reduced somewhat as a result of the views from the north being affected by the HAD007 development but would remain significantly adverse.
- 5.42. Views of residents and others from immediately opposite the site at the end of Rosemary Lane (viewpoint 16), from the end of Rudds Lane (viewpoint 8) and the junction of Green Lane and Churchway (viewpoint 9), would be unaffected by the development of HAD007. Currently these views provide open uninterrupted views of the countryside edge across the site, albeit the built development on the eastern side of Stanbridge Road to the south of the site is evident. The existing boundary hedge partially screens these views but does not alter the perception and character of the site as being part of the open countryside surrounding the village.
- 5.43. The Inspector went on to consider views from close proximity to the south and along Green Lane and whilst noting that the boundary hedge would screen the development to an extent, the changed character of the site would still be clearly evident as parts of the built form would be visible to users of the bridleway above the hedge and in gaps in the boundary. The visual effects of the development were also found to be evident in mid-range views from the east. The Inspector found that this would have a detrimental effect on this part of the countryside which he categorised as being moderately adverse.
- 5.44. Views from the east would now be slightly affected by the extended built footprint of the settlement resulting from HAD007 the front part of which would be seen in the background. However, the existing built footprint of the village would have formed a partial backdrop to the development, with the HAD007 site now extending further north, this backdrop would be extended. Nevertheless, it is considered that there would still be a perception of the village extending out into the open countryside with built development becoming more apparent / closer in these views than is currently the case. This is considered to still represent a moderately adverse impact.
- 5.45. The Inspector then considered viewpoints further south (12 and 20) and concluded that there would be a limited adverse effect. This would be unchanged. In views further from the north, the Inspector noted that the site would be seen against the backdrop of the village and with increased distance from the site, would have limited impact from the

A418. In longer range views from higher ground to the north (within the AAL) the Inspector found the development would be barely perceptible. This would be the same with the current scheme.

- 5.46. The Inspector's overall conclusions were that in long range views there would be a negligible impact, in mid-range views a moderate effect and in localised views the development would have a *'very significantly harmful effect on the character and appearance of the area'*.
- 5.47. It is acknowledged that the development of the site at HAD007 has affected some of the viewpoints that have been assessed within the LVIA such that in some cases, it will screen much of the development (viewpoints 5 and 6) and in others it will be seen as part of the extended built footprint of the village forming a backdrop to the proposal (viewpoints 11, 13 and 19). It will also form part of the context of the view in approaches from the north but as the new development on this site is all to the west of Churchway, it remains the case that the application site will still be seen as part of the open countryside to the east of and clearly separated from the built form of the village by Churchway. In addition, the development of HAD007 has had little effect in terms of altering the open nature of the site itself and the views from the existing built edge of the village (Churchway / Stanbridge Road). Nor does its development affect to any meaningful degree the rural, open nature and context of Green Lane.
- 5.48. The Inspector commented in the context of the then proposed allocation at HAD007 that if it came to fruition, *"I acknowledge that the appeal proposal would be likely to appear significantly less intrusive than it would appear within the existing open and largely undeveloped context that appears at present"*. However, she went on to state that *"I am unable to draw any firm conclusions on future changes to the local landscape and this reduces the weight I can attribute to any modifying effect development at adjoining sites may have on the context for this development."* Given these comments and the context in which they were made, it is considered that the Applicant's suggestion that this development is a very significant material consideration that significantly changes the context of the site is not an entirely accurate assessment. The Inspector was careful to note that the views given were only 'likely' and that she was unable to draw any firm conclusions.
- 5.49. Given that the site is now being built out and its impact can now more accurately assessed, it is considered that the Applicant's conclusion in the LVIA that the impacts will be limited at a localised level underplay the actual impacts overall.
- 5.50. It is acknowledged that the illustrative landscape strategy, to be augmented through a detailed landscape scheme, demonstrates that the impact of the built scheme will in time be reduced and will have some benefits in terms of reinstating and enhancing existing hedgerow boundaries. The visual impact of the built elements of the scheme and the overall change in character of the site will nevertheless be clearly evident and would be

seen as an intrusion into and urbanisation of the countryside in this part of the village. It is not considered that the building out of HAD007 or the additional development that has taken place / been permitted along Stanbridge Road some distance from the site (which does not in any event extend as far eastwards) change its context such that the overall impact of the development can be characterised as 'limited' as contended by the Applicant.

- 5.51. Overall, it is considered that the landscape and visual impacts, whilst mainly of a localised nature, would be significantly harmful and would not be mitigated to an acceptable degree by the proposed mitigation. The proposal therefore conflicts with VALP policies NE4 and BE2. Furthermore, to the extent that the rural character of Green Lane would be adversely affected, there would be conflict with policy C4.

Green infrastructure and networks (including public open space)

VALP Policy I1 Green Infrastructure

- 5.52. 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.
- 5.53. 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 consistent with the multi-functional approach that is now advocated through the NPPF. 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.
- 5.54. The standards for ANGsT at appendix C, set out the precise type of on-site provision depending on the nature and location of the proposal, existing open space provision in the area and the quantity of space needed. The standards clarify that in addition, the quantitative and access standards for areas of play (LEAPs, NEAPs, MUGAs and skateboard parks) as set out in the Fields in Trust (FiT) publication will be required. These are considered separately below.
- 5.55. The policies of VALP are consistent with the approach in NPPF 2023 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.

- 5.56. The site contains some existing natural features, mainly in the form of boundary hedgerows and trees, which are to be integrated into the green infrastructure (GI) provision providing a good basis for links around and through the site which are capable of being retained within the proposed layout. The application is accompanied by an illustrative landscape strategy which identifies areas of open space, existing and proposed new hedgerow and tree planting, including the reinforcement and enhancement of field boundaries. The illustrative masterplan shows that surfaced and mown paths will connect these areas which are mainly around the perimeter of the site with a 'green link' provided through the centre of the site focussed on the retained hedgerow.
- 5.57. The applicant states that 39% (1.9ha.) of the site would be open space but this includes the SuDS basins which for the purposes of the above standards are not counted towards the amount of public open space which amount to around 1.6 ha.
- 5.58. In terms of the overall quantity of space, the Parks and Recreation Officer has confirmed that the illustrative plans demonstrate that the amount and nature of the GI accords with the required standards in VALP. It makes good use of the existing natural features on the site and will be suitably enhanced through the proposed tree mitigation plan and ecology / biodiversity enhancements (set out in more detail below).
- 5.59. The proposed development would, in principle, provide for an acceptable amount, location and form of GI the provision, future management and maintenance of which can be secured via conditions / obligations with full details to be set out in reserved matters applications. As such the proposal would accord with local and national policy.

Play Areas / Sport and Recreation

HNP CES1: Play Facilities

VALP Policy I1 and I2 (Sports and recreation) and Appendices C and D

Fields in Trust (FiT) National Guidance

- 5.60. VALP policy fully reflects the current national approach in respect of this issue whereby such provision should be considered as an element of the overall multi-functional GI, albeit certain elements need to be considered separately and the standards reflect those provided within the FiT guidance. These policies also provide the basis for securing

appropriate financial contributions towards off-site sport and recreation facilities that cannot be practically provided on site.

- 5.61. VALP policy I1 states that recreation facilities can be provided on the same site as the publicly accessible GI provided they are compatible with it; such land is in addition to that required as GI. Whilst such facilities can co-exist in a properly master-planned approach they must be treated separately so that they can viably function. HNP policy CES1 encourages new play facilities in new developments provided compatible with amenities of local residents and maintain natural surveillance. Appropriate long-term arrangements for management and maintenance, including where necessary, financial contributions, should be secured.
- 5.62. In respect of the FiT guidance, a LEAP is required to be provided on site as well as a contribution to off-site facilities (Table 2), to be secured as a proportionate financial contribution through the S106 agreement. The illustrative masterplan indicates that a suitably sized area of land can be provided in a location where it will be overlooked by nearby residential properties. Its management and maintenance will be secured through the S106 agreement to include a bond and commuted sum in the event that the open space land is to be transferred to the Parish Council.
- 5.63. In respect of other sports and recreation provision, VALP policies allow for such provision to be made through necessary and proportionate contributions to the enhancement of off-site facilities; Appendix D sets out how such off-site requirements will be calculated, though the detailed operation of the relevant policies are to be set out in a new SPD. In the absence of the new SPD the existing Ready Reckoner (Companion document to the Sport and Leisure Facilities SPG, 2005) has been updated (2022) to reflect the changes in facility costs. It is considered that it provides a reasonable basis on which to calculate the contributions required (where facilities are not provided on site) to reflect the impact of the development on local facilities arising from the additional demand to be generated. The requirement for such facilities to be provided on site will depend on the nature and location of the proposal, existing facilities in the area and the quantity / type needed. In this case such facilities will be more appropriately provided off site, and a proportionate financial contribution will be sought to upgrade local provision.
- 5.64. Overall, it is considered that the proposed on-site provision will be appropriate and acceptable and that a contribution towards other facilities, which can only practically be provided off site, will be justified. This will ensure compliance with VALP policies I1 and I2 and HNP policy CES1. It will also accord with the NPPF which seeks to ensure healthy, inclusive communities that promote social interaction and enable and support healthy

lifestyles through the provision of safe and accessible green infrastructure and sports facilities and layouts that encourage walking and cycling.

Trees and Hedges

HNP Policy SL3 (Enhancing, Protecting and Providing new natural environment habitats, trees and hedgerows)

VALP Policy NE8 (Trees, hedgerows and woodlands)

- 5.65. HNP policy SRL3 seeks to ensure that development is sympathetic to trees of high or moderate value and are landscaped with native species and habitats that support the local character. VALP Policy NE9 takes an approach that is consistent with the balanced approach of the NPPF in that it seeks to ensure that development enhances the district's tree resources, that development resulting in the loss of trees or hedgerows that make an important contribution to the character and amenities of the area will be resisted and that where the loss of trees is considered acceptable, adequate replacement with trees sympathetic to local tree species will be required. The loss of native hedgerows should be compensated for and a net gain achieved and retained / new hedgerows should where possible be protected by appropriate buffers. This accords with NPPF paragraph 174 which states that decisions should contribute to and enhance the natural environment by recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of trees and woodlands.
- 5.66. The application is accompanied by a detailed Arboricultural Impact Assessment which was reviewed by the Tree Officer. It is noted that boundary trees will be retained together with an individual tree within the site, in addition to the partial retention of a group of trees, also within the central area required to enable access between the north and south fields. The orchard within the middle of the southern field would also be lost but this is considered to be of low value in addition to which approximately 28 metres of the internal hedgerow would be removed, though the remaining hedgerow would be actively managed as a benefit given that the existing hedge is in a state of decline. Further hedgerow would be lost along the Churchway frontage to facilitate the access points. This would comprise 31 metres to provide the vehicular access and a further 15 metres to provide the link from the internal footpath. Replacement hedgerow planting is indicated in both areas adjoining the new access points.
- 5.67. The Tree Officer has no objection to the proposals subject to conditions to secure an Arboricultural Method Statement with Tree Protection Plan. Details of what should be

included in these reports is set out in the full response (included in Appendix 1 to this report).

- 5.68. It is concluded that overall, whilst there would be a loss of hedgerow, the proposal will provide appropriate replacement and enhancement in terms of tree and hedge cover and will ensure that the new development will be satisfactorily assimilated into its countryside setting, in accordance with policies NE9 of VALP and SRL3 of the HNP.

Ecology

HNP Policy SRL3 (Enhancing, Protecting and Providing new natural environment habitats, trees and hedgerows)

VALP policy NE1 (Biodiversity and geodiversity) (*moderate weight*)

- 5.69. HNP policy SRL3 seeks to ensure that proposed development can demonstrate net gain in biodiversity and wherever possible buildings provided integrated swift nesting features. Ecological information should accord with BS42020.
- 5.70. VALP policy NE1 seeks to help deliver the Buckinghamshire and Milton Keynes Biodiversity Action Plan (BAP) targets in the biodiversity opportunity areas. A long-term monitoring and management plan will be required for biodiversity features on site. Furthermore, there is a need to ensure a biodiversity net gain overall, with VALP policy NE1 providing the most up to date local guidance in this matter, as it is considered to be generally consistent with the national guidance in the NPPF and other up to date (DEFRA) guidance. Full detail on the levels of biodiversity net gain (BNG) (through the use of a biodiversity metric) and associated Habitat Impact Assessment calculations have been sought in order to ensure that net gains overall can be achieved. It is of note that whilst a net gain of 10% is often referred to, and has now been set in law, it comes into effect from January 2024 and is relevant to the consideration of this application.
- 5.71. The relevant development plan policies remain consistent with the latest NPPF 2023 Paragraphs 185 and 186 which seek to ensure that new development minimises impacts on biodiversity and provides net gains overall. NPPF 2023 paragraph 124 seeks to encourage

multiple benefits from both urban and rural land and to take opportunities to achieve net environmental gains such as new habitat creation.

Biodiversity Impacts & Net Gain

- 5.72. There have been discussions with the applicant as the information originally submitted did not provide appropriate clarification of the hedgerows, or that biodiversity net gain trading rules had been satisfied; in addition, further bird (nesting skylark) surveys were required.
- 5.73. The Applicant provided amended details including an updated Ecological Impact Assessment (EIA) which confirmed that a 5 metre buffer would be retained to all hedgerows, that the small section to be removed in the southern part of the site frontage is considered to unlikely to have an significant ecological impact on its function and unlikely to sever any transitory route for wildlife. New hedgerows are proposed by way of offset. The further bird survey demonstrated that whilst the northern field has potential for skylark nesting, none were observed during the surveys (a total of 3 were carried out).
- 5.74. The applicant's ecological impact assessment concludes that the site is considered to have limited flora though hedgerows and trees are deemed moderate in biodiversity value. Overall, the proposal offers opportunities to improve biodiversity on site through improved habitats by the creation of tree, grassland, wildflower meadows and hedgerow areas. The SUDS features are also identified to provide opportunity for areas of wet waterbodies and associated vegetation. Bat and bird nest boxes would be incorporated together with insect houses, log piles and mammal holes in fencing.
- 5.75. The updated BNG report shows that, overall, the DEFRA metric shows a 10.1% biodiversity net gain as a result of the landscape proposals and 12.45% gain in hedgerow habitat. The development will therefore comply with both local policy and national legislation.
- 5.76. Following the receipt of the further information and survey work as requested, the Ecology Officer has confirmed that there is no longer an objection to the proposal subject to the imposition of conditions to secure a revised BNG report and associated metric to ensure that appropriate net gain can be achieved at the reserved matters stage, to require a Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP) and to ensure that the development is carried out in accordance

with the approved EIA. A condition to secure a lighting strategy for biodiversity is also recommended.

- 5.77. The need for a detailed management plan to ensure that the overall net gain for biodiversity is acknowledged as essential by the applicant and it is agreed that this can be secured via a suitably worded condition for a LEMP.

Protected Species

- 5.78. In respect of protected species, various assessments were undertaken (GCN, bats, badgers and reptiles, invertebrates, water vole, otter, white-clawed crayfish as well as birds as noted above). The EIA concludes that whilst there would be loss of some habitats of low diversity value and potential for species to be affected, there are no direct impacts such as to require the need for any specific licensing. However, as noted above, new suitable enhanced habitats are to be provided as part of the development and precautionary measures taken pre and during construction to minimise impacts in accordance with all legislation requirements.

Conclusions

- 5.79. Overall, it can be concluded that the proposal will protect and enhance the biodiversity and geodiversity of the site and provide for a net gain overall. Suitable conditions will secure necessary protection, mitigation and compensation and a Landscape and Ecological Management Plan will ensure suitable management of these areas in perpetuity. This will accord with VALP policy NE1 and policy SRL3 of the HNP.

Agricultural Land & Soils

VALP policy NE7 Best and most versatile agricultural land (BMV)

- 5.80. VALP policy NE7 states that subject to the development allocations set out in the VALP the Council will seek to protect BMV for the longer term. It seeks to ensure that where BMV is proposed for development, those areas on site should preferably be used as green open space and built structures avoided and that where significant development would result in the loss of BMV consent should not be granted except in certain circumstances. These include the requirement to demonstrate that there are no otherwise suitable sites of poorer agricultural quality that can accommodate the development and that the benefits of the proposed development outweighs the harm resulting from the significant loss of agricultural land. These policies reflect the approach in paragraph 180 of the NPPF 2023 which states that decisions should contribute to and enhance the natural and local

environment by, amongst other things, recognising the wider benefits from natural capital including the economic and other benefits of the best and most versatile agricultural land.

