



# Buckinghamshire Council

## North Buckinghamshire Area Planning Committee

### Agenda

**Date:** Wednesday 18 November 2020

**Time:** 2.30 pm

**Venue:** Virtual Meeting via MS Teams

**Membership:** P Fealey (Chairman), T Mills (Vice-Chairman), A Bond, C Clare, N Glover, L Monger, H Mordue, S Morgan, M Rand, S Renshell, R Stuchbury and A Wight

Agenda Item	Time	Page No
<b>1 APOLOGIES</b>		
<b>2 TEMPORARY CHANGES TO MEMBERSHIP</b> Any changes will be reported at the meeting.		
<b>3 MINUTES</b> To approve as a correct record the Minutes of the meeting held on 28 October 2020, copy attached.		<b>3 - 4</b>
<b>4 DECLARATIONS OF INTEREST</b> Members to declare any interests.		
<b>APPLICATIONS</b>		
<b>5 20/00472/APP - COWPASTURE FARM, EXPERIENCE THE COUNTRY LTD., DRAYTON ROAD, NEWTON LONGVILLE</b> Golf driving range/practice area consisting of 12no. customer bays and 4no teaching bays  Contact Officer: Danika Hird <a href="mailto:danika.hird@buckinghamshire.gov.uk">danika.hird@buckinghamshire.gov.uk</a>		<b>5 - 30</b>
<b>6 20/01260/ADP - 151 AND LAND TO THE REAR OF 151 STATION ROAD, QUANTON</b> Approval of Reserved Matters pursuant to outline permission 17/04041/AOP for appearance, landscaping, layout and scale of a residential development of 40 dwellings and discharge of condition		<b>31 - 90</b>

2: Reserved Matters (Appearance, landscape, layout and scale)  
Condition 8: Geophysical survey and archaeological evaluation  
Condition 12: Noise impact assessment.

Contact Officer: Mike Davey  
[michael.davey@buckinghamshire.gov.uk](mailto:michael.davey@buckinghamshire.gov.uk)

**7 SITE VISIT ARRANGEMENTS**

**8 HUMAN RIGHTS ACT**

**91 - 92**

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

For further information please contact: Harry Thomas on 01296 585234, email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).



Agenda Item 3  
**Buckinghamshire Council**  
**North Buckinghamshire Area**  
**Planning Committee**

## Minutes

**MINUTES OF THE MEETING OF THE NORTH BUCKINGHAMSHIRE AREA PLANNING COMMITTEE HELD ON WEDNESDAY 28 OCTOBER 2020 IN VIA VIRTUAL CONFERENCE (MS TEAMS), COMMENCING AT 2.30 PM AND CONCLUDING AT 2.48 PM**

### MEMBERS PRESENT

P Fealey (Chairman), T Mills (Vice Chairman), A Bond, C Clare, N Glover, L Monger, H Mordue, S Morgan, M Rand, S Renshell, R Stuchbury and D Town (in place of A Wight)

### APOLOGY

A Wight

### Agenda Item

**1 MINUTES**  
RESOLVED –

That the Minutes of the meeting held on 10 June 2020 be approved as a correct record.

**2 DECLARATIONS OF INTEREST**

Councillor Renshell declared a Personal Interest as she had previously attended a leisure training event at the application venue (Experience The Country Limited)

**3 20/00472/APP - COWPASTURE FARM, EXPERIENCE THE COUNTRY LTD., DRAYTON ROAD, NEWTON LONGVILLE**

Before consideration of the planning application, Members were informed by Officers that just prior to the start of the meeting, officers were contacted by Newton Longville Parish Council (NLPC) and informed that NLPC had not been re-consulted on the amended application. NLPC had asserted that they had been unable to make representations on the application as they had not been formally notified. Consequently, NLPC had not been invited to speak at the planning committee meeting.

The Council's Constitution, Part D, Planning Committee Procedure Rules, paragraph 3.20 (Public Speaking Arrangements) stated that Town or parish councils who had been consulted on an application and where they had made a written representation would be invited to speak at the first Planning Committee at which a matter was considered.

In view of the above circumstances, the Committee was provided with legal advice from the Planning Solicitor for the Council that the planning application should be deferred to allow proper consultation processes to be completed, and for the application to then be resubmitted to Members for determination. Officers apologised to the Committee, the applicant's agent (who was present at the meeting) and applicant, and other people impacted by this situation.

RESOLVED –

That application 20/00472/APP be deferred to allow further consultation to be undertaken, as detailed to Members at the meeting.



## Addendum Report to North Buckinghamshire Area Planning Committee

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<b>Application Number:</b>	20/00472/APP
<b>Proposal:</b>	Golf driving range/practice area consisting of 12no. customer bays and 4no teaching bays
<b>Site Location:</b>	Cowpasture Farm "Experience the Country Ltd", Drayton Road, Newton Longville, Buckinghamshire, MK17 0BU
<b>Applicant:</b>	Mrs Valerie Wood
<b>Case Officer:</b>	Danika Hird
<b>Ward(s) affected:</b>	Former Great Brickhill & Newton Longville
<b>Parish-Town Council:</b>	Mursley
<b>Date valid application received:</b>	10.02.2020
<b>Statutory determination date:</b>	11.05.2020
<b>Recommendation</b>	Approval subject to conditions.

### Background

The above application was withdrawn from the last North Buckinghamshire Area Planning Committee on 28<sup>th</sup> October 2020 following correspondence from Newton Longville Parish Council. The correspondence, received shortly before the Committee was set to start, raised a number of concerns regarding the publication and consultation of the application. In light of this correspondence and a review of the application file, there was uncertainty regarding these matters and the application was withdrawn from the Committee agenda. Subsequently it has been confirmed that Newton Longville Parish Council were notified of the Committee meeting. Immediately following the committee, Officers sent revised consultations to Newton Longville and Mursley Parish Council in response to the recent concerns raised. In addition to this, following a request from Members of the Planning Committee, Drayton Parslow were also consulted, including the relevant Ward Councillors for each of these areas. Furthermore a new press notification was issued. The overall consultation expiry of this consultation process is the 26<sup>th</sup> November 2020. Because this date is after the Committee Meeting the recommendation has been updated as outlined below.

### Summary & Recommendation

As such, the recommendation before Members is for the application to be supported in principle and **DEFERRED AND DELEGATED** to officers for approval following the expiry of the revised consultation process in line with normal procedures and no new material considerations being raised.



## Report to North Buckinghamshire Area Planning Committee

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<b>Statutory determination date:</b>	11.05.2020
<b>Recommendation</b>	Approval subject to conditions.