- 5.81. The supporting agricultural land report confirms that the site comprises 98% BMV totalling 4.8 ha. of which 0.4 Ha (8.2%) is Grade 2, 4.4 ha (89.8%) Grade 3a. The proposal will therefore result in the loss of BMV. However, the report also confirms that the majority of the land around the village is of a similar quality therefore there is a lack of alternative poorer quality land in the area. The applicant also suggests that the economic benefits of the BMV are very limited and refers to the findings of the previous Inspector who found the loss would not be significant and would result in no conflict with the NPPF.
- 5.82. Whilst there is no definition of what is to be considered as 'significant development' in the context of the policy NE7 it is considered that it would be reasonable to conclude that the proposal would fall within this definition given the size of the site. However, the applicant argues that it is not 'significant development' mainly based on the threshold for consultation with Natural England (being 20 ha.) but also by a consideration of the quantum of land in combination with the availability of high quality land in an area. In respect of this latter factor, it is of note that the applicant has only considered land around Haddenham itself whereas there is no basis for that limitation within policy.
- 5.83. The Inspector, in considering the previous appeal, found that the total amount of agricultural land that would be lost would be 'relatively small' (at around 5 hectares) and resulting loss of land from agricultural production would not be significant. It is unclear how the term 'relatively small' was assessed. She went on to conclude that there would be no conflict with the relevant guidance in the Framework and therefore it did not weigh against the proposal. VALP policy NE7 was not in place at that time.
- 5.84. However, the proposal must be considered under the current policy context which is intended to guide decisions outside the plan-making / allocation system and it is considered that it would be appropriate to consider the proposal as 'significant development' in this context. As it would result in the loss of BMV it will not be supported unless meeting both the policy criteria - that is that there are no other suitable sites of poorer agricultural quality that can accommodate the development and the benefits of the development outweighs the harm resulting from the loss of agricultural land.
- 5.85. The proposed layout is illustrative only but does indicate that areas of open space would be provided across the northern part of the site where the highest grade of BMV is located thus would satisfy this part of the policy. In terms of the other policy tests, whilst it is the case that at Haddenham, and even throughout the wider vale area, the majority of the land is BMV, no detailed information has been submitted regarding alternative sites. In terms of the other test, the benefits of the development are considered in more detail below but on balance it is considered that the loss could be outweighed by the benefits of the development. Notwithstanding this, there remains a conflict with policy NE7. It is

considered that, in the circumstances, moderate weight should be given to the conflict with policy and the harm arising.

Transport matters and accessibility

HNP policies TGA2 (Car and cycle parking standards), TGA3 (On-site walking and cycling), TGA4 (Cycle and pedestrian networks), TGA5 (Restricting urbanization)

VALP: T1 (Delivering the Sustainable Transport System), T2 (Supporting and Protecting Transport Schemes), T4 (Capacity of the transport network to deliver development), T5 (Delivering transport in new development), T6 (Vehicle parking), T7 (Footpaths and cycle routes), T8 (Electric Vehicle Parking)

Impact on highway network

- 5.86. The application is supported by a Transport Assessment (TA) to demonstrate the impact of the development. The TA has been updated at the request of the Highways Officer to ensure that the modelling takes into account the updated analysis of the A418 / Churchway / Dadbrook Junction incorporating the required visibility splays. This demonstrates that there may be a minor level of queueing in the AM peak but that this cannot be considered to result in severe impacts. Indeed, with the maximum level of visibility available at the junction, its performance will improve with even greater levels of capacity than originally assessed. (Please refer to the second set of highway comments provided in Appendix A at 4.2). The junction improvements would be required to serve this development therefore if they have not been implemented as part of the development of HAD007 (in respect of which there is a condition that they are provided prior to first occupation) they will need to be provided as part of this development – either a condition or obligation should secure that the junction improvements are carried out in a timely manner.
- 5.87. Other than the above, no other off site mitigation works are necessary to mitigate the vehicular traffic movements of the development. It is noted that local residents are concerned regarding the use of Rudds Lane / Rosemary Lane as a ‘cut-through’ to the station and other areas to the west. It will be noted that some of the off-site active travel links include an alteration to the junction of Rudds Lane with Churchway to reduce the radii to discourage HGV use; in addition to this, the applicant will be required to submit a construction traffic management plan (CTMP) which will require all traffic to turn right out of the site to access the A418. Once the site is occupied, it may be the case that some

vehicular traffic does use Rudds Lane and / or Rosemary Lane but given the likely levels of traffic generation this is unlikely to be at a significant level.

- 5.88. The information submitted demonstrates that the traffic generated by the development can be satisfactorily accommodated within the local highway network subject to improvements to the A418 junction.

Safe and suitable access

- 5.89. Access is to be determined at this outline stage. As noted above, the site would be served by a single point of vehicular access sited towards the northern end of the Churchway frontage with right hand turn lane provided for traffic approaching from the south. This would necessitate the removal of part of the boundary hedge (31 metre length). The Highway Officer is satisfied that the proposed main vehicular access will provide a safe and suitable access for the site. The applicant provided a Road Safety Audit which identified some concerns mainly regarding pedestrian safety – these are addressed below.
- 5.90. The development of HAD007 has necessitated the re-positioning of the 30mph sign further north along Churchway. This would be secured via a Traffic Regulation Order, at the developers cost, secured via the S106 agreement. This would involve the introduction of a gateway feature along Churchway to the north of the proposed access. There may also be a need to require these works as part of this current proposal in the event that they have not been provided in time to serve the development; this can also be secured through the S106 agreement.
- 5.91. Overall, it is concluded that the proposal will be served by a safe and suitable access and thereby accord with policy.

Sustainable transport links / active travel

- 5.92. The key objective of government policy in the NPPF is to achieve sustainable development and a vital part of this is to ensure that development, particularly significant development, is in a location that is or can be made sustainable from a transport aspect. A key consideration of NPPF paragraph 106 is that policies should provide for high quality walking and cycling networks and that sites are in locations where the number of journeys can be minimised and are supported by sustainable transport.
- 5.93. The policies of VALP are generally consistent with the above approach and seek to ensure opportunities to maximise the use of sustainable modes are achieved and that otherwise development provides for any necessary improvements. The HNP aims to enhance internal and external connectivity through the use of public transport, to ensure that public space is non-threatening, neighbourly and sociable and that walking and cycling is facilitated as the

main means of access for all residents of the village. A further objective is to secure developer contributions to provide and enhance cycle and pedestrian connections.

- 5.94. The Government now positively encourages the use of 'physical' modes of sustainable transport through Active Travel which seeks to make walking, cycling and wheeling the preferred choice for everyone to access facilities such as schools and local amenities as well as for leisure purposes. This will help improve public health, save money and by reducing the use of the car, reduce vehicle emissions and the need for upgrades and other work to the road network.
- 5.95. The extent to which the site will be connected to the local area and provide suitable pedestrian and cycle links has been the subject of much discussion. This has resulted in the following features proposed as part of the development:
- A proposed 3m wide shared surface pedestrian/cyclist loop around the site
 - Links from the above onto Churchway (3 points one at northern end of site and 2 at southern end)
 - 2 links also onto the public bridleway (Green Lane)
 - Widening of footway to 2 metres along western side of Churchway (slight narrowing to 1.8m by 1A Rosemary Lane)
 - New crossing from southern end of the site to link to western side of Churchway between Rosemary Lane and Rudds Lane
 - New crossing to link across Churchway just to north of Rudds Lane
 - Upgrading of pedestrian island in middle of Churchway / Stanbridge Road to south of site with connections from the site across the end of Green Lane and then on to the west side of the road and to the PO / shop
- 5.96. In addition to the above, the applicant has provided a Framework Travel Plan which includes measures such as promotion of public transport services, provision of Real Time Passenger Information (RTPI), distribution of maps showing safe cycle routes and other measures to encourage use of cycles, lift share promotions, Travel Plan (TP) information packs to all residents, appointment of TP coordinator, details of parking provision, use of surveys and provision of annual monitoring report. A condition will be imposed to ensure that a fully detailed TP is provided at the reserved matters stage setting out the various measures / targets and timing for their implementation and delivery as well as details of

how the plan will be managed, with monitoring to be undertaken in consultation with the Council.

5.97. The applicant has also agreed to the following financial contributions (to be secured through the S106) which are necessary to mitigate the impact of the development:

- £25,000 towards upgrading the existing and providing new RTPI at the closest bus stops (which are around 80m to the south of the site along Stanbridge Road)
- £10,000 towards the TRO required to extend the 30mph limit along Churchway (dependent on whether brought forward first as part of HAD007)
- £18,000 towards safety scheme at the Stanbridge Road / Woodways crossroads to potentially include proposals identified as part of the Haddenham-wide Streetscape Improvements project to e.g. provide raised tables
- £55,662 towards implementation of Haddenham–Aylesbury cycleway
- £1000 per annum for TP monitoring
- S106 Monitoring fee

5.98. Overall, it is considered that the proposal will provide safe and attractive connections to maximise sustainable modes and encourage active travel.

Public Transport

5.99. The site is within reasonable walking distance of existing bus stops as noted above and the proposal will provide enhanced provision through improved RTPI at the bus stops.

5.100. The site is located some 2 km from the station, it being at the opposite side of the village. However, this is just within reasonable walking distance (approximately 25 mins) with access via existing routes (eg. Churchway, Banks Road) and within cycling distance.

5.101. As noted above, the framework travel plan sets out a number of measures to ensure that the residents of the site are fully informed of the sustainable options to provide knowledge and information of a good choice of modes of transport.

Parking

5.102. At this outline stage, the adequacy of car and cycle parking provision cannot be assessed as there are no detailed layouts to consider. However, it will be appropriate to secure suitable levels as per the new adopted VALP standards (which supersede those set out in the HNP) and a condition will be needed to ensure that the reserved matters applications

provide for such parking to meet the Council's latest standards and policy. Conditions are recommended to secure provision in accordance with the Council's standards.

Refuse Collection

5.103. In respect of the collection of refuse, further detail on this matter would be assessed at the reserved matters stage. However, the applicant has provided a refuse vehicle tracking plan based on the illustrative layout, which has been amended following comments from the Waste & Recycling Officer. The amended plan seeks to demonstrate that the proposal can be safely accessed by refuse vehicles and final confirmation from the Waste & recycling officer is awaited.

5.104. It is likely that bins would be provided for in external areas in a convenient location within the garden for the dwellings and communal bin collection areas will also be provided as appropriate.

Response to comments of Parish Council

5.105. The Parish Council has raised a number of specific concerns (which are detailed in the Appendix) regarding highways issues, in particular seeking further contributions in respect of local schemes. The Highway Officer has provided a response as follows:

- Each of the obligations and conditions have been carefully considered in terms of their location, feasibility and justification, it would not be proportionate at this stage to request any further contributions.
- The attached conditions and obligations make a significant contribution towards the measures identified within the Haddenham Streetscape project: The Rudds Lane junction improvements will make HGV access more difficult, additional pedestrian/cyclist crossings over Churchway/Stanbridge Road will improve pedestrian safety and the contribution towards a safety scheme at the Stanbridge Road/Woodways junction potentially including raised tables either side of the crossroads will lower road speeds. All of these aspects were identified as part of the project and will have a significant positive impact for local residents. Further mitigation would not be justified.
- With regards to the A418 junction, the modelling and assessments undertaken do not highlight any particular issues regarding safety or capacity at this junction caused by this proposal (subject to the mitigation proposed) therefore no further mitigation would be justified in this case.
- In terms of road damage, this will be covered in the Construction Traffic Management Plan which can be conditioned, as part of this, the developer will be

expected to fund the repair of any damage caused that can be traced back to the construction vehicles.

- With regards to the pedestrian and cycling link at the HAD007 site, this refers to a different scheme.
- The Framework Travel Plan is assessed by the Transport Strategy team who have been heavily involved in the discussions about the Streetscape proposal. If permission is to be granted a condition will be imposed to require the submission of a fully detailed TP which will also be subject to assessment.

Conclusions in respect of transport matters / accessibility

- 5.106. It is concluded that the proposal would not have a harmful impact on the local highway network and would be served by safe and suitable access points and a range of sustainable transport choices with improved walking and cycling links to connect to local amenities and facilities, subject to appropriate conditions and obligations.
- 5.107. Therefore, subject to appropriate obligations and conditions, the proposal would accord with local and national policy, in particular with the aims of VALP policies T1, T4, T5, T6, T7 and T8 and HNP policies TGA3, 4 and 5. It could be implemented without harm to highway safety and convenient and sufficient parking, cycle parking and electric vehicle parking can be secured via suitable conditions.

Flooding and drainage

VALP policies I4 (Flooding) and I5 (Water Resources and Wastewater Infrastructure)

- 5.108. National policy seeks to ensure that flood risk in an area is managed and reduced through the local plan by undertaking a strategic flood risk assessment, together with a sequential approach to development, locating vulnerable developments in areas at lower risk of flooding. Development proposals will be assessed through flood risk assessments where appropriate, a sequential approach to site appraisal and where necessary the exceptions test as set out in the NPPF and NPPG.
- 5.109. VALP Policy I4 requires, amongst other things, the submission of site-specific flood risk assessments (FRAs) where the development is over 1 hectare in size or includes areas of flood zones 2 or 3. All development must demonstrate that the sequential test has been passed; the exception test will not apply to sites allocated in the plan. It goes on to require that development layouts are informed by drainage strategies including SuDS, and including demonstration that surface water will be effectively managed and will not increase flood risk elsewhere taking into account climate change modelling and effects. This policy reflects national policy guidance.
- 5.110. The site is located in Flood Zone 1 which has a low risk of surface water flooding. Information from the Groundwater Flood Map indicates that the site does lie in an area at

risk of groundwater flooding but that infiltration maps indicate lower levels of water table and overall there is considered to be a low risk of groundwater flooding. However, there have been issues within the wider area, in particular related to the areas on the western side of Churchway.

- 5.111. There have been detailed discussions with the Local Lead Flood Authority (LLFA) who initially raised a holding objection due to insufficient information in particular related to surface water drainage. The applicant therefore undertook further assessments and submitted further documents in the form of an updated Sustainable Drainage Statement (SDS) and FRA.
- 5.112. The LLFA has reviewed all the information and confirmed that their initial objection can be removed, subject to the imposition of conditions. These seek to ensure that further groundwater monitoring is undertaken during winter periods to clarify whether further amendments will be needed to the design of the SuDS basins. Further assessment of the use of the proposed SuDS basins (in south east and south west corners of the site) which are proposed to drain into the Thames Water (TW) public surface water sewer system which drains to the existing pond located on Rudd's Lane revealed that whilst there are concerns related to flood risk associated with this pond, the significant betterment post development compared with the current situation means that the proposal will be acceptable. TW has confirmed that the proposed discharge will be acceptable.
- 5.113. The LLFA also confirms that there will be sufficient attenuation storage to ensure that flood risk off site is managed over the lifetime of the scheme. The applicants were also requested to consider further means of on-site SuDS techniques as required by VALP policy I4. The use of additional features such as lined / unlined permeable paving, rain gardens and tree pits are all referenced in the SDS.
- 5.114. In respect of foul drainage, suitable connections can be made to the public sewers and, as noted above, TW has confirmed that the drainage scheme will be acceptable.
- 5.115. It is concluded that the proposal will make appropriate provision for surface water and foul drainage and will secure measures to avoid / improve flood risk and will not result in increased flood risk elsewhere. Therefore, subject to the imposition of conditions to require a fully detailed drainage scheme and details of a whole-life maintenance plan the proposal will satisfy VALP policy I4.

Historic Environment / Archaeology

VALP policy BE1 Heritage Assets

Conservation Areas SPD

- 5.116. The NPPF recognises that the effect of an application on the significance of a heritage asset (including its setting) is a material planning consideration. VALP policy BE1 requires all new

development to conserve heritage assets in a manner appropriate to their significance, including setting, seeking enhancement where possible. This policy reflects national policy. The HNP does not contain specific policies, but its vision and objectives recognise the sense of history in the village and the historic environment of the conservation area and many listed buildings.

- 5.117. The site does not lie within the conservation area but lies close to the edge of the northern section which encompasses parts of Rosemary Lane and Rudds Lane up to the boundary with Churchway. The CA appraisal notes that this section lies within character area 1, Rudd's Lane and Rosemary Lane and is characterised by sporadic historic development interspersed with modern infill. The applicant's Heritage Assessment states that the site is not the focus of any key views but is located at the periphery of a key view looking south towards the conservation area from the Outer Aylesbury Ring public footpath, though this view is now altered by the development on HAD007. It goes on to conclude that the proposal will result in a neutral impact on the significance of the conservation area, in line with conclusions of the previous Inspector. It also concludes that it will not adversely impact the nearby listed buildings (Grade II Forge Cottage and Witchert House). It does acknowledge that it will alter agricultural land adjacent to The Cider House, a building of 'local note', considered to be a non-designated heritage asset, but given the absence of any historical functional relationship between the two, this would only result in minor harm, due to the change in its setting.
- 5.118. The Heritage Officer concurs with these findings and notes that given the previous appeal decision and history, it would not be reasonable to raise a heritage objection at this stage. The previous Inspector found the impact to be neutral impact due to the limited extent that the site contributes to its setting nor was there any evidence of any harmful impact arising from the traffic movements generated. The minor level of harm to the non-designated heritage asset noted. Paragraph 209 of the NPPF requires that the effect of an application on the significance of a non-designated asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect the non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. Taking this into account and the minor level of harm identified and taking a balanced judgement it is considered not to outweigh the benefits of the scheme and as such, overall, there would be compliance with policy BE1 in this regard.
- 5.119. In respect of archaeology, the application site lies within a wider area which has provided numerous discoveries of prehistoric and Roman finds and features. The field directly to the north produced c.40 flints during a fieldwalking survey and three Neolithic/Bronze Age enclosures have been recorded further north-west. Other findspots in the immediate

vicinity of the site include Roman metalwork and a large Roman pit and post-holes have been recorded in fields to the east of the site.

- 5.120. The applicant's heritage assessment states that no prehistoric or Roman period finds or features are recorded nor were any identified by the geophysical survey. Some features were recorded in the field to the north of the site during fieldwalking and indicate the potential for currently unrecorded below ground remains. As such the Archaeology Officer has no objection subject to a staged condition to secure pre-commencement trial trenching and in situ retention or recording as appropriate in accordance with a written scheme of investigation.
- 5.121. Thus, it is concluded that with the imposition of an appropriate condition, the proposal would ensure appropriate protection for and enhancement of the historic environment and thus complies with relevant national and local policy in this regard.

Raising the quality of place making and design

VALP BE2 Design of New Development

Vale of Aylesbury Local Plan Design SPD

- 5.122. The above policies seek to ensure that development is responsive to its context and provides a high quality, sustainable design. Specifically in respect of built form it seeks to ensure that proposals respect and complement the local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials. The Vale of Aylesbury Local Plan Design SPD seeks to provide detailed guidance for place making. The NPPF 2023 also emphasises that development should make effective use of land whilst at the same time safeguarding and improving the environment and states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The use of design codes is encouraged.
- 5.123. The application being outline does not provide any detail to be approved at this stage regarding the layout and built character of the proposal albeit the DAS sets out a number of principles including that there would be a hierarchy of street typologies with a Churchway / conservation area interface along the western edge and a 'soft' edge of the north with the main built areas providing a 'village' character to reflect traditional layout and building types. The layout would also include frontage development with focal spaces and buildings. The illustrative masterplan also gives an indication of how the site could be laid out. As indicated above, the site would be connected to the village through new links albeit they would cross over existing roads which currently form the boundary to the

existing built framework of the village. A condition would be appropriate in this instance to ensure that these general principles are taken through to any reserved matters application.

- 5.124. Having regard to the above matters and acknowledging that further consideration would have to be given to these specific matters at the detailed design stage, it is concluded that the development of the site itself could achieve a high quality, beautiful and sustainable place notwithstanding that it would nevertheless be seen as a 'add on' to the village in a way that is not sympathetic to the landscape and visual amenity of the site and its surroundings as well as the settlement pattern in this part of the village as identified in the paragraphs above relating to the impact on countryside, landscape and settlement character. Thus, it has been demonstrated that the development could be designed in a way to accord with Policy BE2 (b) albeit would fail to accord with the other criteria for the reasons set out in the earlier section of this report.

Building sustainability

VALP policy C3 (Renewable Energy)

Vale of Aylesbury Local Plan Design SPD

- 5.125. The application is accompanied by an Energy and Sustainability statement. The statement has considered VALP policy and guidance in the SPD and confirms that low carbon technology in the form of air source heat pumps are to be used for all dwellings in addition the 'fabric first' approach uplifting on the requirements of approved document part L. In addition, it is proposed that water consumption will be minimised to 110 litres per day and waste will be minimised during both construction and occupation through reuse and recycling.
- 5.126. It is concluded that the scheme has the potential to provide a good level of sustainability in its buildings and other elements, in some areas in excess of the minimum requirements. The proposal therefore accords with policy C3 and the guidance in the SPD subject to a condition to secure an updated and detailed assessment at the reserved matters stage.

Environment and Amenity of Existing and Future Residents

VALP policy BE3 (Protection of the amenity of residents) and NE5 (Light pollution, air quality and contaminated land)

- 5.127. The relevant policies seek to ensure that a good standard of built environment is provided having regard to a number of factors. In terms of existing adjoining residents, those likely to be most affected are those in Churchway opposite the site and those immediately to the south of the site fronting Stanbridge Road. However, these properties are separated from the site by the road and lane which, when taken together with the likely set back from the site boundaries of the actual dwellings, are unlikely to result in any significant impacts. It is

intended that existing hedgerow and trees along these boundaries will be retained and supplemented with additional planting, adding a further screening effect.

5.128. The following matters are also relevant to the future residents:

Noise and Air Quality

5.129. The Noise Impact Assessment concludes that based on the results of a baseline noise survey the recommended guideline noise criterion for external amenity spaces is likely to be met without the need for specific mitigation. Regarding internal noise, two plots were found to meet the criteria with the use of double glazing. Overall, there would be a commensurate level of protection for future occupiers.

5.130. The accompanying air quality report concludes that measures can be put in place to minimise emissions during construction and these can be secured via condition. Once occupied, the proposal would not significantly influence local air quality; in addition, local monitored pollutant concentrations in the vicinity of the site were identified to be below the relevant air quality objectives.

Contamination

5.131. The site is understood to have previously only been used for agricultural purposes but includes the demolition of some agricultural buildings. The submitted report suggests a number of further actions and surveys to include an asbestos survey for these buildings. It concludes that the potential risk from contamination is considered to be very low if not negligible but recommends that an intrusive ground investigation is completed ahead of any development works to determine underlying ground conditions and any contaminative status, to include presence of hazardous ground gases. It is considered that in these circumstances, it would be necessary to impose a condition to deal with these matters.

Construction stage impacts

5.132. In terms of the construction stage of the proposed development, the workings on the site and associated vehicle movements will have some effects. However, most of these can be controlled and minimised through a Construction Traffic Management Plan (CEMP) which will cover a number of matters such as hours of operation, deliveries & construction including vehicle routing, on-site parking and storage, traffic management and measures to prevent damage and inconvenience arising from the use of local roads.

Lighting

5.133. At this outline stage there is no indication of what lighting is proposed but this can be controlled at reserved matters stage to ensure that the impact on the built and natural environment is minimised. In this regard it is noted that the Ecology Officer has

recommended a condition to ensure that any lighting does not adversely affect the biodiversity of the site.

Built environment / living conditions for proposed occupiers

- 5.134. In terms of the proposed occupants, as the application is in outline only it is not possible to specifically assess the quality of the proposed individual dwelling plots and how they relate to each other. However, the DAS and accompanying sketch masterplan show that it should be possible to ensure a good standard of layout and amenity. Whilst in this particular instance a condition to secure a Design Code for the site is not considered to be necessary but a condition to ensure that the principles within the DAS would be translated into any reserved matters submission would be appropriate.

Conclusions

- 5.135. It is concluded that overall, a good standard of built environment and amenity will be provided for the occupiers of existing and proposed dwellings, in compliance with the above policies.

Supporting high quality communications

VALP policy I6 (Telecommunications)

- 5.136. Paragraph 116 of the NPPF requires Local Planning Authorities to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communication services. Given the nature and location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development.
- 5.137. In accordance with VALP policy I6, developers are also expected to have explored the option of providing on-site infrastructure, including ducting to industry standards in any new residential development for efficient connection to existing networks. This policy reflects paragraph 114 of the NPPF which states that a reliable communications infrastructure is essential for economic growth and social well-being and that policies should prioritise full fibre connections to existing and new developments. The applicant's Utilities Assessment Report confirms that the area has a well-established network of underground and overground infrastructure, with assets presently running along the entirety of Churchway, with a suitable connection identified along the western boundary

with some diversionary / protection works required. A planning condition will ensure that this is adequately addressed.

5.138. Overall, it is considered that the proposal would accord with policy I6 of the VALP and with the guidance set out in the NPPF in this regard.

Community Facilities & Infrastructure Impacts and Developer Contributions

VALP policies – I2 Sports and Recreation, I3 Community facilities, infrastructure and assets of community value, Appendix D - The Standards for Sports and Recreation

HNP policies CES1 Play Facilities

5.139. As noted in various sections above, there are a number of specific matters that would need to be secured via planning obligations, as conditions would not be appropriate. These are:

- 30% Affordable housing and details thereof (e.g. tenure split, pepper-potting, etc)
- Provision and future management & maintenance of on-site GI and play areas to include commuted sums (should these areas be transferred to the Parish Council) or other suitable arrangements and a bond to enable these areas to be delivered should they fail to come forward as part of the development

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

5.141. The Community Infrastructure Levy Regulations and the National Planning Policy Framework state that obligations to secure such contributions within a section 106 agreement must meet the following tests:

- Necessary to make the development acceptable
- Directly related to the development, and
- Fairly and reasonably related in scale and kind to the development

Financial Contributions towards Sustainable Transport / off-site highway works

5.142. As indicated in the transport section above, improvements to off-site footway / cycleway connections in the vicinity of the site are required to provide suitable and safe links to the existing network and access to local amenities. Improvements to the A418 / Churchway /

Dadbrook junction are also necessary to mitigate the impact of the development and must be provided prior to first occupation.

- 5.143. Other contributions towards local sustainable transport schemes including some identified as part of the local Streetscapes Project, including a contribution towards the necessary Traffic Regulation Order, should it not come forward in a timely manner through the development of HAD007, are justified to mitigate the impacts of the development. A travel plan monitoring fee will also be necessary to enable annual monitoring and review.

Education

- 5.144. The Education Officer has confirmed that there is insufficient school capacity locally. Primary schools are currently full or oversubscribed and there is a project to consider options to expand one of more of these schools. 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.
- 5.145. The Education Officer has confirmed that the contributions will be allocated to the local community infant or junior schools or St. Marys CE School and Princes Risborough Secondary School.

Sport and Recreation

- 5.146. The development will increase demand for the provision of local and wider sport and recreation facilities, including sports playing pitches and hard courts and community centres. It is not feasible to accommodate such facilities on site due to the amount of land that is required and the need to optimise the delivery of housing and there is a lack of capacity in the local area. The HNP identifies a need to provide a larger community facility for local cultural and sporting events and policy SRL2 allocates land at Banks Park, encompassing the existing village hall and library, for improved community facilities. Therefore, under the relevant policies, a proportionate contribution based on the estimated population arising from the development using the Council's Ready Reckoner is justifiably sought to ensure the necessary associated provision. The relevant projects to be referred to will be agreed through the S106 negotiations having regard to the CIL regulations.

Health Facilities

- 5.147. The NHS Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (BOB ICB) has provided a detailed response indicating that there is currently insufficient primary medical care capacity locally. Primary care services are already operating under extreme

pressure and physical constraints, and the lack of space hampers the delivery of additional services. The ICB has therefore requested appropriate financial contributions.

- 5.148. The local Phoenix Health Centre is already operating above recommended 'best practice' capacity and therefore additional floorspace is required to cater for the further increased demand. The contribution sought is based on the floorspace required to provide for the increased population arising from the development and the build costs associated with the works / project proposed which in this case would involve the conversion of an existing room within the existing health centre building. A contribution of £85,899 is sought based on these figures and the likely increased population arising from the development.
- 5.149. It is considered, by officers, that without the contribution the impacts of the development would not be appropriately mitigated and would adversely impact on the delivery of healthcare for new and existing residents.

6. Other Matters

Housing Land Supply

- 6.1. The applicant has suggested that 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) which confirms that there is a 4.5 year supply of housing sites for the period 2023-28, representing a shortfall of 811 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.
- 6.2. In this context, it is noted that, notwithstanding that going forward a 5 year supply cannot currently be demonstrated, there has been a good delivery of housing with past completions currently exceeding the targets with a total surplus of 228 dwellings over the period 2013-23.
- 6.3. The applicant has contended from the outset that the Council is unable to demonstrate a 5 year supply, mainly based on the argument that there is insufficient evidence of the deliverability of a number of the identified sites. Whilst the lack of a 5 year supply is now acknowledged, this is as a result of the updated assessment that has been undertaken by the Council. The applicant has not provided any detailed comments on this update, though maintains the position that it is significantly less.

7. Weighing and balancing of issues / Overall Assessment

Introduction

- 7.1. This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 7.2. In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 7.3. The NPPF is a significant material consideration and the proposal should be assessed against relevant policies. In particular, paragraph 11 is of relevance.
- 7.4. 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
- i. 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
 - ii. 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.
- 7.5. 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.”

- 7.6. 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:
- a) Their adopted plan is less than five years old; and
 - b) That adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.
- 7.7. 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.
- 7.8. In this instance the application was submitted 31st January 2023 and does not benefit from the exception in paragraph 76.
- 7.9. 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

- 7.10. Having regard to the detailed assessment above, it is noted that there is compliance with a number of policies of the development plan. However, given the sites location in open countryside beyond the built-up limits of the settlement, outside the areas allocated for development within the spatial strategy and the harm that would arise to the intrinsic character and beauty of the countryside, landscape character / visual amenity and settlement identity, there would be conflict with polices of the VALP and with the aims and objectives of the HNP. Overall, having regard to the extent of the harm arising and resultant conflict with those policies, it is concluded that the proposal does not comply with the development plan as a whole.
- 7.11. Paragraph 11 (c) of the NPPF does not therefore apply. It is of note that the applicant does not agree and considers that the proposal does accord with the development plan, it being contended that the extent of landscape / visual harm is limited such that the proposal accords with the relevant policies. However, it is considered that the assessment of these

impacts has been understated; nor does the applicant fully address the issue of effect on settlement identity or with the overall spatial strategy of the plan.

- 7.12. In the context of the 'presumption', it is therefore 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)

- 7.13. 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.
- 7.14. 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 assets and their settings (Haddenham Conservation Area and nearby 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).

The adverse impacts

- 7.15. As set out in detail above, the proposal would result in a development in the open countryside beyond the existing and planned limits of the settlement resulting in a clear conflict with the spatial strategy of the VALP for which there do not exist any exceptional circumstances. This runs counter to NPPF policy that states that the planning system should be genuinely plan-led. Significant weight should be given to this harm.
- 7.16. The landscape and visual impacts, whilst mainly of a localised nature, would be significantly harmful and would not be overcome by the proposed mitigation. The scheme would result in a clear intrusion into the countryside surrounding the settlement, the boundary of which in this part of the village is clearly delineated by Churchway and would fail to be sympathetic to the character and distinctiveness of the settlement form as the site contributes significantly to the rural edge character of this part of the village. This would also fail to satisfy the policies of the NPPF which seek to ensure that planning decisions contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and ensure that developments are sympathetic to

local character and history, including the surrounding built environment and landscape setting. Significant weight should be given to the harms arising in this regard.

- 7.17. There would be a loss of BMV and related economic benefits to which, in the light of the amount of land involved and its value, moderate weight should be given.
- 7.18. There would be a minor level of harm to a non-designated heritage asset, to which in the circumstances, limited weight should be given.
- 7.19. The concerns and objections of the Parish Council, local amenity societies and other residents have been addressed in the above report. It is considered that there are no other matters which raise any justifiable adverse impacts.

Benefits

- 7.20. The main benefit of the scheme is the contribution it will make to the authority's housing supply, which in the context of a lack of a 5 year supply, should be given significant weight. The applicant has provided information to show that, whilst they would not build out the site themselves, they have a track record of working with housebuilders and delivering sites within the five-year period (and refer specifically to the Station Road, Stoke Mandeville site within the Council's area as an example); in addition, there are no known legal or constraints which could delay implementation and they have confirmed a willingness to accept a condition to require submission of reserved matters within a short timescale.
- 7.21. The site will also make a valuable contribution to affordable housing which at 30% will provide a level that exceeds the minimum policy requirement. A range of housing types and sizes are also proposed, contributing to local community needs, though that is a requirement of policy. Overall significant weight should be given to these benefits.
- 7.22. The economic and social benefits that can be associated with such development, such as contributing to the local and wider economy are acknowledged. Overall, moderate weight should be given to these benefits.
- 7.23. The Applicant contends that the provision of GI and open space will bring recreational and wildlife benefits to the wider area. However, the amount of open space provided is required to meet the needs of the residents and satisfy policy. There would however be biodiversity benefits over and above that required by policy / legislation to which some limited weight can be given and it is acknowledged that the provision of the play area

provides a facility that may be used by existing local residents to which limited weight can also be given.

- 7.24. The development would be constructed to a high standard of energy efficiency including the use of heat pumps and a 'fabric first' approach that exceeds building regulations. Moderate weight can be given to these benefits.
- 7.25. The Applicant also suggests that the various measures to be secured through the S106 should also be considered as benefits, but in the main these are necessary to mitigate the impact of the development. To the extent that they may benefit the wider community, for instance the improvements to the road junctions and provision of crossings and RTPI at the bus stops, they would provide benefits of limited weight.

Conclusion on paragraph 11(d)

- 7.26. Having regard to the [footnote 7] policies of the NPPF, there is no clear reason for refusal. Overall, taking into account the above, it is concluded that, notwithstanding the significant weight that should be given to the adverse impacts, they do not significantly and demonstrably outweigh the benefits. Therefore, permission should be granted subject to the proposed conditions and a S106 agreement.

Overall S38(6) balance

- 7.27. It is concluded that whilst there is conflict with the development plan overall, there are material considerations, i.e. the policies of the NPPF in particular the application of paragraph 11, that indicate that permission should be granted.
- 7.28. Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 7.29. 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.
- 7.30. It is considered that there are no other reasons why permission should not be granted, subject to conditions as identified 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.