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

- 1.1 The application seeks the provision of a new golf driving range/practice area utilising the existing access, parking and toilet facilities of the existing, adjacent "Experience the Country" facility. In summary, the proposal would represent the provision of a new sports and recreation facility within the open countryside, associated with an existing enterprise. The proposal is considered to respect the character and appearance of the site, surrounding area and its natural qualities, providing an adequate level of parking, satisfactory access arrangements without causing harm to highway safety and would not give rise to any significant residential amenity concerns.
- 1.2 The application is being reported to the Northern Buckinghamshire Area Planning Committee as Councillor Scott Raven has called the application to committee. The reasons for calling this in are set out in the appendices at the end of this report. It is considered that the application raises material planning considerations which would be appropriate for the Committee to consider.
- 1.3 Overall the proposed development is considered to comply with the relevant policies within the Development Plan (AVDLP), its relevant emerging policies (VALP) and the advice within the National Planning Policy Framework as a whole. There are no considerations that indicate a decision otherwise than in accordance with the development plan.

1.4 Recommendation: It is recommended that the application be **Approved** subject to the conditions listed below in 8.1 of this report.

## 2.0 Description of Proposed Development

- 2.1 The application seeks the provision of a new golf driving range/practice area located off Drayton Road in Newton Longville. Whilst the address references Newton Longville, the application site itself falls within the Parish of Mursley. The site itself is situated adjacent to the existing, associated “Experience the Country” facility which is located approximately 900m from Newton Longville and 2400m from Mursley. The existing wider site is a collection of buildings within the open countryside off a large access. Towards the entrance of the site is a set of piers forming a gated entrance to the site, with a residential dwelling, known as Hounslow Hall situated just beyond. Within the collection of buildings as part of the wider site there are a variety of uses.
- 2.2 To the south-west of the application site lies an agricultural notification area with pipelines and footpath MUR/3/1 located to the west. Connecting to this footpath is footpath NLO/16/1 which is situated to the north of the site. The site itself is situated within Flood Zone 1.
- 2.3 The proposal seeks to utilise 45,000sqm of land in order to provide a purpose built golf driving range adjacent to the existing “Experience the Country” facility (comprising of quad treks, off-road driving, segways, medieval weapons/ axe throwing, archery, clay shooting, 4x4 truck driving, air rifle shooting, arena, corporate events, meeting rooms & private hire). In order to facilitate this, a single storey structure is to be built, measuring 75.6m in length by 5.6 metres width with a maximum height of 5.3m. The proposed building will comprise of 4 teaching bays and 12 practice bays. The building will be constructed of steel frame with green profiled vertical metal clad with the roof being light grey profiled metal deck and fascia. The proposal seeks to retain the existing natural boundaries of the parcel of land which it seeks to utilise and does not seek the provision of any new boundary (walls, fences etc.), including netting.
- 2.4 The existing access of Drayton Road and seeks to share the existing parking and toilet facilities with the “Experience the Country” facility. The existing car parking which is to remain unaltered provides parking for 90 vehicles.
- 2.5 The provision of 7 floodlights are also sought which have a maximum height of 5 metres. The floodlights would be mounted along the length of the driving range and above the bay structure. The lighting scheme will be controlled to ensure the lights switch off automatically no later than 21.00hrs.
- 2.6 The existing hedgerow along the perimeter of the field will be retained, providing a 3m wide ecological buffer zone with the provision of a swale to the south of the site.
- 2.7 The application is accompanied by:
- a) *Application Form*

- b) *Car parking facilities*
- c) *Design and Access Statement*
- d) *Environmental/ Ecology Statement*
- e) *Flood Map (map extract from EA) and supporting note*
- f) Photographs and Aerial Photography (Views towards site)
- g) Land Quality Assessment
- h) Methodology for selecting the site
- i) Soil Nutrient Level Field Summary
- j) Visual Impact Assessment

2.8 During the course of the application, amended plans and information was received in order to respond to concerns raised by the Council's Ecologist and Highway's Engineer. The most up-to-date plans being considered are therefore:

- Site Block Plan – Drawing No .002 (received 22 April 2020)
- Elevations – Drawing No. 004 Rev A (received 22 April 2020)
- Part Site Block Plan & Floor Plan – Drawing No. 003 Rev A (received 22 April 2020)
- Site Location Plan – Drawing No. 001 Rev A (received 22 April 2020)
- Car Parking Allocation (received 22 April 2020)
- Photograph of Nearby Driving Range Car Park (received 22 April 2020)
- Photograph of Nearby Driving Range Entrance (received 22 April 2020)
- Flood Risk Assessment (received 22 April 2020)
- Photograph of Hounslow Hall Entrance Road Passing Plan (1 of 2) (received 22 April 2020)
- Photograph of Hounslow Hall Entrance Road Passing Plan (2 of 2) (received 22 April 2020)
- Photograph of Hounslow Hall Overspill Car Park (1 of 2) (received 22 April 2020)
- Photograph of Hounslow Hall Overspill Car Park (2 of 2) (received 22 April 2020)
- Lighting Information (received 22 April 2020)
- Traffic Survey 20<sup>th</sup> March 2020 (received 22 April 2020)
- Traffic Survey at Nearby Driving Range (received 22 April 2020)
- Ecology Design Strategy including Defra Biodiversity Enhancement Calculator, Prepared by Ark Ltd, dated June 2020 (received 10 July 2020)
- Biodiversity Metric 2.0 Calculation Tool (received 13 August 2020)

- Floodlight Hours of Operation (received 13 August 2020)

### 3.0 Relevant Planning History

01/01152/APP - Erection of agricultural building – Approved

05/01513/APP - Change of use from agricultural buildings to B8 (Warehouse) and change of use from farm office to B1 (General Office) – Approved

08/02186/APP - Erection of grain storage building – Approved

12/00947/APP - Change of use from offices to creation of No. 2 dwellings and No.1 Residential Holiday Let – Approved

12/02430/APP - Retention of 10 metre mast for further 12 months and erection of 80 metres mast for three years – Approved

13/03455/APP - Erection of four wind turbines (maximum height 115 metres) with ancillary infrastructure including substation, access tracks and crane hardstandings and temporary storage compound for temporary period for 25 years – Refused

14/00346/APP - Variation of Condition 1 of 12/02430/APP to extend temporary period (10 Metre mast only). Conditions (s) Removal: To enable continued collection of wind data for a further period Variation of period for a further 18 months. – Approved

12/A2430/DIS - Submission of detail pursuant to Condition 2 - The 80m high mast to be erected within three years of date of permission and be retained on site for a period no longer than 3 years from the date of installation after which three year period the mast and all associated apparatus to be removed from the site and the land reinstated for agricultural use and Condition 3 - Details of a warning light or lights to be erected on top of the 80m mast on planning permission 12/02430/APP – Satisfies Requirements

14/03134/AGN - Water tanks for storage of rain water to be used for crop spraying. – Proceed with Works

### 4.0 Representations

Comments have been received from Mursley and Newton Longville Parish Council. In addition, a total of 65 representations have been received, 63 in support of the proposal and 2 objecting. Whilst these representations have been more clearly set out below in Appendix A of this report, the key matters are as follows:

#### Support:

- Increasing demand due to loss of facilities within the area and the amount of residential development taking place within Milton Keynes and Aylesbury.
- A positive community facility for all which supports active living and mental wellbeing

### Objections:

- Incorrect applicant details published on site notice
- Highway Implications – Located on a main road with high amounts of traffic usage at peak times; not well lit; probability of regular traffic blocks; higher probability of accidents taking place; the entrance is on a sharp bend with bad sight and vision of oncoming drivers which again would cause a high risk of road traffic accidents and traffic blocks.