8. Working with the applicant / agent

- 8.1. 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.
- 8.2. The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 8.3. In this instance
 - The applicant was provided with pre-application advice,
 - During the course of the consideration of the application, there has been a continual and considerable dialogue with the applicant with a view to seek to resolve issues as they arose.
 - The applicant was provided the opportunity to submit amendments to the scheme/address issues arising.
 - The application was considered by the Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

9. Recommendation

- 9.1. The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory negotiation and completion of a S106 agreement 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 officers consider appropriate.

Recommended conditions:

1. Details of the appearance, landscaping, layout and scale, (herein after called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: The application is for outline planning permission.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than 18 months from the date of this permission.

Reason: To prevent the accumulation of planning permissions and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

- a. Drawing No. P16-0007_4 (Site Location Plan)
- b. Drawing No: T22562/001 Rev.D (Proposed site access junction with visibility splays)
- c. Drawing No; T22562/002 Rev. C (Proposed site access junction swept path analysis 01)
- d. Drawing No: T22562/005 (Access and pedestrian and cycle connectivity plan).

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

5. No other part of the development shall be occupied until the [principal] means of vehicular access has been provided in accordance with the approved planning drawings and constructed to the appropriate Buckinghamshire Council access standards.

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

6. Development shall not commence until a construction traffic management plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide for the following:

- The routing of construction vehicles.
- Construction access details, temporary or otherwise.

- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials storage of plant and materials used in constructing the development.
- Operating hours.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused.

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

Reason: This is required prior to commencement of development in order to minimise danger, obstruction and inconvenience to users of the highway.

7. No dwelling shall be occupied until the minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from both sides of the new access onto Churchway have been provided in accordance with the approved plans and the visibility splays shall thereafter be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

8. No dwelling shall be occupied until the off-site highway works shown in principle on drawing T22562.001 rev D have been laid out and constructed in general accordance with the approved plans. For the avoidance of doubt the works shall comprise of the following:
 - Dropped Kerb Crossings to the new footway on western side of Churchway with the pedestrian refuge being lengthened to 3m.
 - 3m shared footway/cycleway leading to the pedestrian island along Churchway to the north and down to the crossing across Stanbridge Road to the south.
 - Dropped Kerb Crossings across both Stanbridge Road and Churchway incorporating the central reserve. Raised signage on the central reserve to provide sight lines to pedestrians.
 - Pedestrian Only link and dropped kerb crossing to bus stop on the western side of Churchway, to connect to upgraded footway provision on the western side of Churchway.

- Pedestrian Crossings in line with the Haddenham wide streetscape proposals including the tighter Rudds Lane Junction Radii.
- Raising the kerb height to 140mm to allow near level boarding and improve accessibility at the closest bus stops.

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

9. No dwelling shall be occupied until the off-site highway works shown in principle on drawing 816813/6104B approved as part of application 17/02280/AOP have been laid out and constructed in general accordance with the approved plans. For the avoidance of doubt the works shall comprise of the junction improvement works at the Churchway/A418 Junction.

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

10. Plans and particulars submitted for the reserved matters pursuant to Conditions 2 and 3 shall be in general accordance with the principles set out within the Design and Access Statement and with the illustrative masterplan (drawing no: P16-007_DE_030_01_J) and the Illustrative Landscape Strategy (drawing no: P16-0007_EN_0038_G_0001LS Rev G) and shall include the following details:

- a) any proposed access road(s) including details of horizontal and vertical alignment;
- b) any existing access points within the application site that are not required for the development and which are proposed to be closed when new accesses forming part of the development are brought into use;
- c) the layout and specification of
 - (1) any internal roads not covered by a above,
 - (2) footpaths,
 - (3) parking, including electric vehicle charging points, turning and loading/unloading areas (including visibility splays),
 - (4) cycle parking areas,
 - (5) cycle storage facilities
 - 6) access facilities for the disabled and
 - (7) individual accesses;
- d) the materials to be used on the external faces of all the buildings to which the details relate;

- e) the positions, design, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided;
- f) details for all hard landscaped areas, footpaths and similar areas, including details of finished ground levels, all surfacing materials, and street furniture, signs, lighting, refuse storage units and other minor structures to be installed thereon;
- g) contours for all landscaping areas, together with planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment);
- h) a waste strategy including details of bin and recycling storage;
- i) Details of any external lighting to any building(s), parking
- j) turning and / or manoeuvring areas, roads, footpaths, green ways and open space areas.;

Reason: To ensure a satisfactory appearance to the development and to comply policies H6c, BE2, NE1, NE8, T8 and I1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

11. An energy statement / natural resources strategy to demonstrate how the energy hierarchy has been applied and how the development minimises the use of natural resources shall be submitted prior to or at the same time as the first reserved matters application for the approval in writing of the Local Planning Authority. It shall address / consider the following:
- a. How energy use is reduced / minimised, In particular through the use of sustainable design and construction methods,
 - b. how water efficiency and minimisation of use are to be encouraged
 - c. measures to promote waste minimisation and recycling
 - d. Provision of an efficient energy supply, with priority to decentralised supplies.
 - e. making use of renewable energy,
 - f. making use of allowable solutions
 - g. a feasibility study for district heating and cooling utilising technologies such as combined heat and power, including biomass or other low carbon technology

The development shall be implemented in accordance with the approved strategy.

Reason: To maximise energy efficiency and use of natural resources / renewable energy to comply with policy C3 of the Vale of Aylesbury Local Plan.

12. The landscape details to be submitted pursuant to condition 2 above shall include the following:

a) a scaled plan showing all existing trees, shrubs and hedgerows to be retained, including crown spreads and trees and plants to be planted;

b) location, type and materials to be used for hard landscaping including specifications, where applicable for:

- i. permeable paving
- ii. soil volume calculations for new trees
- iii. tree pit design
- iv. underground modular systems
- v. sustainable urban drainage integration
- vi. use within tree Root Protection Areas (RPAs);

c) a schedule detailing species, sizes and numbers/densities of all proposed trees/plants; including support measures, guards or other protective measures; biosecurity procedures including best working practices to reduce the spread of pests and disease.

d) specifications for operations associated with plant establishment and maintenance that are compliant with best practice; methods to improve the rooting environment for retained and proposed trees and landscaping including watering, weed control, pruning, etc.

e) types and dimensions of all boundary treatments

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless already agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting.

Reason: To ensure satisfactory landscaping of the site in the interests of amenity, to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in accordance with Policy NE8 of the VALP, and the National Planning Policy Framework.

13. 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 a satisfactory and continuing standard of amenities are provided and maintained in connection with the development and in accordance with Policy NE8 of the VALP.

14. No works or development (including for the avoidance of doubt any works of demolition/site clearance) shall take place until an Arboricultural Method Statement (AMS) with Tree Protection Plan (TPP) has been submitted in accordance with current British Standard 5837 and approved in writing by the Local Planning Authority.

Ground protection measures including protective fencing shall be erected or installed prior to the commencement of any works or development on the site including any works of demolition and shall conform to current British Standard 5837 specification guidance. The approved fencing and/or ground protection measures shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced or protected areas without prior written agreement from the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

The AMS and TPP shall include:

- a) Detailed plans showing location of the protective fencing including any additional ground protection whether temporary or permanent;
- b) Details as to the location of proposed and existing services and utilities including sustainable drainage, where these are close to Root Protection Areas (RPAs);
- c) Details as to the method, specification and materials to be used for any "no dig" cellular confinement systems where the installation of no-dig surfacing is within the Root Protection Areas of retained or planted trees is to be in accordance with current nationally recognised best practice guidance British Standard BS 5837 and current Arboricultural Guidance Note 'Cellular Confinement Systems Near Trees' (area within the development to which it applies); demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- d) Details of all proposed Access Facilitation Pruning, including root pruning, as outlined in current British Standard 5837 guidance shall be carried out in accordance with current British Standard 3998.
- e) All phases and timing of the project, including phasing of demolition and construction operations, in relation to arboricultural matters.
- f) Siting of work huts and contractor parking; areas for the storage of material and the siting of skips and working spaces; the erection of scaffolding are to be shown on the submitted TPP
- g) Tree Protection Sign-off by the retained Arboricultural consultant prior to commencement of on-site activities and a reporting log, detailing timescales for return visits.

The development shall thereafter be carried out in accordance with the approved details.

Reason: The details are required prior to commencement of development to ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction, in the long-term interests of local amenities and accordance with Policy NE8 of the VALP and BS5837.

15. Before any construction works hereby approved are commenced, a revised Biodiversity Net Gain Report and associated Biodiversity Metric demonstrating that Biodiversity Net Gain can be achieved, shall be submitted to, and approved in writing by the Local Planning Authority. The BNG Report should adhere to best practice and include:
- a) A Summary of key points;
 - b) Introduction to the site, project, planning status, certainty of design and assumptions made, the aims and scope of the study and relevant policy and legislation;
 - c) Methods taken at each stage; desk study, approach to BNG and evidence of technical competence;
 - d) Baseline conditions of the site including; important ecological features and their influence on deliverability of BNG, baseline metric calculations and justifying evidence, and a baseline habitat plan that clearly shows each habitat type and the areas in hectares;
 - e) Justification of how each of the BNG Good Practice Principles has been applied;
 - f) Proposed Design to include a proposed habitat plan and details of what will be created. This can be taken from the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans. The plan should clearly show what existing habitat is being retained and what new habitat will be created. It should be easy to identify the different habitat types and show the areas in hectares of each habitat or habitat parcel;
 - g) Biodiversity Metric spreadsheet, submitted in excel form that can be cross referenced with the appropriate plans. A small sites metric is also available for sites less than 0.5ha or fewer than 9 dwellings and under 1ha;
 - h) Implementation Plan including a timetable for implementation.
 - i) BNG Management and Monitoring Plan

The development shall thereafter be implemented in accordance with the approved details.

Reason: This is required prior to commencement to ensure that the development achieves Biodiversity Net Gain to accord with policy NE1 of the Vale of Aylesbury Local Plan, policy SRL3 of the Haddenham Neighbourhood Plan and the National Planning Policy Framework.

16. 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 long-term 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: This is required prior to commencement 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 to accord with Policy NE1 of the Vale of Aylesbury Local Plan, policy SRL3 of the Haddenham Neighbourhood Plan and the National Planning Policy Framework.

17. Before any construction works hereby approved are commenced, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure a habitat compensation and biodiversity net gain as detailed within the Biodiversity Net Gain Report, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided:
- a) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur);
 - b) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
 - c) Details of both species composition and abundance where planting is to occur;
 - d) Details of pre-commencement badger survey;
 - e) Proposed management prescriptions for all habitats for a period of no less than 30 years
 - f) Assurances of achievability;
 - g) Timetable of delivery for all habitats; and
 - h) A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and thereafter maintained in accordance with the approved CEMP and HMP.

Reason: This is required prior to commencement to ensure that the development achieves a net gain in biodiversity and to accord with Policy NE1 of the Vale of Aylesbury Local Plan, policy SRL3 of the Haddenham Neighbourhood Plan and the National Planning policy Framework.

18. No dwelling shall be occupied until a “lighting design strategy for biodiversity” for the proposed development shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: Many species active at night are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established movement corridors or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. And to accord with policy NE1 of the Vale of Aylesbury Local Plan, policy SRL3 of the Haddenham Neighbourhood Plan and the National Planning Policy Framework.

19. The development shall be implemented in accordance with the agreed recommendations within the Ecological Impact Assessment (RammSanderson, July 2023). The condition will be considered discharged following; a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.

Reason: To ensure that measures are undertaken in accordance with submitted plans for the benefit of important wildlife and to accord with Policy NE1 of the Vale of Aylesbury Local Plan, policy SRL3 of the Haddenham Neighbourhood Plan and the National Planning Policy Framework.

20. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:

- a) Assessment of SuDS components as outlined within the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary.
- b) 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
- c) Existing and proposed discharge rates and volumes
- d) Full construction details of all SuDS and drainage components
- e) Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- f) 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.
- g) 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.

The development shall subsequently be implemented in accordance with the approved details before the development is completed.

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

21. Prior to the occupation of any dwelling, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.

Reason: The reason for this pre-occupation condition is to ensure the Sustainable Drainage System is designed to the technical standards in accordance with Policy I4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

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

Reason: The reason for this prior occupation condition is to ensure that arrangements have been made and agreed for the long-term maintenance of the drainage system to ensure that it is as required under the National Planning Policy Framework.

23. No reserved matters application shall be submitted, until the applicant, or their agents or successors in title, have undertaken archaeological evaluation in form of trial trenching in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. Where significant archaeological remains are confirmed these will be preserved in situ.

Where significant archaeological remains are confirmed, no reserved matters application shall be submitted until the applicant, or their agents or successors in title, has provided an appropriate methodology for their preservation in situ which has been submitted by the applicant and approved by the planning authority.

Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording no reserved matters application shall be submitted until the applicant, or their agents or successors in title, have secured the implementation of 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 scheme(s) of investigation which should be based on our on-line template briefs.

Reason: To ensure that any affected underground heritage assets are appropriately protected and recorded to accord with policy BE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

24. No dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out and constructed to binder level in accordance with the details to be approved pursuant to condition 1 and 9 above. The estate roads shall be fully completed as approved before occupation of the 95% of the dwellings in the whole development.

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

25. No dwelling shall be occupied until the scheme for parking, garaging and manoeuvring to serve that dwelling has been provided in accordance with the approved plans and that area shall not thereafter be used for any other purpose.

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

26. Prior to the commencement of the construction of the estate roads details of measures to facilitate the availability of a high-speed broadband connection to the occupants of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the building to which it relates.

Reason: For the avoidance of doubt to ensure a satisfactory form of development and to comply with the National Planning Policy Framework and policy I6 of the Vale of Aylesbury Local Plan.

27. Notwithstanding the Travel Plan submitted with the outline application, prior to any development above ground, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the Travel Plan should include the Travel Information Pack to be provided to residents. Thereafter the development shall be implemented in accordance with the approved details prior to the occupation of the development.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with National and Local Transport policy and to comply with Policies T4 and T5 of the Vale of Aylesbury Local Plan and with the National Planning Policy Framework.

28. The sizes and types of dwellings to be submitted pursuant to condition 1 above shall have regard to the Housing and Economic Development Needs Assessment (2017) or latest evidence of housing need.

Reason: To ensure that the development provides a mix of dwellings to meet the latest evidence of the needs of the community to accord with the National Planning Policy Framework and policies H1, H6a and H5 of the Vale of Aylesbury Local Plan.

29. 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.

Informative Points:

1. Conditions – pre-commencement: “1, 11, 13, 14, 15, 19, 20, 24, 29”
Before occupation – “16, 17, 22, 23, 26”

During use – ‘7, 10, 12, 23”

2. The applicant is advised that the off-site works will need to be constructed under a Section 278 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 Development Management at the following address for information:-
Development Management, 6th Floor, County Hall, Walton Street, Aylesbury, Buckinghamshire, HP20 1UY
Telephone: 0845 2302882
Email: highwaysdm@buckinghamshire.gov.uk
3. 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.
4. 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.
5. It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
6. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Thames Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
7. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Thames Water (under Sections 104 of the Water Industry Act 1991), they should contact them at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Thames Water’s requirements.
8. You are advised that planning obligations have been entered into in connection with this development.

APPENDIX A: Consultation Responses and Representations

A1 Councillor Comments

Councillor Sue Lewin: I recommend that this application is called in to committee. It was previously rejected on appeal and very little appears to have changed. There is considerable local concern about the development and the continued inability of infrastructure to keep up.

Councillor Greg Smith: I recommend that this application is called in to committee. It was previously rejected on appeal and very little appears to have changed. There is considerable local concern about the development and the continued inability of infrastructure to keep up.

A2 Parish/Town Council Comments

Haddenham Parish Council (HPC) oppose the applications on the following principal grounds (these comments update/supersede original submission):

The Parish Council OBJECTS for the following reasons:

1. Since the 2017 there has been a significant material change in circumstances with the adoption of the Vale of Aylesbury Local Plan (VALP). This is not an allocated site for development in the VALP. It conflicts with the spatial strategy for Aylesbury Vale and cannot be considered small-scale or infilling. The proposal therefore conflicts with VALP policies S1, S2 and S3.
2. The VALP was informed by the 2017 HELAA (Housing & Economic Land Availability Assessment) which assessed the site under reference HAD002 as “unsuitable” for development. It says: “the site is not well related to the rest of Haddenham as it is located in the open countryside east of Stanbridge Road highly exposed on three sides”. The application is outside the generally accepted settlement footprint with Churchway/Stanbridge Rd forming a natural north-south village boundary. The site has a distinctly rural character, and the introduction of built development would be harmful. The proposal is contrary to VALP policies D3 and NE4.
3. The 2017 planning inquiry into 17/01225/AOP found that the site was graded as “best and most versatile agricultural land”. The proposal is therefore contrary to VALP policy NE7 with its presumption against development and its objective of seeking to protect best and most versatile farmland for the longer term.
4. Haddenham is a “strategic settlement” currently growing by 50% with over 1000 homes being built in a relatively short period on the edges of what essentially is a village. It lacks several of the facilities of a market town or of the other “strategic settlements”. In the absence of any effort by AVDC to prepare a proper plan for this growth, Haddenham has suffered what is widely regarded in the literature as a particularly poor form of development with large housing estates tacked onto the settlement’s edges.
5. Haddenham’s public services are already struggling to cope with growth. At the time of writing only 2 of the 3 large allocated sites have completed; the 3rd has yet to be fully approved. The Parish Council has met with two of our first school heads who have described the impact on their schools as “profound”. It is apparent from the Integrated Care Board’s objection to this application that the local health service is under similar pressure. While S106 has contributed capital assets for sport, there are no additional revenue streams for teachers or health staff having to manage within existing budgets. In the interests of **community sustainability**, the Parish Council does not wish to see any further major development in the current VALP plan period.
6. Buckinghamshire Council’s stated position is that it has a 5-year housing land supply in the Vale area, so there is no overriding need to approve this application. The site should be put forward and

assessed under the Local Plan for Bucks and denied a prior hearing. This is a premature and hostile application which should be refused without further ado.

The application states that detailed approval is sought for “principal means of access with all other matters reserved”. However, the Parish Council notes that various supporting information has been submitted including a travel plan, some flooding & drainage details, biodiversity net gain, baseline habitat plan etc. The Parish Council therefore makes additional comments as follows.

Traffic impact: Haddenham Streetscape project. The Parish Council and Buckinghamshire Council have jointly funded a village-wide traffic impact feasibility by leading transport consultants Phil Jones Associates. The project, known as Haddenham Streetscape, is a Neighbourhood Plan, and therefore a Buckinghamshire Council, commitment. The proposals have been subject to public consultation and contain proposals for traffic calming and for a 20mph zone. The Parish Council is pleased to note reference to the Streetscape project in the Highways Development Management team’s response and in the draft S106 inclusion of £18,000 for Stanbridge Rd/Woodways junction improvements. The Parish Council would welcome discussion about inclusion of proposals for the entire length of Stanbridge Rd in order to reduce overall speeds (as evidenced) and improve crossing safety.

Traffic impact: A418 junction improvements. Cuddington & Haddenham Parish Councils have met jointly about accident and pedestrian & cycling safety concerns at the off-set Churchway/Dadbrook junction with the A418. The two Parish Councils have jointly commissioned a feasibility for improvements from Phil Jones Associates, and requests that Buckinghamshire Council includes S106 funding for a more comprehensive junction alteration. Can we please discuss.

Traffic impact: Junction of Churchway /Stanbridge Road/Rosemary Lane/Rudds Lane/ Green Lane. The Parish Council is pleased to see the Highways comments that refer to the Streetscape project and the essential improvements for pedestrians and cyclists navigating these busy roads that are already needed without the additional traffic generated by this proposal. It is good to see the junction improvements at the top of Rudds Lane to make HGV access more difficult and we request in addition that the signage is improved to ‘unsuitable for HGVs’.

Walking & cycling: It is essential that a walking & cycling link is secured via the HAD007 Redrow site southwards to Dollicott via both Rudds Lane and Platers Rd, and westwards to the station and Co-op supermarket via the business park and/or airfield site. Can we please discuss.

Travel Plan: this contains no reference to Haddenham Streetscape, to our walking & cycling network, nor to our Electric Vehicle Club and charging initiative; details available on request.

Drainage – The Parish Council notes the reference to discharge to Rudds Pond, and thence to the north-south watercourse through the village. The Parish Council has assumed default responsibility for managing Rudds Pond and for Banks Pond further south. The watercourse itself runs through or between individual gardens, is partly culverted, and cannot be said to be managed, or capable of taking any significant flow. The Parish Council asks that the LLFA section contact the Parish Council to discuss our concerns.

Adoption of assets: The Parish Council has a track record of adopting infrastructure on new development, including open spaces, playgrounds, and streetlights. We therefore ask that any S106 agreement gives the Parish Council priority for such adoption in preference to a management company to avoid undue service charges for new residents.

14. Roads damage: In view of the extensive damage to village roads caused by construction traffic, the Parish Council requests Buckinghamshire Council includes a S106 obligation on the developer to pay for road resurfacing on completion.

CONSULTATION RESPONSES (generally summarised)

A3 *EXTERNAL*

Environment Agency – do not wish to be consulted on / comment but provided standard advice.

Thames Water – direct response not received. [response made via LLFA]

Buckingham and River Ouzel Internal Drainage Board – site is outside the Boards district, therefore no comments.

Buckinghamshire Healthcare NHS Trust (ICB) – Bucks Oxon & Berks West Integrated Care Board (BOB ICB) – object on grounds of insufficient primary medical care capacity locally. The projected population increase arising from the development (228 new patients, 2.5 persons per unit) will require care from the Phoenix Health Primary Care Network, incorporating 3 practices including Haddenham Medical Centre. These services are already operating under extreme pressure and physical constraints such as lack of space. Whilst working to promote different ways to enable access to care, BOB ICB request appropriate S106 contributions; they consider this is justified as the current funding is based on existing residents living in the area, rather than providing for the projected population and this creates significant challenges in area of high population growth as the necessary additional health infrastructure is needed at an early stage to serve the residents as they occupy the development.

At present, the Phoenix health centre has a current patient ratio of 17 per sq.m. with best practice being a figure of 16.75 per sq.m. thus it is already at over-capacity and additional floorspace is needed to provide for the increased patients. The identified project would involve the conversion of an existing admin room to a clinical room within the centre thus increasing capacity. It is estimated that 15.1 sqm is required to serve the development impact which at current building costs, would amount to contribution of £85,899.

CPDA – in order to maintain dark skies in the area, a small number of street lights would be allowed and this would require max. speed limit of 30 mph; landscaping should provide strong visual cues differentiation public and private areas and take into account ability to see passing activity; active surveillance across the development should be present; footpath and cycle paths should provide clear sightlines and balance between providing links and minimising potential for anti-social or offending and be actively surveyed. Parking should be visible from the dwelling it serves and an appropriate level of lighting sought; natural surveillance should be provided for play areas and utility meters provided in public areas.

A4 *INTERNAL*

A4.1 LLFA (SuDS) – original objection due to lack of information, specifically to demonstrate that **XXX** Following submission of further information (July and September/October 2023): no objection subject to imposition of conditions; acceptance that risk of groundwater emergence low, though recommend that monitoring undertaken during winter to confirm whether any impact on the proposed SuDS features.

Attenuation basins designed to accommodate 1 in 100 yr plus climate change event with restricted greenfield discharge rates. The south western basin discharges to the drain along Green Lane and thereafter to culvert beneath the road and on to a watercourse. The south eastern basin proposed to maintain existing natural catchment which currently drains into public sewer on on to Rudds Lane pond. Although there have been flooding concerns with this pond the existing natural drainage feeds into the pond and existing greenfield rate has been reduced provide a significant betterment. TW has confirmed that the proposed discharge rate is acceptable. A new outfall pipe will be constructed across Stanbridge Road / Churchway and following requests the applicant has demonstrated that this can be undertaken by a gravity connection with only minor alterations to existing utilities.

The submitted drainage strategy also shows that there is potential to integrate further SuDS features within the wider design such as permeable paving, rain gardens and tree pits which will deliver a wide benefit. The indicative details and calculations demonstrate that in principle it is feasible to appropriately manage surface water runoff.

Conditions relating to the requirement for a detailed surface water drainage scheme and whole-life maintenance plan are recommended.

A4.2 Highway Authority – original comments:

The applicant has submitted an outline planning application for up to 91 dwellings and associated works. It should be noted that this planning application will solely deal with new vehicular and pedestrian access, and all other matters are reserved to be dealt with at a later date. The following highway comments will therefore assess the traffic impacts, access arrangements, highway safety, and the accessibility and sustainability of the proposed development.

It is important to note that the Highway Authority raised no objections to application no. 17/02280/AOP subject to conditions and informatives. That application was for 273 dwellings to the west of Churchway (opposite the application site). That application gained outline permission on the 9th December 2020.

Furthermore, the Highway Authority also commented on application no. 17/01225/AOP for the erection of up to 72 dwellings on the same site as this current application. This application was recommended for refusal by the Highway Authority due to insufficient information.

The applicant was unable to submit the required information before the application was determined and the application was ultimately refused by the Local Planning Authority on the 31st July 2017. One of these reasons for refusal was insufficient highways information and this application was then taken to appeal (no. 17/00103/REF). However, at the appeal stage, the applicant was able to resolve the outstanding highways issues. Importantly, the applicant had proposed further amendments to the Churchway/A418 junction providing a three-car flare giving

additional space for vehicles turning left onto the A418. Their subsequent assessment showed that the amended junction would operate within capacity. Ultimately, the Highway Authority raised no objections subject to S106 Obligations, conditions and informatives.

SUSTAINABLE ACCESS

Public Transport – Bus Services

The site is located approximately 100 metres away from the nearest existing bus stops which are located to the south along Churchway and Stanbridge Road. There is a proposed footway going through the internal site linking to the bus stops to the south which will aid pedestrian accessibility. Whilst it would be the Council's preference to introduce this footway along the site frontage/Churchway, I accept that previous discussions at the appeal stage for 17/00103/REF have shown that this is not achievable due to limitations along this route. Therefore, I am prepared to accept this internal route instead. However, I must request that this route and No. 9 on the Illustrative Masterplan – 'Proposed Pedestrian Loop' is made into a shared use 3m wide pedestrian/cyclist route to comply with the latest guidance contained in LTN 1/20. The Council's Senior Strategic Access Officer has also recommended that the Pedestrian Loop is cycling compliant for children who may wish to cycle to school and that a cycling compliant link is introduced to help them safely cross Stanbridge Road and Churchway. As well as this, the Strategic Access Officer has asked for no. 12 – 'Potential footpath link to existing bridleway' to be a 3m wide shared use footway/cycleway to make wider connections and I would need to see these changes implemented on amended plans. Buckinghamshire Council's Transport Strategy team have future plans for a cycleway between Haddenham and Aylesbury, and the bridleway to the south of the site will form the start of this, and as such we must ensure that suitable cycle links into this bridleway can be achieved.

The Council's Transport Strategy Team have also requested that this development make a financial contribution towards the development and delivery of the footway/cycleway connecting Haddenham to Aylesbury. The specific amount will be clarified after further internal discussions. The exact route has not been determined yet but this project is a priority for the Council, therefore there is certainty over the project. The route will either run alongside the A418 or will be a 'greenway' style route following the rights of way to Dinton and beyond. Any financial contribution will be used towards the feasibility/consultation/delivery of this route which will provide a benefit to both the future residents of the site and to other residents of Haddenham and Aylesbury. Internal discussions are ongoing regarding this issue and I will provide an update in a future response.

The applicant is providing dropped kerb crossing points firstly to cross the side road to get to the bus stop on the eastern side of Stanbridge Road and secondly to cross both Stanbridge Road and Churchway to get to the bus stop on the western side of Churchway. The pedestrian island in the middle of Stanbridge Road and Churchway must be 3m long and 4m wide in accordance with LTN 1/20. Having measured this island, this can be accommodated, but I will need the tarmacked area to be widened to 4m. This would address the above point raised by the Strategic Access Officer who requires a safe crossing point for children cycling to school. Furthermore, I also require the western footway along Churchway to be widened to 2m where possible to help improve pedestrian accessibility to and from the site. A similar proposal for a pedestrian/cyclist island has been identified as part of a Haddenham wide Streetscape Improvements project, although slightly to the south of the current proposals. We are discussing this internally and will confirm what is the ideal location for this feature.

The No. 280 bus generally provides a half hourly service to Aylesbury, Thame and Oxford. I consider that this service has the potential to be a viable alternative to the private car because the bus service operates on a frequent basis and would be attractive to commuters who can use the bus to get to Aylesbury Town Centre

in approximately 20 minutes. In order to increase the attractiveness of this service the Council's Passenger Transport Officer requires a financial contribution of £25,000 to upgrade one existing Real Time Passenger Information (RTPI) unit, and to provide one new RTPI unit at the closest bus stops. He also requires kerb works to be carried out by the applicant to upgrade both stops to raise kerb height to 140mm to allow near level boarding and improve accessibility and I would need the applicant to commit to this and to provide a drawing of these works. For the avoidance of doubt, these works would need to be undertaken by the applicant under a S278 Agreement with the Council. If any further information is required I would the applicant to contact Buckinghamshire Council's Passenger Transport team on passtrans@buckinghamshire.gov.uk.

Public Transport – Train Services

The nearest train station is in Haddenham, and it is approximately 1 mile away from the site. I consider that there is good pedestrian connectivity to this train station and the 280 bus would allow residents to get to this station within 4 minutes. The station is also within 5000m cycle catchment and would be accessible for residents who are cyclists.

Footways

As previously stated, there is an internal footway which will provide connections to the wider footway network in Haddenham. However, this must be widened to 3m, and blue shared use signs implemented along this route. Accessible amenities in Haddenham are within an 800m walking distance (Planning for Walking, 2015) and include Haddenham Post Office, Haddenham Community Junior School and Morrisons Daily. The routes to these amenities should ideally be well lit; if additional street lighting is deemed acceptable by other consultees, I would also support this.

I must also request that a 3m wide internal footway/cycleway links up to the pedestrian island in the middle of Churchway that was implemented as part of application 17/02280/AOP. This will allow residents from both developments to safely cross Churchway to reach the other and will help provide more external permeability for this site.

Finally, the tactile paving at the vehicular access on Churchway does not appear to link into any other pedestrian facility on the opposite side of the carriageway and I would need this issue to be rectified. The current layout could result in mobility/visually impaired users getting "stranded" in the carriageway or increase the likelihood of slips/trips/falls as they attempt to step off the carriageway on the west side of Churchway.

Cycling

All amenities within Haddenham are within 5000m cycle catchment and would be accessible via low-speed residential routes. In order to encourage cycling throughout the village and wider, the Council's priority is for the provision of the Haddenham – Aylesbury cycleway and as mentioned above, funding will be required towards this.

Overall, the site is considered sustainable in transport terms in the context of the requirements of the NPPF and would not be reliant on the use of the private motor vehicle. I consider that the site would have good bus services and cycle infrastructure nearby.

Vehicular Access / Highway Safety

The site is located off Churchway along a section of road subject to a 30mph speed limit. A new access is proposed in the form of a new priority-controlled T-junction shown in the Drawing titled "Proposed Site Access Junction With Visibility Splays". The new access is shown as 5.5m, I consider this to be acceptable.

I must request that a new ghost island right turn lane is installed, and this must be designed in accordance with Paragraph 6.10 of DMRB CD 123. The potential for any issues surrounding slowing and turning manoeuvres would be reduced by the introduction of the right turn lane which would provide safer refuge for turning vehicles and reduce the potential for rear end shunts. I also require the applicant to conduct a Stage 1 Road Safety Audit on the proposed access layout in order to identify any potential highways safety issues. Furthermore, the applicant would need to make sure that the existing right turn lane associated with application no. 17/02280/AOP, and the new right turn lane can operate in tandem safely and this should also be covered in the Road Safety Audit. Our Network Safety Team have raised a concern with the current access arrangements as vehicles could attempt to squeeze past stationary traffic that are waiting to turn right into the proposed development, potentially overrunning the existing kerb line. Introducing a right turn lane here would resolve this issue and prevent potential conflicts between vehicles.

Given that the road fronting the site access is subject to a 30mph speed limit, Manual for Streets requires visibility splays of 2.4m x 43m in both directions and I am satisfied that these splays can be achieved within the public highway. I will secure these splays by way of condition.

The applicant has also produced a swept path analysis of a 11.2m long refuse vehicle entering and exiting the site from the main road. I can confirm that it can do this in a safe manner when turning left and right out of the access and when turning into the access from the right turn lane and from Churchway. This tracking will need to be redone with the new right turn layout making sure that these vehicles don't overrun into opposing lanes. Please note that the Council now uses a 10.2m long refuse vehicle so the amended tracking should now be done with this vehicle.

Traffic Impact Analysis

Trip Generation

The applicant has interrogated the TRICS Database to determine the expected trip generation for the proposed development. The site selection criteria was as follows:

- Land Use – Residential, Privately Owned
- Regions – United Kingdom (excl. Northern Ireland and Greater London)
- Units – 25 to 200 dwellings
- Data Range – 01/01/2014 to 30/06/2022
- Days – Weekdays
- Locations – Suburban Area, Edge of Town

The applicant determined that 46 total trips could be generated in the AM peak and that 43 trips could be generated during the PM peak. Having conducted my own TRICS assessment using the same search parameters as the applicant, I can confirm that these figures are accurate and offer a robust assessment of the likely trip generation.

Vehicle Distribution

The applicant has determined the likely distribution pattern of the proposed development traffic by using the 2011 National Census 'Location of usual residence and place of work by method of travel to work' dataset (dataset WU03EW). This dataset provides information on the movements in and out of each area associated with journeys to work.