## **5.0 Policy Considerations and Evaluation**

Aylesbury Vale District Local Plan (AVDLP 2004): The report will identify where policies are not consistent with the NPPF and the weight to be afforded if not full weight.

Emerging Vale of Aylesbury District Local Plan (VALP): This is now at an advanced stage and weight can be given to the relevant policies in the plan in accordance with the NPPF. The overall approach is:

- Limited weight: if there is a new and untested policy introduced by a main modification and subject to consultation.
- Moderate weight: where there are objections and the Inspector has requested main modifications and therefore objections can be regarded as being “resolved”. The context being that the Inspector has considered the proposed modifications and in agreeing them for consultation, has confirmed that he is reasonably satisfied that they remedy the points of unsoundness identified in the examination process so far (as set out in Inspector’s note ED185).
- Considerable weight: where there are objections but the Inspector has not requested main modifications (and as such the policy will not be changed in a material way) and the objections can therefore be regarded as being “resolved”.
- Significant weight: where there are no objections and no modifications. These policies are not going to be changed and the next step will be adoption and very significant weight.

The report will identify the weight to be given to the relevant emerging policies.

The Neighbourhood Plan Area for Mursley was approved on 12<sup>th</sup> July 2017. At this early stage in the process, the neighbourhood plan cannot be afforded any weight in the decision making process.

Supplementary Planning Guidance 1: Aylesbury Vale District Local Plan – Parking Guidelines 1

Planning (Listed Buildings and Conservation Areas) Act 1990

The National Planning Policy Framework

National Planning Policy Guidance

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

AVDLP: RA.4 (Considerations for countryside recreation), (RA.5 New Golf Courses)

Emerging VALP: S1 (Sustainable development for Aylesbury Vale) (*Considerable weight*), S2 (Spatial strategy for growth) (*Moderate weight*), S3 (Settlement hierarchy and cohesive development) (*Moderate weight*), S5 (Infrastructure) (*Moderate weight*), I2 (Sports and recreation) (*Moderate weight*).

5.1 It is identified within AVDLP that certain recreational uses or sports by nature are not appropriate within or adjacent to settlements as they require large amounts of land or a countryside setting, or would be unneighbourly if located close to dwellings. Policy RA4 of AVDLP is supportive of countryside recreation on appropriate sites and therefore proposal for the recreational use of land outside the built-up areas of settlement will have particular regard to:

- a) The visual effect of car parking and access roads;
- b) The siting and design of any associated buildings;
- c) The accessibility of the site, including public transport links and walking or cycling networks; and
- d) Agricultural land quality and the effect on land drainage.

5.2 Whilst it is acknowledged that the proposed development is associated with golf activities, policy RA5 of AVDLP is not wholly applicable in this instance as this policy relates to the provision of a golf course, whereas the development proposed is for a golf driving range only which provides a practice area and offers lessons. Although, the land utilised by driving ranges tend to be significantly less than a golf course, large areas are still required with similar paraphernalia and therefore the aims of policy RA5 are applicable in ensuring the proposal does not have a detrimental effect on the countryside and on nearby settlements.

5.3 In terms of the principle of a driving range, this would represent a recreational activity that could take place in the countryside and therefore the principle of the proposed development is considered to be acceptable subject to the scheme satisfactorily addressing the remaining requirements of policy RA4, the aims of RA5, the impact on the character and appearance of the countryside and all other relevant material considerations which are to be considered in detail below.

### **Transport matters and parking**

AVDLP: GP.24 (Car parking guidelines), RA.36 (Development causing traffic adversely affecting rural roads)

Emerging VALP: T1 (Delivering the sustainable transport vision) (*Moderate weight*), T4 (Capacity of the transport network to deliver development) (*Limited weight*), T5 (Delivering transport in new development) (*Moderate weight*), T6 (Vehicle Parking) (*Moderate weight*), T8 (Electric Vehicle Parking) (*Moderate weight*)

5.4 The site is located within a rural area, remote from any local services and footpaths and would be reliant on the use of the private motor vehicles rather more sustainable modes of transport. There are bus stops located to the north of the site on Drayton

Road, however these are located further than the recommended walking distance, and there is no footway linking the site to these bus stops. The bus service serving these stops is sporadic and is unlikely to be used by visitors to the site. However, the NPPF recognises that accessibility to non-car modes will not be as good in rural areas as it will in urban areas.

5.5 The proposed development seeks to utilise an existing access off Drayton Road.

Drayton Road is a C class road and the proposed development site lies on a part of the road which is subject to a 40mph speed limit. The road width at the entrance road to Hounslow Hall is approximately 6m which can safely accommodate two-way flow. The current access track measures 4m where it adjoins the highway and does reduce to 3m as it nears the site. This reduction however only occurs on private land and would not cause issues with vehicles on the public highway.

5.6 Due to the existing access narrowing to 3m, the Highways Engineer requested the provision of passing bays along the narrowing section of the access. In order address these concerns, the applicant providing images of passing areas near Hounslow Hall (which is located on the private section of the access track) where vehicles can safely wait to move past one and other on the 3m wide access track. Whilst the narrow road width past Hounslow Hall is not ideal, it is private land and therefore the Highway Authority have advised that they would not be able to pursue this matter any further. Furthermore, the road width greatly improves on the public highway section of the access track and that this section benefits from a passing bay with a width of nearly 7m. This makes two-way vehicular flow much more achievable in this section.

5.7 In addition, the applicant has provided a traffic survey of an appropriately similar site 'Windmill Hill Driving Range, Milton Keynes' on a Friday and Sunday in March 2020. This site in Milton Keynes has a comparative number of bays to the proposal (23 Bays compared to 16 Bays), it should be noted that the site in MK also has other golf related facilities taking place on the site that would be likely to generate vehicle movements, therefore the survey is considered a very robust indication of the likely vehicle movements that could be generated by the proposed development.

5.8 In order to established whether the existing parking facilities would be sufficient, the Highways Engineer requested further survey information. The first being a survey to capture the vehicle movements currently taking place at the existing site with the remaining survey showing the vehicle movements associated with an appropriately similar site. On Friday, the applicant found that the site had a total number of 60 vehicles in the site with a peak between 4.00pm - 5.00pm of 12 vehicles. On Sunday, the applicant found that the site had a total of 30 vehicles in the site with a peak of 4 vehicles from 3.00pm - 4.00pm. The Highway's Engineer has therefore advised that they are satisfied that the local highway network could support a similar level of movements without a severe detrimental impact.

5.9 With regards to the level of movements expected at the existing site, the applicant has provided a survey demonstrating that there are 49 vehicular arrivals per day and 49

vehicular departures per day. Therefore, there is a total of 98 vehicular movements per day at the existing site.

- 5.10 Overall, in terms of the highway network impact, highway officers are satisfied that the highway network can support the increased level of movements as the public highway section of the access road is generally wider than the private section at almost 4m wide. Furthermore, a passing bay of almost 7m in width is located near the junction with Drayton Road to allow vehicles to safely pass near the site access point. Whilst the width of the private section of the access is not ideal, the Highway's Engineer has advised that there would be no impact on the publicly maintained highway.

*Parking:*

- 5.11 The proposed development seeks to utilise the existing parking facilities at the adjacent "Experience the Country" facility. As such, no additional parking is sought to be provided. The proposal seeks to share the existing 90 parking spaces which are to be retained.
- 5.12 Within the AVDC Parking Guidelines SPG there is a requirement for indoor and outdoor sports and recreation facility to provide 1 space per 6 seats of public accommodation or 1 space per 11m<sup>2</sup> of public floorspace. Given the nature of the development and the limited floorspace being created, it is considered that the existing Parking Guidelines do not reflect the operational use of the development. As part of the application, the applicant has advised that the maximum number of parking spaces that would be required would be 20.
- 5.13 As part of the additional surveys requested, the survey of the existing site identified that the maximum number of vehicles parked in the car park on the day of the survey was 15 and this was between 13.00pm -14.00pm. Having assessed the traffic survey from a similar site in Milton Keynes, the Highways Engineer believes that 20 parking spaces should adequately serve the driving range from a highway safety perspective. Subsequently, it is considered that the applicant could provide more parking if required as it is stated that there is a surplus capacity of 40 car parking spaces in the 'Experience the Country' car park.
- 5.14 Highway officers consider that whilst the driving range will lead to an intensification of the site, the existing car parking provision of 90 spaces will be enough to accommodate this additional level of movements expected at the site.
- 5.15 Overall, the proposed development is considered to accord with saved policies GP24 and RA36 of AVDLP, emerging policies T1, T4, T5 and T6 of VALP, Supplementary Planning Guidance 1: Aylesbury Vale District Local Plan – Parking Guidelines 1 and the advice within the NPPF.

*Rights of way:*

AVDLP: GP.84 (Public Rights of Way)

Emerging VALP: C4 (Protection of public rights of way) (*Moderate weight*)

- 5.16 The site would result in an intensification of vehicular use of the bridleway which shares access to site for 260m at around 4m width. Ideally, the access would be widened to 4.8m in order to allow two vehicles to pass simultaneously however for the reasons expressed above this cannot be pursued any further. Nevertheless, there are two opportunities for vehicles to pass in the vicinity of the bridleway, the first being at the entrance to the property called Hounslow Hall with the remaining area at the bridleway turning.
- 5.17 As officers do not consider they can insist on the access being widened to 4.8m, the Strategic Access Officer has requested the provision of an additional passing place along the bridleway near to the existing access gates. This will allow vehicles to wait while bridleway users pass or *vice versa*. This also avoids vehicles reversing long distances into the path of bridleway users. The Strategic Access Officer has also requested that the existing gravel-surfaced passing space at the bridleway turning should be improved with a bitumen surface to withstand regular vehicular traffic braking, turning and accelerating within this space. Both improvements can be secured by condition in order to mitigate the impact of the development on walkers, horse riders and cyclists. Subject to these improvements being condition, the proposal is considered to accord with policy GP.84 of AVDLP, emerging policy C4 of VALP and the advice within the NPPF.

### **Landscape Issues**

AVDLP: GP.35 (Design of new development proposals), GP.38 (Landscaping of new development proposals), GP.39 (Existing trees and hedgerows), GP.40 (Retention of existing trees and hedgerows)

Emerging VALP: BE2 (Design of new development) (*Moderate weight*), NE4 (Landscape character and locally important landscape) (*Moderate weight*), NE7 (Best and most versatile agricultural land) (*Moderate weight*), NE8 (Trees, hedgerows and woodlands) (*Moderate weight*)

- 5.18 The application site is located within the open countryside not within any specific landscape designations. The proposed development is sited within the Newton Longville-Stoke Hammond Claylands landscape character area which is part of the Undulating Clay Plateau landscape character type in the Aylesbury Vale Landscape Character Assessment. Key characteristics are gently undulating to rolling landform, heavy clay soils with mixed agricultural use, nucleated settlement pattern and parliamentary enclosures with thorn hedges. Overall, the condition of the landscape is considered to be moderate.
- 5.19 The site itself where the driving range is to be located extends to circa 4.5hectares lying approximately 900m from the south-west of Newton Longville and 2400m from the north-east of Mursley. The application site is situated off Drayton Road, forming a parcel of agricultural land which is bound by native hedgerows which

contain sporadic clusters of trees. The site is open and exposed with rising topography from the north to the south of the driving range.

- 5.20 The application was accompanied with an agricultural land classification map which identified the site as falling within Grade 3b agricultural land. In accordance with emerging policy NE7 of VALP, the proposal would therefore not represent a loss of the best and most versatile agricultural land (grades 1, 2 and 3a).
- 5.21 The proposed development seeks the provision of a purpose built driving range. The proposal would be a local change in character from a rural field to a more manicured suburban character however the proposed development would not have an irreversible impact on the agricultural land although the field would be taken out of cultivation for the foreseeable future.
- 5.22 In order to accommodate the proposed development a single storey structure is required in order to provide sheltered bays for practising and teaching. Whilst the span depth of the building is large (75.6m) the impact of the building is reduced given its single storey nature (5.3m). To further mitigate the impact of the proposed development on the character and appearance of the surrounding area, the scheme seeks to share the existing "Experience the Country" facilities (parking, access and toilets) in order to limit the amount of new built development within the open countryside.
- 5.23 Given the exposed and open nature of the site, it is acknowledged that the proposed development would be highly visible when viewed directly and from the existing Cowpasture site and adjacent footpaths. However, this application was supported by photographs, an aerial photography which shows there would be limited long distance views due to the nature of the works, the surrounding topography and intervening planting. The provision of floodlight will have an impact on the landscape, particularly in the evening and during the winter months and therefore a condition should be imposed securing exact lighting details to ensure the lighting for the site is controlled and to prevent unnecessary light spillage.
- 5.24 To further limit the presence of the proposed development, the building will be simple in form and design, constructed of matching materials to a number of building found within the wider Cowpasture Farm site. This will allow the building to be seen in the context of the existing enterprise ("Experience the Country") which is situated adjacent to the proposed driving range. Additionally the applicant has confirmed that no new boundary treatments (walls, fences etc.) will need to be erected/ installed including netting. The existing native hedgerow and the sporadic clusters of trees along the perimeter field will be retained providing further mitigation. Overall, the proposal is considered to accord with saved policies GP35, GP38, GP39 and GP40 of AVDLP, emerging policies BE2, NE4, NE7 and NE8 of VALP and the advice within the NPPF.