The applicant used the Aylesbury Vale 022 Middle-Layer Super Output Area (MSOA) dataset to identify where people within the MSOA are travelling to. Optimal travel routes were estimated using online maps and the proportion using each highway route was identified. Having assessed the Trip Distribution/Census Data in Appendix E, I can confirm that I am happy with the trip distributions that the applicant has calculated. The applicant calculated that 76.7% of trips will likely head north along Churchway up to the junction with the A418, then 44.5% of these trips will head east along the A418 toward Aylesbury and 32.2% of trips will head west along the A418 toward Thame. 8.6% of trips will head west along Woodways toward the centre of Haddenham. 5.1% of trips continue south down Stanbridge Road and so on. I am satisfied that these trip distributions are the most accurate breakdown of where people within Haddenham are likely to work as it has been based on the latest Census data.

Traffic Assessment

The applicant has conducted a detailed assessment at the site access junction, the A418 Aylesbury Road/Dadbrook/Churchway junction, the Churchway/Stanbridge Road/Rudd's Lane junction, the Churchway/Banks Road/Woodways junction and the Stanbridge Road/Woodways junction. The applicant has obtained 2022 observed traffic flows based on the manual classified turning counts undertaken on the 1st November 2022 (following the DfT guidance, November is considered a 'neutral' month and is therefore acceptable for the capture of traffic flows) at each of the aforementioned junctions. The applicant has chosen an assessment year of 2028, and this is acceptable as it is 5 years in advance when the development will likely be built and occupied. The observed traffic flows have been growthed to 2028 levels using TEMPRO and I consider this to be appropriate.

Committed Developments

The applicant has identified a number of committed developments in the area which will create additional traffic movements across the surrounding highway network.

Firstly, to the north of Haddenham, on land adjacent to Haddenham Airfield, planning permission has been granted for a large-scale residential development including retail provision consisting of a convenience store and a care home. The majority of the site has been fully built and occupied, however there are still 25 residential dwellings and a 69-bed care home yet to be completed. The applicant has derived the trip generation for the remainder of this development from the trip rates within the TA report for that site.

Secondly, on land west of Churchway, the HAD007 site will comprise 273 dwellings, all of which are yet to be built and occupied.

Finally, to the south, on land north of Aston Road, planning permission has been granted for a residential development consisting of 311 dwellings. Construction work has begun on this site, and most of the dwellings are currently occupied (some 228 out of 311). In the TA report for this site, traffic forecasts were undertaken for up to 350 dwellings, which projected 180 traffic movements during the AM peak, and 195 during the PM peak.

The applicant has added the committed development flows to the 2028 base flows and then in addition to the development traffic on top of the 2028 base flows. This will provide the most accurate assessment into the performance of these junctions in 2028.

Assessed Junctions

The applicant assessed the following junctions using the PICADY or ARCADY modules of Junctions 10:

- Junction 1 - Site Access – Priority Junction
- Junction 2 - A418 Aylesbury Road/Churchway/Dadbrook – Staggered Crossroads Junction
- Junction 3 - Churchway/Stanbridge Road/Rudd’s Lane
- Junction 4 - Churchway/Banks Road/Woodways – Double Mini-roundabout Junction
- Junction 5 - Stanbridge Road/Woodways – Crossroads Junction

Each of the junctions were assessed (where applicable) using the following scenarios:

- 2022 Base
- 2028 Base
- 2028 Base + Committed Development
- 2028 Base + Committed Development + Development Traffic

Junction Capacity Assessments

Site Access

The applicant assessed how the site access would operate in 2028 with the committed development flows and the proposed development flows. The results of this modelling have been displayed below:

Table 6 – Site Access Junction – PICADY Analysis

Approach	AM Peak 08:00-09:00			PM Peak 17:00-18:00		
	RFC	Queue	Delay (s)	RFC	Queue	Delay (s)
2028 Base + Committed + Development						
Site Access LT	0.01	0.0	4.94	0.00	0.0	4.85
Site Access RT	0.06	0.1	7.71	0.03	0.0	7.47
Churchway RT	0.00	0.0	5.44	0.01	0.0	5.38

The modelling shows that the Ratio of Flow to Capacity (RFC) for the site access is at its maximum at 0.06 during the AM peak and there is no notable queuing on any approach in either the AM or PM peaks. The junction will continue to operate well within capacity as it is far below the theoretical capacity of 85% RFC on all approaches. I am satisfied that the impact cannot be considered severe.

A418 Aylesbury Road/Churchway/Dadbrook Junction

The applicant has assessed how the staggered crossroads junction would operate in 2028 using PICADY. The modelling has also considered the committed flows and development flows. The results of this modelling are displayed below:

Table 7 – A418 Aylesbury Road/Churchway/Dadbrook Staggered Crossroads Junction – PICADY Analysis

Approach	AM Peak 08:00-09:00			PM Peak 17:00-18:00		
	RPC	Queue	Delay (s)	RPC	Queue	Delay (s)
2022 Base						
Churchway LT	0.26	0.5	12.27	0.23	0.3	8.62
Churchway RT	0.28	0.4	25.86	0.14	0.2	19.27
Aylesbury Road – Dadbrook RT	0.21	0.3	8.30	0.30	0.4	12.40
Dadbrook LT	0.51	1.0	19.98	0.25	0.3	12.26
Dadbrook RT	0.65	1.8	45.37	0.37	0.6	30.07
Aylesbury Road – Churchway RT	0.26	0.6	9.80	0.20	0.3	7.24
2028 Base Flows						
Churchway LT	0.40	0.7	13.95	0.26	0.3	9.33
Churchway RT	0.33	0.5	32.09	0.17	0.2	21.97
Aylesbury Road – Dadbrook RT	0.23	0.3	8.90	0.34	0.5	13.66
Dadbrook LT	0.73	2.3	43.73	0.30	0.4	15.07
Dadbrook RT	0.91	3.4	94.09	0.47	0.8	49.98
Aylesbury Road – Churchway RT	0.26	0.7	10.49	0.22	0.3	7.60
2028 Base + Committed						
Churchway LT	0.60	1.0	17.05	0.27	0.4	9.12
Churchway RT	0.60	1.4	54.57	0.29	0.4	28.63
Aylesbury Road – Dadbrook RT	0.24	0.3	9.09	0.36	0.5	14.96
Dadbrook LT	0.88	4.5	63.67	0.36	0.5	18.50
Dadbrook RT	0.99	4.7	118.14	0.53	1.1	64.24
Aylesbury Road – Churchway RT	0.42	0.7	11.65	0.28	0.4	8.57
2028 Base + Committed + Development						
Churchway LT	0.60	1.4	23.85	0.29	0.4	9.53
Churchway RT	0.73	2.2	75.14	0.34	0.5	34.73
Aylesbury Road – Dadbrook RT	0.24	0.3	9.54	0.36	0.6	15.20
Dadbrook LT	0.94	6.0	103.62	0.37	0.6	19.34
Dadbrook RT	0.91	5.3	128.26	0.55	1.1	62.48
Aylesbury Road – Churchway RT	0.42	0.7	11.34	0.31	0.4	8.90

The modelling shows that the junction would approach capacity in the AM peak when adding the committed flows and the development flows to the 2028 base flows. However, before commenting further, I must ensure that this above modelling incorporates the junction improvements that were secured as part of appeal ref no. 17/00103/REF and I require clarification regarding this matter. For the avoidance of doubt, this involved providing a three-car flare on Churchway for vehicles turning left onto Aylesbury Road, alongside the widening of the kerb radii.

Churchway/Stanbridge Road/Rudd’s Lane Junction

The applicant has modelled this junction using PICADY. The junction has been assessed as separate models, due to the unusual layout which includes a short link connecting Churchway and Stanbridge Road. The modelling results have been displayed below.

Table 8 – Churchway/Rudd’s Lane/Stanbridge Road Link Staggered Crossroads Junction – PICADY Analysis

Approach	AM Peak 08:00-09:00			PM Peak 17:00-18:00		
	RFC	Queue	Delay (s)	RFC	Queue	Delay (s)
2022 Base						
Stanbridge Road Link	0.02	0.0	5.74	0.03	0.0	5.75
Churchway (S)	0.03	0.0	6.01	0.06	0.1	6.26
Rudd’s Lane	0.07	0.1	6.67	0.03	0.0	6.28
Churchway (N)	0.03	0.0	6.17	0.03	0.0	6.28
2028 Base Flows						
Stanbridge Road Link	0.02	0.0	5.75	0.03	0.0	5.78
Churchway (S)	0.03	0.0	6.00	0.06	0.1	6.27
Rudd’s Lane	0.08	0.1	6.74	0.03	0.0	6.28
Churchway (N)	0.04	0.0	6.16	0.03	0.0	6.28
2028 Base + Committed						
Stanbridge Road Link	0.02	0.0	5.83	0.03	0.0	5.82
Churchway (S)	0.04	0.1	5.93	0.07	0.1	6.24
Rudd’s Lane	0.08	0.1	6.85	0.04	0.0	6.33
Churchway (N)	0.04	0.1	6.08	0.03	0.0	6.16
2028 Base + Committed + Development						
Stanbridge Road Link	0.02	0.0	5.84	0.03	0.0	5.82
Churchway (S)	0.04	0.1	5.92	0.07	0.1	6.23
Rudd’s Lane	0.08	0.1	6.86	0.04	0.0	6.34
Churchway (N)	0.04	0.1	6.08	0.03	0.0	6.15

Table 9 – Stanbridge Road/Link Road T-Junction – PICADY Analysis

Approach	AM Peak 08:00-09:00			PM Peak 17:00-18:00		
	RFC	Queue	Delay (s)	RFC	Queue	Delay (s)
2022 Base						
Link Road	0.04	0.0	7.71	0.03	0.0	7.44
Stanbridge Road	0.00	0.0	0.00	0.00	0.0	0.00
2028 Base Flows						
Link Road	0.04	0.0	7.74	0.02	0.0	7.41
Stanbridge Road	0.00	0.0	0.00	0.00	0.0	0.00
2028 Base + Committed						
Link Road	0.04	0.0	7.91	0.03	0.0	7.65
Stanbridge Road	0.00	0.0	0.00	0.00	0.0	0.00
2028 Base + Committed + Development						
Link Road	0.04	0.0	7.93	0.03	0.0	7.67
Stanbridge Road	0.00	0.0	0.00	0.00	0.0	0.00

Table 10 – Churchway/Stanbridge Road T-Junction – PICADY Analysis

Approach	AM Peak 08:00-09:00			PM Peak 17:00-18:00		
	RFC	Queue	Delay (s)	RFC	Queue	Delay (s)
2022 Base						
Stanbridge Road	0.21	0.3	9.48	0.19	0.2	8.96
Churchway	0.00	0.0	0.00	0.00	0.0	0.00
2028 Base Flows						
Stanbridge Road	0.22	0.3	9.75	0.21	0.3	9.10
Churchway	0.00	0.0	0.00	0.00	0.0	0.00
2028 Base + Committed						
Stanbridge Road	0.27	0.4	10.68	0.27	0.4	10.09
Churchway	0.00	0.0	0.00	0.00	0.0	0.00
2028 Base + Committed + Development						
Stanbridge Road	0.27	0.4	10.79	0.27	0.4	10.24
Churchway	0.00	0.0	0.00	0.00	0.0	0.00

The above tables show that the junction operates well within capacity in both the AM and PM peaks. There are almost no queues and minimal delays. I am therefore satisfied with the operation of this junction and can confirm that it will continue to operate within capacity when including the vehicles from the committed development and the proposed development.

Churchway/Banks Road/Woodways – Double Mini-roundabout Junction

The applicant has also modelled the double mini-roundabout junction at Churchway/Banks Road/Woodways using ARCADY. The modelling results are displayed below:

Table 11 – Churchway/Banks Road/Woodways Double Mini-Roundabout Junction – ARCADY Analysis

Approach	AM Peak 08:00-09:00			PM Peak 17:00-18:00		
	RFC	Queue	Delay (s)	RFC	Queue	Delay (s)
2022 Base						
Junction 1 Link	0.46	0.8	6.72	0.38	0.6	5.89
Churchway (S)	0.20	0.3	6.51	0.27	0.4	6.52
Banks Road	0.29	0.4	5.80	0.44	0.8	7.50
Woodways	0.42	0.7	7.07	0.34	0.5	6.17
Churchway (N)	0.27	0.4	4.71	0.40	0.7	5.75
Junction 2 Link	0.21	0.3	6.78	0.20	0.2	7.21
2028 Base Flows						
Junction 1 Link	0.49	1.0	7.15	0.34	0.5	5.58
Churchway (S)	0.22	0.3	6.81	0.24	0.3	6.18
Banks Road	0.30	0.4	5.97	0.38	0.6	6.76
Woodways	0.45	0.8	7.50	0.31	0.4	5.81
Churchway (N)	0.29	0.4	4.82	0.35	0.5	5.23
Junction 2 Link	0.23	0.3	7.03	0.14	0.2	6.58
2028 Base + Committed						
Junction 1 Link	0.53	1.1	7.68	0.36	0.6	5.75
Churchway (S)	0.24	0.3	7.12	0.26	0.3	6.39
Banks Road	0.32	0.5	6.13	0.41	0.7	7.17
Woodways	0.48	0.9	7.98	0.32	0.5	5.98
Churchway (N)	0.31	0.4	4.97	0.38	0.6	5.53
Junction 2 Link	0.27	0.4	7.49	0.17	0.2	6.87
2028 Base + Committed + Development						
Junction 1 Link	0.53	1.1	7.72	0.37	0.6	5.77
Churchway (S)	0.24	0.3	7.14	0.26	0.3	6.41
Banks Road	0.32	0.5	6.15	0.42	0.7	7.20
Woodways	0.48	0.9	8.01	0.32	0.5	5.99
Churchway (N)	0.31	0.4	4.98	0.38	0.6	5.54
Junction 2 Link	0.27	0.4	7.52	0.17	0.2	6.90

The above table shows that the junction will continue to operate well within capacity during both the AM and PM peaks. The maximum RFC in the AM peak for the 2028 Base + Committed + Development is 0.53 on Junction 1 Link and in the PM peak 0.42 on Banks Road. There is a negligible increase in queuing and in delays on all approaches to the mini-roundabout however this cannot be considered a severe impact.

Stanbridge Road/Woodways – Crossroads Junction

The applicant has modelled the crossroads junction between Stanbridge Road and Woodways using the PICADY module of Junctions 10. This shows the impact on junction performance in 2028 when the development and other committed developments will be operational. The results of this modelling are displayed below:

Table 12 – Stanbridge Road/Woodways Crossroads Junction – PICADY Analysis

Approach	AM Peak 08:00-09:00			PM Peak 17:30-18:00		
	RFC	Queue	Delay (s)	RFC	Queue	Delay (s)
2022 Base						
Stanbridge Road (S) LT	0.38	0.6	13.06	0.36	0.5	13.25
Stanbridge Road (S) RT	0.38	0.6	16.34	0.47	0.9	17.24
Woodways (E)	0.05	0.1	4.58	0.04	0.1	5.00
Stanbridge Road (N)	0.45	0.8	15.04	0.20	0.3	9.52
Woodways (W)	0.17	0.3	6.57	0.14	0.2	5.67
2028 Base Flows						
Stanbridge Road (S) LT	0.44	0.8	14.73	0.37	0.6	13.10
Stanbridge Road (S) RT	0.42	0.7	18.43	0.48	0.9	18.95
Woodways (E)	0.07	0.1	4.55	0.04	0.1	5.38
Stanbridge Road (N)	0.40	0.9	16.58	0.21	0.3	9.50
Woodways (W)	0.19	0.3	6.72	0.15	0.2	5.48
2028 Base + Committed						
Stanbridge Road (S) LT	0.52	1.1	18.08	0.50	1.0	18.45
Stanbridge Road (S) RT	0.48	0.9	21.08	0.58	1.3	23.91
Woodways (E)	0.07	0.1	4.55	0.04	0.1	4.88
Stanbridge Road (N)	0.57	1.3	19.89	0.27	0.4	10.83
Woodways (W)	0.20	0.3	6.82	0.18	0.3	5.92
2028 Base + Committed + Development						
Stanbridge Road (S) LT	0.52	1.1	18.32	0.51	1.0	19.95
Stanbridge Road (S) RT	0.48	0.9	22.23	0.58	1.4	24.41
Woodways (E)	0.07	0.1	4.56	0.05	0.1	5.01
Stanbridge Road (N)	0.58	1.3	20.21	0.27	0.4	10.81
Woodways (W)	0.23	0.3	6.83	0.19	0.3	5.93

The above table shows that the junction will continue to operate well within capacity during both the AM and PM peaks. The maximum RFC in the AM peak for the 2028 Base + Committed + Development is 0.52 on Stanbridge Road (S) LT and in the PM peak 0.58 on Stanbridge Road (S) LT. This table shows that there is plenty of reserve capacity at the junction. There is a negligible increase in queuing and in delays on all approaches to the crossroads however this cannot be considered a severe impact and this shows that there is unlikely to be any material impact on the operation of the junctions.