## **Environmental issues**

Emerging VALP: NE5 (Pollution, air quality and contaminated land) (*Considerable weight*), C3 (Renewable energy) (*Moderate weight*)

5.25 As a result of the proposed development, the main environmental impact would be the provision on lighting. The accompanying information for this application states that approximately 7 floodlights are also sought which have a maximum height of 5 metres. The floodlights would be mounted along the length of the driving range and above the bay structure. Within the supporting information the applicant has advised that the “floodlights will be positioned and aimed in such a way so as to provide a target illuminance across the range at ground level and to provide sufficient illuminance at 250m to see the object ball at 3m above ground level. Furthermore, care will be taken to avoid any unwanted spillage of light above 30m. or beyond the Range boundaries, which will be achieved by the onsite adjustment of the fixtures by the specialist lighting supplier/contractor. The lighting scheme will be controlled to ensure the lights switch off automatically no later than 21.00hrs”.

5.26 Whilst this additional information is welcomed and demonstrates that careful consideration has been given to the siting of the lights and their impact on the surrounding area, further information is required to show the exact location and amount of floodlights. In addition, details of the light shields and lighting plan will be required to limit the light spillage. This additional information can be secured via condition and will prevent the lights from being altered once the details have been agreed by the Local Planning Authority. Subject to the imposition of a lighting condition(s) the proposal is considered to accord with emerging policy NE5 of VALP and the advice within the NPPF.

## **Ecology**

5.27 Emerging VALP: NE1 (Biodiversity and Geodiversity) (*Moderate weight*)

5.28 The application is supported by an Ecological Design Strategy (ARK Environmental, June 2020), Biodiversity Metric 2.0 Calculation (ARK Environmental, 7th June 2020), details of floodlighting hours of operation (ARK Environmental, 11th August 2020) and a response to comments (ARK Environmental, 11th August 2020). These proposals involve the construction of a golf driving range/practice area with artificial lighting and the change of habitats management from a cultivated field to a managed driving range with biodiversity buffers surrounding this. The Ecological Design Strategy provides the necessary information to determine that there is no adverse impact upon biodiversity – this includes the impact of the proposed artificial lighting upon bats. The proposals will result in a net gain in biodiversity as demonstrated by the biodiversity metric. The council’s ecologist has no objections to the proposal subject to conditions requiring a more detailed Landscape and Ecological Management Plan , lighting and its control and therefore it is considered that the proposed development accords emerging policy NE1 of VALP and the advice within the NPPF.

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

AVDLP: GP.35 (Design of new development proposals), GP.38 (Landscaping of new development proposals), GP.45 (“Secured by Design” considerations)

Emerging VALP: BE2 (Design of new development) (*Moderate weight*)

5.29 The proposal seeks the provision of new driving range within the open countryside adjacent to the existing “Experience the Country” facility. This adjacent facility already provides a number of countryside recreational activities and therefore it is considered that the proposed development would complement this existing provision and provide an extended service. The proposal seeks to utilise an number of the Experience the Country’s existing provisions (access, parking & toilet facilities) in order to limit the need for new built development within the open countryside.

5.30 The driving range itself would be located on a parcel of land adjacent to an existing collection of buildings used by “Experience the Country”. These existing buildings have predominately been constructed of red bricks of corrugated steel and are simple in design and form and are largely agricultural in appearance. The land where the driving range itself is to be located is situated on gradual incline from the north to the south of the driving range.

5.31 In order to accommodate the proposal, a single storey structure is to be built, measuring 75.6m in length by 5.6 metres width with a maximum height of 5.3m. The proposed building will comprise of 4 teaching bays and 12 practice bays. The building will be constructed of steel frame with green profiled vertical metal clad with the roof being light grey profiled metal deck and fascia. Whilst the structure would have a large span depth, the building is considered to be relatively low level. Its impact is further reduced by its simple form and use of matching materials to some of the adjacent buildings, ensuring the building sympathetically integrates with these existing buildings and prevents the building appearing stark within the surrounding area. Consequently the proposed scheme is considered to accord with policies GP35, GP38 and GP45 of AVDLP, emerging policy BE2 of VALP and the advice within the NPPF.

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

AVDLP: GP.8 (Protection of amenity of residents)

Emerging VALP: BE3 (Protection of the amenity of residents) (*Considerable weight*)

5.32 Due to the remote location of the application site there are a limited number of residential properties which would be effected by the proposed development. From review of the Council’s records permission has been granted for a number of residential properties at Cowpasture Farm including the farmhouse itself. These residential properties are shown to be located to the south-east of the existing car parking facility which is to be retained and approximately 192m from the driving range itself. In addition to this there are a couple of properties located near to the entrance of the

site. Parklands is located adjacent to the access junction serving the site and Drayton Road and is served by its own access of Drayton Road. The remaining nearby residential property is Hounslow Hall which utilise the existing access which this proposal seeks to utilise and sits just beyond the piers entrance to the site, to the south of the access. Hounslow Hall is shown to be situated approximately 435m from the driving range itself.

- 5.33 The building would not result in any loss of light, privacy or outlook to those properties. There would be some impact in terms of the lighting to the driving range, however this would be directed to the range itself and not towards these properties and the hours of operation would limit the impact on light pollution which could be secured by condition.
- 5.34 In terms of the impact from traffic noise, there would be an intensification of the use of the access over and above that generated by 'Experience the Country', however environmental health do not have any objections and it is considered that it would be difficult to argue that any greater noise or disturbance would arise and demonstrate a greater harmful effect. Overall, the proposed development is considered not to have a significant adverse impact on the amenity of residential properties and therefore accords with policy GP8 of AVDLP, emerging policy BE3 of VALP and the advice within the NPPF.

### **Flooding and drainage**

Emerging VALP: I4 (Flooding) (*Moderate weight*)

- 5.35 The application site is located within Flood Zone 1 thus having a low probability of flooding with the Environment Agency Flood Map for Surface Water showing the majority of the site to lie within an area of very low risk of surface water flooding. Greater risks of surface water flooding are shown predominately along the perimeter of the site where the driving range is to be located. The application was accompanied with a Flood Risk Assessment.
- 5.36 The Infiltration SuDS Map provided by the British Geological Survey 2016, indicates that the water table is anticipated to be within 3m below the ground surface, as such this may have implications on subsurface components and suitable measures will need to be undertaken.
- 5.37 Surface water runoff from the proposed development will be managed through a connection to the nearby ordinary watercourse at 1l/s. Calculations indicate that the 1 in 100 year storm event plus 40% climate change allowance is able to be accommodated within the proposed swale.
- 5.38 In order to assess the viability of an infiltration-based scheme the applicant will be required to conduct ground investigations including infiltration rate testing in accordance with BRE365 and groundwater monitoring over the winter period. Consequently, the Lead Local Flood Authority has raised no objection to the proposed

development subject to conditions securing an adequate surface water drainage scheme and a whole-life maintenance plan for the site. Subject to these conditions the proposed scheme is considered to accord with emerging policy I4 of VALP and the advice within the NPPF.

### **Historic environment (Conservation Area, Listed Buildings & Archaeology)**

AVDLP: GP.53 (New development in and adjacent to Conservation Areas) GP.59 (Preservation of archaeological remains)

Emerging VALP: BE1 (Heritage assets) (*Moderate weight*)

Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

5.39 The application site does not fall within or is it located near to a Conservation Area nor are there any listed buildings or non-designated heritage assets which would be affected by the proposed development. Furthermore due to the nature of proposed works, the Council's Archaeology Officer has advised that there is unlikely to be any significant harm to the archaeological significant of any assets and therefore it is considered not to be necessary to apply a condition to safeguard archaeological interest.