Junctions Conclusion

The applicant is not proposing any physical mitigation measures at any of the junctions in order to accommodate the development traffic however some financial contributions are proposed in line with that agreed for the previous Appeal (Ref no. 17/00103/REF) at the development site.

However, before I can agree the extent of any physical mitigation or financial contributions, I require confirmation that the junction improvements to the Churchway/A418 junction that were requested as part of appeal no. 17/00103/REF and planning application no. 17/02280/AOP have been included in the junction modelling.

Layout

It is noted that this application is outline in nature with only access to be assessed at this point, however for future reference I have some comments on the internal layout:

I must request measures within the site where shared use paths cross the road. I require a raised crossing where pedestrians/cyclists have priority, and these routes should be a consistent height to the pavement causing a raised table for vehicles which also acts as a traffic calming/safety feature. Following LTN 1-20 (and the updated Highway Code that states that pedestrians/cyclists have priority) side road junctions along cycleways should now be designed along the lines of page 108 and 109 of LTN 1-20.

Each Parking space must be 2.8m x 5m wide and be provided in line with the VALP parking standards. Each parking space should also have at least 6m of turning space adjacent. EV charging points must be provided at each new dwelling to comply with policy T8 of the VALP.

Refuse vehicle tracking of a 10.2m long vehicle must be provided, alongside suitably located bin stores in line with the guidance contained in Manual for Streets.

Pedestrian connectivity must be maximised throughout the site with well-connected, continuous 2m wide footways and tight radii for minor internal junctions.

Shared space use should be kept to a minimum and should only be used on minor side roads serving less than 25 dwellings. For the avoidance of doubt, the Highways Development Management Delivery Team will only adopt shared space of 5.5m wide.

Summary

Mindful of the above, I require additional information before I can comment further.

Further comments in respect of amended plans / documents received:

I previously commented on this application on the 22nd February 2023. In my comments, I requested the following additional information:

- The internal route and No.9 on the Illustrative Masterplan – ‘Proposed Pedestrian Loop’ shall be made into a shared use 3m wide pedestrian/cyclist route to comply with the latest guidance contained in LTN 1/20.
- The Strategic Access Officer requested that the Pedestrian Loop is cycling compliant for children who may wish to cycle to school and that a cycling compliant link is introduced to help them safely cross Stanbridge Road and Churchway. The pedestrian island in the middle of Stanbridge Road and Churchway must be 3m long and 4m wide in accordance with LTN 1/20.
- As well as this, the Strategic Access Officer has asked for no. 12 – ‘Potential footpath link to existing bridleway’ to be a 3m wide shared use footway/cycleway to make wider connections.
- The Council’s Transport Strategy Team have also requested that this development make a

- financial contribution towards the development and delivery of the footway/cycleway connecting Haddenham to Aylesbury.
- The Council's Passenger Transport Officer requires a financial contribution of £25,000 to upgrade one existing Real Time Passenger Information (RTPI) unit, and to provide one new RTPI unit at the closest bus stops. He also requires kerb works to be carried out by the applicant to upgrade both stops to raise kerb height to 140mm to allow near level boarding and improve accessibility and I would need the applicant to commit to this and to provide a drawing of these works. For the avoidance of doubt, these works would need to be undertaken by the applicant under a S278 Agreement with the Council.
- I also requested that a 3m wide internal footway/cycleway links up to the pedestrian island in the middle of Churchway that was implemented as part of application 17/02280/AOP.
- The tactile paving at the vehicular access on Churchway does not appear to link into any other pedestrian facility on the opposite side of the carriageway and I would need this issue to be rectified.
- I requested that a new ghost island right turn lane is installed, and this must be designed in accordance with Paragraph 6.10 of DMRB CD 123. I also required the applicant to conduct a Stage 1 Road Safety Audit on the proposed access layout to identify any potential highways safety issues. Furthermore, the applicant also needed to make sure that the existing right turn lane associated with application no. 17/02280/AOP, and the new right turn lane can operate in tandem safely and this should also be covered in the Road Safety Audit.
- Updated refuse vehicle tracking will need to be provided with the new right turn layout.
- I required confirmation that the junction improvements to the Churchway/A418 junction that were requested as part of appeal no. 17/00103/REF and planning application no. 17/02280/AOP have been included in the junction modelling.
- Following on from this, the applicant has provided an updated technical note on the 11th April 2023 to address these above issues.
- Firstly, the 'Proposed Pedestrian Loop' has been upgraded to a 3m wide shared surface route for both pedestrians and cyclists and this is shown in drawing no. T22562.001 rev A. The pedestrian island in the middle of Churchway and Stanbridge Road to the south of the site has also been upgraded in accordance with LTN 1/20 and this drawing also depicts this arrangement. The applicant has also widened the footway on the western side of Churchway to 2m wide to better accommodate pedestrians of all abilities. There is a slight narrowing of 1.8m next to the garden wall of 1A Rosemary Lane however this narrowing only lasts for a few metres before the footway widens out to 2m again and this is acceptable.
- However, one of the requests from our Strategic Access Officer has not been implemented and I must request that pedestrian/cyclist links that are 3m wide connect the site into the existing bridleway. This refers to no. 12 on the Illustrative Masterplan.
- The applicant has agreed to a financial contribution of £25,000 to upgrade one existing Real Time Passenger Information (RTPI) unit, and to provide one new RTPI unit at the closest bus stops. They have also committed to undertaking kerb works to upgrade both stops to raise the kerb height to 140mm to allow near level boarding and improve accessibility. I will condition this in a later response if other issues are resolved.
- As previously stated, the Council's Transport Strategy Team have requested that this development make a financial contribution towards the development and delivery of the footway/cycleway connecting Haddenham to Aylesbury. We have now discussed this internally with the Transport Strategy Team and have agreed upon a contribution of £55,662. The financial contribution

calculated in 2017 was based on a per dwelling rate of £500 however given the rise in inflation this has been grown up to £611.68 per dwelling to align with 2023 prices.

- Also as noted in my previous response, a similar proposal for a pedestrian/cyclist island has been identified as part of a Haddenham wide Streetscape Improvements project, although slightly to the south of the current proposals. After discussing this internally it has been agreed that the best approach would be for the applicant's proposal to combine with the streetscape improvements along Rudds Lane. Below I have attached a rough screenshot image of what these off-site highway works would entail.

The applicant's proposed dropped kerb pedestrian crossings would remain going across both Stanbridge Road and Churchway and this would tie into the junction improvement works at Rudds Lane. The works would involve reducing the junction radii and providing a new pedestrian crossing point. The streetscape study has since identified this area for improvement and stated that a reduced radii would discourage HGVS from utilising Rudds Lane, and as this is the case, I must request that these works are undertaken. I would need the applicant to commit to this and to provide an indicative drawing of these works. For the avoidance of doubt, these works would need to be undertaken by the applicant under a S278 Agreement with the Council.

The applicant has also shown on drawing no. T22562.001 rev A that the 3m wide internal footway/cycleway will link up to the pedestrian island in the middle of Churchway that was implemented as part of application 17/02280/AOP. The pedestrian island will provide refuge in the middle of the road for pedestrians and cyclists looking to cross from the proposed development site over to the housing development to the west of Churchway. LTN 1/20 specifies that refuges should be at least 3m long to protect cyclists, wheelchair users and mobility users and I would like the applicant to investigate whether this refuge can be lengthened in the direction of travel for pedestrians/cyclists. For the avoidance of doubt there are mechanisms available to allow the costs to be split between the two sites dependant on the outcomes of the applicant's investigation.

On my previous response, I raised concern with the fact that the tactile paving at the vehicular access on Churchway did not appear to link into any other pedestrian facility on the opposite side of the carriageway. However, the applicant has now removed this crossing by the site access as crossings are now being provided to the north and south along Churchway and this has resolved my concern.

Vehicular Access / Highway Safety

The applicant has installed a new ghost island right turn lane, and this has been designed in accordance with Paragraph 6.10 of DMRB CD 123. This is shown on drawing T22562.001 rev A. I can confirm the acceptance of this right turn lane in principle, and I have recently received the results of the applicant's Stage 1 Road Safety Audit. The RSA raised three issues which were as follows:

- No details have been provided in respect of surface water drainage or other services and it is therefore not possible to ascertain whether there will be any safety implications.
- The highway works include the provision of an uncontrolled pedestrian crossing on Churchway north of the proposed development access, the proposed crossing utilises the recently constructed central refuge island associated with the development proposals on the western side of Churchway. Observations during the site inspection noted a drainage gully is located on the western side of Churchway at the crossing. The retention of the drainage gully creates a hazard and may result in pedestrian trip or fall whilst traversing the grating.

- There is concern that the layout of the proposed uncontrolled pedestrian crossing on Churchway south of the proposed development access which utilises the existing central island between Churchway and Stanbridge Road. The layout of the crossing results in pedestrians using the crossing to observe traffic approaching from multiple directions. In addition, the retention of the large traffic sign on the central island restricts visibility to and from the crossing point. A combination of these issues may increase the risk of pedestrians being struck by passing traffic.
- The Design Organisation has responded to each of these issues raised by the Audit Team, and I have included their responses below and afterwards I will assess each of their solutions below:
- In response to the first point above, the design organisation has stated that the drainage will be dealt with at detailed design/reserved matters stage, and I am satisfied with this approach.
- In response to the second point above, the design organisation has stated that the drainage gully will be relocated away from the crossing at detailed design stage, and I am satisfied with this approach.
- In response to the final point above, the design organisation has identified two changes required to overcome the issue. Firstly, they will provide a new pedestrian-only link to the bus stop (north on Churchway) by creating a gap in the hedgerow and connecting to the footway provision proposed by HAD007. The second change they are proposing is to raise the height of the existing directional signage (within the central island at the junction of Churchway and Stanbridge Road). I am prepared to accept these solutions as the additional pedestrian link will provide a further choice of pedestrian routes and the raising of the signs will mean that pedestrians and cyclists will be visible to approaching traffic from both directions.

Finally, I can confirm that our Network Safety Team have also seen the RSA and are agreeable in principle. The applicant has also produced updated vehicle tracking showing that a 10.2m long refuse vehicle can safely utilise the new site access layout including the right turn lane.

Traffic Impact Analysis

In my previous response, I stated that before I could agree the extent of any physical mitigation or financial contributions, I required confirmation that the junction improvements to the Churchway/A418 junction that were requested as part of appeal no. 17/00103/REF and planning application no. 17/02280/AOP have been included in the junction modelling.

The applicant has confirmed in their most recent Technical Note that the junction improvements to the Churchway/A418 junction that were requested as part of the previous appeal, and planning application ref. 17/02280/AOP, have been incorporated into their analysis.

They go on to state that this was set out in paragraphs 7.14 and 7.15 of their Transport Assessment where it states as follows: *“The full output file for the junction, showing the geometry and capacity calculations for both the current year and 2028 base traffic levels are included as Appendix G.” and “The junction has also been assessed for the committed development and development traffic scenarios using the geometries taken from the mitigation proposals specified in the TA report of the Land West of Churchway development (HAD007); the output file for the mitigation scenario is included as Appendix H.”*

Therefore, I can confirm that the 2022 and 2028 base assessments were undertaken using the existing junction layout; whilst the 2028 base + committed and 2028 base + committed + development assessments were undertaken using the mitigation improvements (three-car flare along Churchway and widening of the kerb radii).

Having checked through both Appendix G and H of the Transport Assessment, I can confirm that the mitigation scenario has been modelled acceptably as the flare length geometry data has been updated and so has the carriageway width data in Appendix H in comparison to Appendix G. I therefore consider the modelling to be accurate for the A418 Aylesbury Road/Churchway/Dadbrook Junction that was contained in the previous Transport Assessment as the mitigation scenario has been modelled for the 2028 base + committed and 2028 base + committed + development assessments.

The modelling shows that the junction would approach capacity in the AM peak when adding the committed flows and the development flows to the 2028 base flows. However, the junction will still operate within capacity with plenty of reserve and the RFC in both the AM and PM peaks on all arms will increase by negligible amounts. The development will not have a noticeable impact on the operation of the junction beyond what has already been committed for the year 2028 and any minor increase in queuing and in delays on all approaches cannot be considered a severe impact and this shows that there is unlikely to be any material impact on the operation of the junction. It is also important to note that as part of the assessment of application ref. 17/02280/AOP a development of 72 dwellings on the current application site was included the junction with mitigation was found to operate acceptably.

However, the applicant has now provided an updated analysis of the A418 Aylesbury Road/Churchway/Dadbrook Junction. This updated analysis includes a greater level of visibility than used in the initial assessment above. The applicant has considered the extent of the adopted highway boundary and thus the ability of whoever implements the junction mitigation scheme to trim any overhanging vegetation within the adopted highway as part of the improvement works. The updated analysis below incorporates the same splays as those proposed by planning application ref. 17/02280/AOP.

The updated analysis has been included in Appendix A within the technical note and shows that with a much higher level of visibility to the left of Churchway at 139m and to the right of Dadbrook at 248m compared to the analysis in the applicant's TA in Appendix H which showed a visibility to the left of Churchway at 49m and to the right of Dadbrook at 44m.

The results in the applicant's latest table demonstrate that the junction performance has improved on all counts compared to the initial analysis in their Transport Assessment. There is an even greater level of capacity at the junction and queues and delays have lessened.

I am satisfied that the junction will still operate within capacity in both scenarios and the impact of the proposed development cannot be considered severe.

Should this development come forward before the Land West of Churchway development (HAD007), I would require the mitigation works that were agreed as part of application no. 17/02280/AOP to be implemented. These junction improvement works are shown in drawing no. 816813/6104B on that previous application. The highway works would need to be secured through a S278 Agreement of the Highways Act 1980 and shown on a plan. For the avoidance of doubt, should the opposing development come forward before this current development they will be required to undertake the mitigation and the onus of this development will fall away.

Beyond this, I do not require any further physical mitigation measures at any of the junctions to accommodate the development traffic however some financial contributions are proposed in line with that agreed for the previous Appeal (Ref no. 17/00103/REF) at the development site. These are as follows:

In summary, I require the following to be included in the S106 Agreement:

- £1000 per annum for 5 years for the monitoring of the Travel Plan (£5,000 in total from this site)

- £25,000 to upgrade one existing Real Time Passenger Information (RTPI) unit, and to provide
- one new RTPI unit at the closest bus stops.
- £10,000 towards the Traffic Regulation Order to extend the existing 30mph speed limit on Churchway. I am aware that this contribution is also attached to application ref 17/02280/AOP, and as above, if the opposing development comes forward first the onus on this development will fall away.
- £18,000 towards a safety scheme at the Stanbridge Road/Woodways crossroads potentially including proposals identified as part of a Haddenham wide Streetscape Improvements project which could include raised tables on Stanbridge Road either side of the crossroads.
- £55,662 towards the implementation of the Haddenham/Aylesbury cycleway
- £2,082 Section 106 monitoring fee

Summary

Mindful of the above, I require additional information before I can comment further.

Further / final comments

The following additional information was also requested:

- The Strategic Access Officer asked for no. 12 – ‘Potential footpath link to existing bridleway’ to be a 3m wide shared use footway/cycleway to make wider connections.
- I requested that the applicant combine their proposals with the streetscape proposals across Rudds Lane. The applicant’s proposed dropped kerb pedestrian crossings would remain going across both Stanbridge Road and Churchway and this would tie into the junction improvement works at Rudds Lane. The works would involve reducing the junction radii and providing a new pedestrian crossing point.
- I requested that the applicant investigate whether the refuge in the middle of Churchway can be lengthened in the direction of travel for pedestrians/cyclists to 3m.
- Updated refuse vehicle tracking will need to be provided with the new right turn layout.

Following on from this, the applicant has provided updated plans on the 4th July 2023 to address the above matters.

On the latest site plan, the applicant has demonstrated that the pedestrian/cyclist links that lead into the bridleway at the south of the site are 3m wide. I am satisfied with this arrangement and consider that the Strategic Access Officer’s request has been met.

The applicant has now combined their proposal to introduce dropped kerb pedestrian crossings going across both Stanbridge Road and Churchway with the streetscape improvements along Rudds Lane. The works along Rudds Lane will see the junction radii reduced and will provide a new pedestrian crossing point. I welcome the introduction of these junction improvement works at Rudds Lane and consider that it supports the streetscape proposals.

The applicant has also shown on drawing no. T22562.001 rev C that the pedestrian island in the middle of Churchway that was implemented as part of application 17/02280/AOP is to be lengthened to 3m. This will help to protect cyclists; wheelchair users and mobility users and I welcome its inclusion.

Finally, the applicant has provided updated vehicle tracking of a 10.2m long refuse vehicle. This tracking shows that the vehicle can safely make a turn both left and right out of the site and into the site. I am satisfied with this arrangement.

Summary

Mindful of the above, I do not have any objections to this proposal subject to securing S106 obligations, conditions and informatives.

A4.3 Affordable Housing (summary) – the proposal which includes 30% affordable housing (which exceeds the minimum policy requirement) is welcomed. Further advice is given regarding the mix and tenure (which should take account of the most up to date evidence re: housing need and VALP policy – currently indicates need for 80% affordable rent / 20% intermediate housing (current preference for 2 & 3 bed shared ownership). Compliance with VALP policy to secure accessible / adaptable dwellings should be required and that dwellings are broadly in line with Nationally Described Space Standards, are not distinguishable from the market housing, and avoid clustering (usually 15 houses / 18 flats though max. of 10 units would be appropriate for this site). Controls to secure occupation should also be applied.

The applicant will need to supply an affordable housing plan at the next stage of the application process showing the location, tenures, sizes, mix and the wheelchair user dwellings that will be supplied, taking in to account the points above.

A4.4 Trees – Acceptable subject to conditions to secure appropriate level of information at reserved matters stage, to include hard and soft landscape scheme and its implementation, arboricultural method statement and tree protection plan.

Detailed comments:

Existing Trees

- The level of loss required is generally acceptable, although it is recommended that any subsequent application does not necessitate any additional removal.

New Trees

- The outline proposals detail a number of new trees. Some of these trees look to be in very close proximity to the dwellings and thus may not allow for inclusion of medium to large species within the internal urban areas. It would be expected that better provision for street tree planting be included within a reserved matters application. Set back of dwellings further from internal roads will be required to achieve this. This is in the interests of meeting the objectives set out in Paragraph 131 of the NPPF, which states: *“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible”*.

I would also refer the applicant to Paras 130 (a,b); 153 and 174 (a,b), which will any new tree planting will also be assessed against.

- Breaking up large areas of hardstanding/parking – Tree planting should be incorporated to provide high level of canopy cover within these areas, with soil volume requirements shown to be achievable and associated underground planting pits to aid establishment.
- Species Selection – Principle DES11 of the SPD includes that species such as Black Poplar are of particular importance within the area and are suitable for boggy, or wetter areas. Species which are double flowering will be resisted. Shallow rooted and short-lived species will be resisted within the urban parts of the development (e.g. Cherry and Silver Birch), as these often cause footpaths and highways to raise and do not offer any particular long term benefit.
- Service Routes – These will need to be detailed at Reserved Matters stage, as they should be routed outside of the Root Protection Areas of retained trees and adequately distanced from new trees and should be shown on both the updated Tree Protection Plans and Landscaping Plans.
- Positioning of New Trees – New trees should largely be in communal areas, or within highway parameters, rather than under individual ownership, as there is a substantially greater chance of successful establishment and continued contribution to the development, ecosystem services, the climate and amenity provision (placemaking). Trees should be set well away from private dwellings, to ensure that their full canopy spread can be achieved without the need for constant pruning, or excessive pressure for removal.
- Landscaping plans must also include calculations of soil volume requirements and planting pit specifications..

A4.5 Ecology – original objection due to lack of information (related to further bird survey, hedgerow clarifications and biodiversity net gain measures) has now been addressed and the proposal is now acceptable subject to a number of conditions relating to securing a revised BNG Report / Biodiversity Metric, submission & approval of a Landscape and Ecological Management Plan and Construction Environment & Habitat Management Plan, that the development is carried out in accordance with the submitted Ecological Impact Assessment and that a lighting strategy scheme is submitted / approved prior to occupation.

A4.6 Recycling / Waste – further information / amendments required to ensure that proposal will be capable of complying with authority’s guidance and BS standards regarding drag distances, location of bin collection points and reversing distances – a vehicle tracking plan is required.

Amended plans – awaiting comments.

A4.7 Heritage – given previous appeal decision and history, not reasonable to raise a heritage objection at this stage. The nearby listed buildings are not considered to be impacted due to separation by other houses. The Haddenham Conservation area and Cider House, a non-designated heritage asset lie opposite the site . The CA appraisal notes that this section lies within character area 1, Rudd’s Lane and Rosemary Lane and is characterised by sporadic historic development interspersed with modern infill. The previous Inspector found the impact to be neutral impact due to the limited extent that the site contributes to its setting no was there any evidence of any harmful impact arising from the traffic movements generated. It is concluded that there would be no harm to the heritage asset and thereby compliance with VALP policy BE1 and the NPPF.

A4.8 Archaeology

Archaeological and related interests

The application site lies within a wider area which has provided numerous discoveries of prehistoric and Roman finds and features. The field directly to the north produced c.40 flints during a fieldwalking survey and three Neolithic/Bronze Age enclosures have been recorded further north- west. Other findspots in the immediate vicinity of the site include Roman metalwork and a large Roman pit and post-holes have been recorded in fields to the east of the site. A geophysical survey was undertaken on the site in December 2016 (Magnitude Surveys) and whilst the survey did not identify any anomalies of definite archaeological origin, there were some undetermined anomalies, which may be of archaeological interest. Accordingly, we recommend that the proposed development area should be subject to archaeological trial trenching and further investigation as appropriate.

If planning permission is granted for this development then it is likely to harm a heritage asset's significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 205. With reference to the NPPF and VALP Policy BE1 we therefore recommend that any consent granted for this development should be subject to a staged condition to secure trial trenching before any other works in accordance with a previously approved written scheme of investigation to secure significant remains in situ, or otherwise recorded in accordance with the agreed scheme which should be undertaken by a professionally qualified archaeologist.

A4.9 Parks & Recreation (original comments) – fails to provide for required on-site sport and leisure provision for a development of this size in Buckingham which should include open space, equipped play facilities, youth shelter and MUGA. In accordance with the Ready Reckoner a full contribution will also be required to off-site facilities; in addition, a bond to ensure the delivery of the on-site scheme will be required.

Comments on amended plans – satisfied that LEAP now meets min. requirement and sufficient Major & Incidental Open Space would be provided.

A4.10 Education – a financial contribution towards existing primary and secondary catchment schools is requested to provide for their expansion to accommodate the impact / additional pupils generated by the development. (Details of the contribution amounts required per dwelling are set out). Further clarification provided sets out the details of the capacity of local catchment schools and projects to improve.

A4.11 Environmental Health – no comments received.

A.5 REPRESENTATIONS

Amenity Societies/Residents Associations

A5.1 Haddenham Village Society – object on a number of grounds;

- Applicant acknowledges local opposition (80% against)
- Site assessed as unsuitable in HELAA – contrary to VALP
- Would lead to ‘leap-frogging’ of natural defensible boundary
- Contrary to VALP S3 as would compromise character of countryside and result in negative impact on village identity.
- Will place great strain on village resources, especially schools and health services
- Will exacerbate traffic issues as too far from station / pose threat to pedestrians using lanes with no footways
- Harmful to landscape character and rural nature of nearby lanes, contrary to NPPF
- Major concern re: flooding
- Further housing not needed

Amended plans July – do not address any of the objections of the society or local residents previously submitted; reiterates strong objection on grounds site assessed in the HELAA as unsuitable for development, not allocated in VALP, contrary to this plan; Churchway currently provides a clear and defensible boundary to village, would lead to further loss of countryside and further pressure on local resources; contrary to VALP S3; Haddenham currently growing by over 50% with over a 1000 dwellings built around village putting strain on limited village resources, particularly schooling, health. Station at 2k distance too far to walk, resulting in exacerbation of existing traffic management and parking problems; causing hazard to pedestrians using nearby lanes with no footway and to listed buildings; landscape impact unacceptable as found previously by AVDC and by Inspector who found very significant harm to character and appearance of area; contrary to NE7 due to loss of BMV; adversely affecting rural nature of Green Lane a public bridleway much used by locals; contrary to NPPF para. 174.

A5.2 Haddenham Safe Walking and Cycling Group – concerned at impact of development on local walking, cycling and wheeling in the village. Site should be considered alongside others in call for sites, particularly as one of least sustainable given distance from station. Much development has taken place in village since last application, mitigation not now sufficient. Only Bradmoor Farm and the post office are within the 800m walkable neighbourhood distance but the application suggests that 2k is suitable which is the upper limit for the average walker which would be an excessively high bar. There is currently no safe cycling route connecting the village to NCN route 57; routes to other settlements involve using busy A road, excluding all but experienced cyclists. Excessive vehicle speeds still recorded on Thame Road and is not suitable for some users. No mention of the Parish Council’s Streetscape Report – should include features from the toolkit such as pedestrian priority across side roads and narrower junctions. No homes shown to front Churchway with predominant vehicle function and higher speeds contrary to MfS; welcome more information re: footway / cycleway and calming; current arrangement is dangerous. Development would be insular with little connection with the village. Additional traffic to the A418 will exacerbate an existing hazardous junction, particularly for cyclists, as well as the mini roundabout particularly for school cyclists.

Contribution to Haddenham / Aylesbury cycleway welcome, but Council not currently progressing this project. Surprised that no contact made by applicant to discuss the Travel Plan and note that it acknowledges that the target to reduce driving will be challenging; appear to be unaware that village has its own EV hire club that could be promoted and a space to charge club car should be provided.

A5.3 Rosemary Lane Action Group (RLAG) – objects to the development on the following grounds:

- Site / proposal is outside the development plan and runs counter to the plan led system
- RLAG supports a refusal on grounds of landscape erosion, harm to settlement identity, and harm to open landscape setting of Green Lane
- Consistent with previous refusal which stated (summarised) “.. greenfield site in open countryside which fails to demonstrate relationship to existing settlement pattern. Layout of housing does not reflect those to west or south and feels detached from the settlement located in an open landscape with views of countryside to north, west and east. Site feels part of wider network of fields and aids in contributing to the rural quality of Haddenham... Unwelcome visual intrusion in the landscape as a suburban fringe development contributing to visual intrusion. Churchway creates a distinct boundary between residential development to west and open countryside to east. “
- Neighbourhood Plan in its vision states “being sensitive, particularly on edge of existing settlement, to the transition from the village to open countryside.” The applicants call it a ‘transition site’ but it is not, it is a very strong countryside location; its development would be contrary to NPF para. 174.
- In regard to policy D3 there is no evidence to support the claim that the exception applies; it does not meet the criteria in any event. The landscape harm is much greater than assessed by the applicant and would be substantially harmful.
- VALP is not out of date and this cannot be used to argue that the presumption in favour of sustainable development should apply
- The Redrow scheme is not a ‘gamechanger’ as argued by the applicant; the appeal Inspector found that the previous scheme would lead to a very significant harm to the character and appearance of the areas and weighs against the proposal in the planning balance; this is a material consideration of great weight and more units have now been added.
- To spill over the clear settlement edge would be seriously harmful, there would be harm to the setting of the conservation area, loss of hedgerows, potential flooding with ‘alien’ looking SuDS contrary to the setting of Green Lane.
- The development should be assessed from a number of listed viewpoints.

A5.6 Other Representations

52 individual representations have been received objecting to the original proposal which in summary are on the following grounds:

Original:

- Site should be assessed as part of current call for sites for new local plan
- Site previously assessed as unsuitable in HELAA and contrary to number VALP policies
- Considerable number of new homes already being built in Haddenham, further homes not needed

- Inadequate drainage as evidenced by recent enforcement against nearby Redrow development
- BMV should not be used for housing, need to consider issue of food security
- Wildlife will be affected
- Existing strains on services, roads, junctions, flooding, sewerage, drainage will be exacerbated
- Increased traffic will cause major issues
- Bus services reducing
- Whilst understand that more housing needed, brownfield sites should be developed first
- Support objections of parish council and village society, development adds no benefit to village
- Traffic increase in nearby conservation area which is the most direct route to the train station
- Expansion in VALP should be the limit
- Contrary to neighbourhood plan
- Impact on rural character of Green Lane which is invaluable for recreation, peace and serenity
- Support LLFA objections
- Unreasonable and unsustainable level of development already in Haddenham destroying the village character
- Would cause harm to heritage assets (wychert cottages and walls)
- Nothing has changed since previous Inspector found that the 'substantial built form would fundamentally change character of site and its pleasant agricultural and rural appearance would be lost'
- Heavy trucks already causing damage to local roads
- No valid reason for different conclusion from earlier application – very significant harm to character and appearance of the area
- Loss of natural habitat
- The development on the western side of Churchway does not provide 'permission' for the view on eastern side to be ruined
- No connectivity or relationship with the existing village is provided

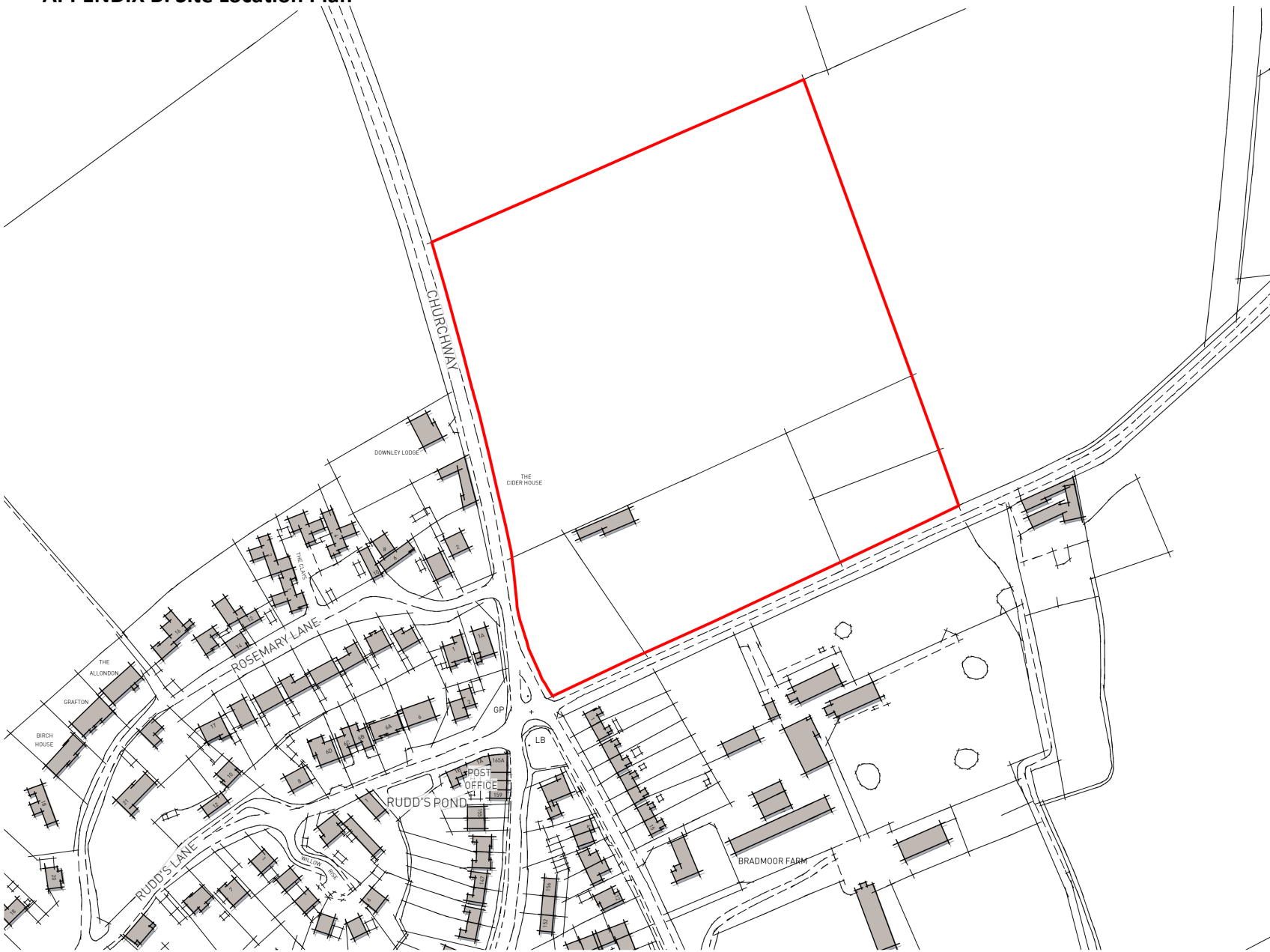
In response to the amended plans & additional information submitted in July 2023:

The Haddenham Village Society (HVS) note that the additional documents do not address any of the concerns of the HVS or local residents; they reiterate their strong objection on (summary) grounds that contrary to VALP / not an allocated site, Churchway is clear natural and defensible boundary – development would lead to loss of countryside, loss of BMV and of concern to UK food security, pressure on village resources, contrary to VALP S3, lack of reasonable walking distance to most village amenities, traffic generated will be hazard to existing users of nearby roads / lanes and detrimental to nearby listed buildings, lead to significant harm to character and appearance of area and settlement identity, adversely affect rural Green Lane, contravenes NPPF paragraph 174.

A further 4 objections were received, noting the following:

- how would net gain biodiversity be maintained, who would be responsible and how would loss of species be mitigated?
- No reason to change previous decision, proposal does nothing to improve biodiversity or achieve net zero
- Same design used many times
- More traffic and more pressure on essential local services

APPENDIX B: Site Location Plan



KEY

SITE LOCATION
12.16 ACRES / 4.92 HECTARES

N
W —+— E
S

0 25 50

LAND OFF CHURCHWAY, HADDENHAM, BUCKINGHAMSHIRE SITE LOCATION PLAN



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