5.40 Overall, it is considered the proposed works would not result in any harm to the setting of a conservation area, nearby listed buildings or any archaeological assets. Consequently, there is no requirement to offset the impact of the proposals against any public benefit. Great weight has been applied to the consideration of this application and the impact it would have on any designated heritage assets. As such it is considered that the local authority has discharged their statutory duty to pay special regard and attention to the desirability of preserving the setting of nearby listed buildings and the desirability of preserving or enhancing the character or appearance of the conservation area, as required by section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. It has been concluded that the development would preserve the character and appearance of the conservation area, the setting of nearby listed buildings and the archaeological interests of the area. In addition, it is considered no harm would be caused to the significance of these heritage assets, and as such the proposal accords with policy GP53 and GP59 of AVDLP, emerging policy BE1 of VALP and the guidance contained within the NPPF.

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

6.1 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

6.2 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.

6.3 There are relevant development plan policies that apply to this application. Those policies which are most important for determining this application are RA.4 and GP.35 are up to date and consistent with the NPPF. Consequently, the proposed development is considered to comply with the relevant policies within the Development Plan (AVDLP), its relevant emerging policies (VALP) and the advice within the National Planning Policy Framework as a whole. There are no considerations that indicate a decision otherwise than in accordance with the development plan. It is recommended that the application be Approved subject to the conditions listed below in 8.1 of this report.

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

7.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

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, pre-application was provided and the applicant was provided the opportunity to submit amendments to the scheme/address issues. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## 8.0 Recommendation

8.1 The Officer recommendation is that the application be approved subject to the following conditions:

### 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 materials to be used in the development shall be as indicated on the submitted application form.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 and RA4 of Aylesbury Vale District Local Plan, BE2 and NE4 of the emerging Vale of Aylesbury Local Plan and the National Planning Policy Framework.

- 3) The scheme for parking 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 and to comply with policies GP24 and RA4 of Aylesbury Vale District Local Plan, emerging policies T5 and T6 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

- 4) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- Demonstrate that water quality, ecological and amenity benefits have been considered
- 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
- Existing and proposed discharge rates and volumes
- Ground investigations including:
  - Infiltration in accordance with BRE365
  - Groundwater level monitoring over the winter period
- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 080 of the Planning Practice Guidance.
- Full construction details of all SuDS and drainage components

- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- Flow depth
- Flow volume
- Flow direction

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance policy RA4 of the Aylesbury Vale District Local Plan, emerging policy I4 of the Vale of Aylesbury Local Plan and Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

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

Reason: The reason for this prior to use condition is to ensure that arrangements have been arranged and agreed for the long term maintenance of the drainage system as required under Paragraph 165 of the National Planning Policy Framework in accordance policy RA4 of the Aylesbury Vale District Local Plan, emerging policy I4 of the Vale of Aylesbury Local Plan.

- 6) No other part of the development hereby permitted shall be brought into use until the access has been modified to include: 1) an additional, suitably located passing bay which widens the access to 4.8m between the turning for Hounslow Hall and the commencement of the bridleway; and 2) surfacing of the existing loose-stone surfaced passing bay with bitumen; and the aforementioned shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise danger and inconvenience to bridle way users to accord with policy GP84 of Aylesbury Vale District Local Plan, emerging policy C4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

- 7) The external lighting hereby permitted shall not be used after 21:00 hours nor before 15:00 on any day.

Reason: In the interests of the visual amenity and biodiversity in accordance with policy GP35 of Aylesbury Vale District Local Plan, emerging policies BE2, NE1 and NE4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

8) Prior to the installation of any external lighting, a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- location, height, type and direction of light sources and intensity of illumination.
- identify those areas/features on site that are particularly sensitive for wildlife 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
- 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 approved details and shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: In the interests of the visual amenity and biodiversity in accordance with policies GP8 and GP35 of Aylesbury Vale District Local Plan, emerging policies BE2, BE3, NE1 and NE4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

9) Prior to the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the measures outlined within the agreed Ecological Design Strategy (ARK Environmental, June 2020 and the following:

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out

(where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of improving the biodiversity of Aylesbury Vale and to accord with policy NE1 of the emerging Vale of Aylesbury Local 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 fences, gates, walls or any other enclosure/structure shall be erected within the application, the subject of this permission, without permission being sought from the Local Planning Authority.

Reason: In the interests of the visual amenity and biodiversity in accordance with policy GP35 of Aylesbury Vale District Local Plan, emerging policies BE2, NE1 and NE4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

**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.

**Appendix A: Consultation Responses and Representations**

**Appendix B: Site Location plan**

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

### Councillor Comments

Cllr Scott Raven: “Due to local concerns, both from Mursley and Drayton Parslow Parish Councils, regarding traffic and parking around the site, I believe that if being recommended for approval, the application would benefit from being brought before planning committee”.

### Parish/Town Council Comments

Mursley Parish Council: “Objects to this application. The application is not up to standard. The current iteration has no proper assessment on:

- Traffic
- Ecology
- Environment (the increased lighting needs to be assessed as it has an accumulative effect in the community).
- Heritage and the proposed development’s potential impact on any heritage”.

Newton Longville Parish Council: Raised some technical questions however no formal comments were received.

### Consultation Responses

*Buckingham & River Ouzel Internal Drainage Board:* The site falls outside the Boards district, in this instance the Board raised no comments.

*Ecology:* Raised no objection subject to conditions securing a Landscape and Ecological Management Plan and a lighting design strategy. In addition to a condition restricting the use of lights.

*Strategic Officer:* Raised no objection subject to condition securing an additional passing bay and the surfacing of the existing loose-stone surface passing bay.

*Landscape:* At present this proposal is not one that could be supported from the landscape perspective. Further information is therefore needed before a recommendation can be made. In particular, further information on lighting would be helpful, accompanied by a computer-generated zone of theoretical visibility assessment to supplement the information provided in the Visual Impact Assessment. Will ball stop fencing be provided, since the driving range ground levels fall away from the booths, and what will the remainder of the field be used for?

- In daylight hours there would be a local change in character from rural field to a more manicured suburban character which would be apparent in views from the nearby public right of way, but after dark the additional lighting, added to existing security lighting would have the effect of urbanising a wider area of the local countryside.
- The proposed development would not have an irreversible impact on agricultural land although at least part of the field would be taken out of cultivation for the foreseeable future, and apart from the lighting/floodlighting, the features as described would have relatively little wider visual impact as they are sited near a group of existing buildings.

- There is concern that if the application were to be approved there could be future additional landscape impact in the form of extra floodlighting: ball stop fencing which is usually required and can be quite high; targets, signage and posts; paths; additional booths, car parking, storage and other facilities if the enterprise is successful, etc.
- The heavy clay soil does not seem ideal for the proposed use and may require drainage and other modification.

*Environmental Health:* Raised no comments

*Highways:* Raised no objections subject to a parking condition.

*Archaeology:* Raised no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest.

*Natural England:* Raised no comments

*Environment Agency:* This planning application is for development the Environment Agency do not wish to be consulted on.

*SUDs:* Raised no objection subject to conditions securing a surface water drainage scheme and whole-life maintenance plan.

### Representations

63 comments have been received supporting the proposal:

- Leisure facility would be a great asset for the immediate catchment area given the large housing developments that have sprung up over the last few years
- Greatly enhance and provide a further reasons for visitors from further afield to visit the Cowpasture Farm, Experience the Country Ltd as a destination in a great location
- There are too many golf facilities being taken for housing
- Support it whole heartedly
- The loss of Wavendon has greatly reduced accessibility to such facilities and therefore it is welcomed and support any new establishment.
- Golf needs to encourage new participants and this is a great way to promote the sport and develop local business.
- It would be a good leisure amenity and practice facility for local golfers and people wishing to learn the game.
- At present there are too many leisure and golf facilities closing. This will help redress the balance.
- Depending where you reside there are limited opportunities for golfing practice enjoyed at the range.

- Many local members courses do not have their own ranges or the land enabling facilities so it's a useful extension.
- It provides interest and entry points for families to play golf and get conversant with the game.
- Golf is an expensive sport and driving ranges offer a viable option to enjoy the pastime.
- A very good leisure facility for all.
- It will be beneficial to the Community and reaches all ages and physical capabilities
- The recent closures of golf related facilities has led to overcrowding, unacceptable queuing times and the need to travel longer distances.
- This planned facility would offer local residents the opportunity to practice their game without having to travel long distances.
- There are reduced places to practice and have high quality lessons from a leading PGA professional.
- Milton Keynes and Aylesbury has a growing population and leisure facilities which are available regardless of weather conditions are growing in importance.
- Fully support the need for this facility
- Having a dedicated range and teaching facility would add value for the local golf community.
- This application is by an experienced golf professional, will offer much needed golf teaching and practice facility. The Instructor (Andrew Rouse – down as agent on the file) is an excellent teacher who can inspire the next generation of golfers.
- It is especially important to have a facility that allows greater use during adverse weather conditions i.e. faces North. The location of the new range would give a really good simulation of weather conditions (wind) which can challenge a golfers skill.
- As local residents we need as much social interaction as possible, it will help the local economy and give many people the chance to learn something new and keep fit.
- Supportive of all new sports centres opening as this is something a lot of kids and young adults can go to and participate in health sport related activities.
- It's a unique opportunity to attract all ages to a sports activity that our community lacks at the moment.
- The Council should support & encourage people who want to start their own business in the area.
- Due to the loss of Wavendon golf academy, Kingfisher golf and the proposed plans for Windmill golf centre, golf academies/ driving ranges are becoming very limited within our region.

- Difficult to see how something like this would not be a positive move for that area of the city bringing custom to the area that other businesses would benefit from.
- At a time when NHS bosses are crying out for people to live healthier lifestyles, it seems sensible to provide facilities to encourage participation in sport wherever possible.
- This would be an excellent idea and serve to encourage people of all ages to take up a sport that contributes to our health, competitive spirit and emotional and mental well being.
- Refreshing considering somebody is trying to build a sporting facility rather than tear one down.
- A project like this would offer employment. The Council should be encouraging new business in the area.
- The proposed location would have a very small environmental footprint.
- The proposed site is within an area currently used for other country sports and will be sited such that any noise or pollution from the lights will have no affect on local residents.
- The site appears to be ideal, it will have north facing bays so will not have any wind, rain or facing into the sun issues.
- Ever increasing demand due to the growth of Milton Keynes and Aylesbury
- No reason to reject this application
- Desperately needed recreation

2 comments have been received objecting to the proposal:

- There is no person with the name Mr Valerie Wood who lives or has permission to make any application called Mr Valerie Wood
- There is a legal discrimination issue involved No.4 Cowpasture Farm pending legal resolve
- The amount of additional daily traffic would cause a high amount of daily distribution to the main road leading to the Cowpasture estate and the flow of traffic in and out of the estate
- The main road is a well used road with high amounts of traffic usage at peak times, not well lit in the winter periods and would pose an issue with the probability of regular traffic blocks on the main road and a much higher probability of accidents taking place and the entrance to the Cowpasture estate is on a sharp bend, with bad sight and vision of oncoming drivers which again would cause a high risk of road traffic accidents and traffic blocks.
- The additional daily traffic reaching levels of over 100 cars in and out of the Cowpasture estate on a daily basis.

- There is no inclusion on the online application platform for this application that accounts for the poor electrical installation to the property estate and the electrical usage on the farm for 'Fire Risk' as no current electrical installation checks have been carried out on the estate. The last time the Aylesbury council attempted to check the electric wiring installation and usage, the Aylesbury Council EHO Officers were refused access by Mr and Mrs Wood to the estate to complete the checks and as such there is still a high fire risk on the estate.
- There may additional objections but as the wrong persons name has used to make the application as advertised, the public have not been given the correct information for the objections to be made.





## Report to North Buckinghamshire Area Planning Committee

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<b>Application Number:</b>	20/01260/ADP
<b>Proposal:</b>	Approval of Reserved Matters pursuant to outline permission 17/04041/AOP for appearance, landscaping, layout and scale of a residential development of 40 dwellings and discharge of condition 2: Reserved Matters (Appearance, landscape, layout and scale) Condition 8: Geophysical survey and archaeological evaluation Condition 12: Noise impact assessment
<b>Site Location:</b>	151 And Land To Rear Of 151 Station Road Quainton Buckinghamshire HP22 4BX
<b>Applicant:</b>	Barwood Homes Ltd
<b>Case Officer:</b>	Mike Davey
<b>Ward(s) affected:</b>	Great Brickhill
<b>Parish-Town Council:</b>	Quainton Parish Council
<b>Date valid application received:</b>	20/04/2020
<b>Statutory determination date:</b>	20/07/2020
<b>Recommendation</b>	Approval

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

- 1.1 This detailed scheme follows the refusal of permission of the outline proposal 17/04041/AOP and subsequently allowed appeal APP/J0405/W/18/3207382 where the principle of the development was accepted and this is a material consideration in the determination of this application.
- 1.2 The application has been evaluated against the Development Plan and the NPPF. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The application has been evaluated against the Development Plan, the emerging VALP as a material consideration, the Quanton Neighbourhood Development Plan and the NPPF. The Authority has assessed the application against the objectives of the NPPF and whether the proposals deliver 'sustainable development'.
- 1.3 The development would make a significant contribution to the housing land supply which weighs in favour of the proposal. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which also weighs in favour of the proposal.
- 1.4 Harm relating to the loss of a green field site was evaluated at the outline stage and the principle of development of this site was considered acceptable by allowing outline permission of up to 40 dwellings on this site.
- 1.5 Compliance with the objectives of the NPPF have been demonstrated in terms of the parking provision, promoting healthy communities, the design of the development, impacts on the natural environment and heritage assets. These matters do not represent benefits to the wider area but demonstrate an absence of harm.
- 1.6 Following significant amendments to the proposed site layout to better respond to the sites rural context, existing neighbouring residential development and the character of the existing settlement the details, subject to conditions, satisfactorily deal with the reserved matters of scale, appearance, layout and landscaping.
- 1.7 Weighing all the above factors and having regard to the NPPF as a whole it is considered that the proposal would accord with the development plan policies and there are no material considerations to indicate otherwise.

1.8 Cllr Scott Raven called in the application due to the strong local objection to the proposed development also raising issues relating to the lack of a comprehensive drainage plan, cramped nature of the development and parking issues.

1.9 The application is recommended for approval.

## **2.0 Description of Proposed Development**

2.1 The application site comprises an area of approximately 3.86 hectares of land located to the south eastern edge of Quainton and adjoining the Grade 2 Listed Buckinghamshire Railway Museum situated to the south. The application site includes the existing dwelling and rear garden fronting Station Road, together with an adjoining access lane to the land situated to the rear of No. 151.

2.2 The land to the rear currently comprises a relatively flat area of open grassland which is roughly square in shape, with a depth of approximately 194m by 212m in width, and situated to the rear of properties at No.'s 135 to 161 Station Road. The site is bounded to the north-west by houses and gardens that front Station Road, with hedging and landscaping on the north-east, south-east and south-west boundaries.

2.3 This application seeks approval to reserved matters following outline permission. The development is for the erection of 40 dwellings and associated works. At the outline stage, all matters were reserved except for means of access to the site, although an illustrative layout plan was provided.

2.4 As before, access is shown to be taken from Station Road following the demolition of the existing dwelling at No. 151 Station Road.

2.5 The development is shown to comprise market dwellings and affordable dwellings (30%). The market dwellings are shown to consist of:

- 2 x 1-bed flats;
- 10 x 2-bed houses;
- 19 x 3-bed houses; and
- 9 x 4-bed houses.

The affordable element is shown to consist of:

- 2 x 1-bed flats;
- 4 x 2-bed houses; and
- 6 x 3-bed houses.

2.6 The proposed houses comprise a mixture detached and semi-detached properties. The affordable provision is located in the south-western and north-eastern parts of the site.

- 2.7 An informal area of public open space is provided at the centre of the site formed around an existing pond on the site which is to be retained and enhanced as part of the proposals.

### **3.0 Supporting Information**

- 3.1 Condition 1 of the outline permission allowed at appeal requires the development to be carried out in accordance with the approved plans and submitted details. The approved plans were a Location Plan, Landscape and Ecology and a Demolition Plan.

- 3.2 The application is accompanied by the following supporting information:

- a) Design and Access Statement March 2020
- b) Noise Assessment Report April 2020
- c) Geophysical Survey February 2020

- 3.4 During the consideration of the application = amended plans were received in August 2020 and a full formal consultation was undertaken. Further additional plans have been received containing only minor changes to the scheme.

### **4.0 Relevant Planning History**

**17/00737/AOP** - Outline planning application with access to be considered and all other matters reserved for the erection of up to 80 dwellings with associated access, open space, landscaping and associated works. – Withdrawn

**17/04041/AOP** - Outline application (with all matters reserved except access) for the erection of up to 40 dwellings with associated access, open space, landscaping and associated works. – Refused and Subsequently Allowed on Appeal. A copy of the decision is attached as Appendix C.

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

- 5.1 The principle of development has been established by the outline planning permission the key issues for consideration are affordable housing, transport matters and parking, local plan policies and in particular design and layout, flooding and drainage, ecology and landscape issues.
- 5.2 Aylesbury Vale District Local Plan (AVDLP 2004): The report will identify where policies are not consistent with the NPPF and the weight to be afforded if the policy does not attract full weight.
- 5.3 The Quanton Neighbourhood Plan (QNP 2015-2033): The QNP covers the same area as the Quanton Parish Council and was made on 31 October 2016. Policies in the QNP carry full weight and a number of which are relevant to the determination of this application. This report will identify relevant QNP under the appropriate sections to follow
- 5.4 Emerging Vale of Aylesbury District Local Plan (VALP): This is now at an advanced stage and weight can be given to the relevant policies in the plan in accordance with the NPPF. The overall approach is:

- **Limited weight:** if there is a new and untested policy introduced by a main modification and subject to consultation.
- **Moderate weight :**where there are objections and the Inspector has requested main modifications and therefore objections can be regarded as being “resolved”. The context being that the Inspector has considered the proposed modifications and in agreeing them for consultation, has confirmed that he is reasonably satisfied that they remedy the points of unsoundness identified in the examination process so far (as set out in Inspector’s note ED185).
- **Considerable weight :** where there are objections but the Inspector has not requested main modifications (and as such the policy will not be changed in a material way) and the objections can therefore be regarded as being “resolved”.
- **Significant weight :**where there are no objections and no modifications. These policies are not going to be changed and the next step will be adoption and very significant weight.

The report will identify the weight to be given to the relevant emerging policies.

Supplementary Planning Documents (SPD): Affordable Housing, Sport and Recreation and accompanying Ready Reckoner and audit.

The National Planning Policy Framework

National Planning Policy Guidance

## 6.0 Principle and Location of Development

6.1 Aylesbury Vale District Local Plan: GP35 (Design of new development proposals); RA14 (Development at the edge of built up areas of settlements);

6.2 Quanton Neighbourhood Plan: E2 (Environment); H1 (Housing – Location of Development).

6.3 Emerging Vale of Aylesbury District Local Plan: S1 (Sustainable development for Aylesbury Vale) (*considerable weight*); S2 (Spatial strategy for growth), S3 (Settlement hierarchy and cohesive development) (*moderate weight*), BE2(Design of new development) (*moderate weight*).

6.4 Outline permission was allowed on appeal on 1 May 2019 following a 4 day public inquiry in March 2019. As such, the principle of residential development on this site and the amount of development has been previously considered and accepted.

6.5 The following sections of the report will consider the individual requirements of sustainable development to ensure that the factors weighed into the balance at outline stage are being delivered in this detailed application. The latest Five Year Housing Land Supply Position Statement for the Aylesbury Vale area was published April 2019, based on March 2018 data, which shows that the Council can demonstrate 5.64 years worth of deliverable housing supply against its local housing need in this area. This calculation is derived from the new standard methodology against the local housing need and definition of deliverable sites set out in the NPPF and NPPG.

## 7.0 Affordable Housing and Housing Mix

AVDLP: Policy GP2 Affordable Housing

QNP: H2 Housing

VALP: H1 Affordable Housing (*moderate weight*), H6a Housing Mix (*moderate weight*), H6c Accessibility (*moderate weight*), H5 Custom/self build (*moderate weight*)

SPD: Affordable Housing - Affordable Housing Interim Position Statement (November 2019)

7.1 The proposed development would provide for 40 dwellings making a contribution to housing land supply which is a substantial benefit to which significant weight should be given. Overall there would be a mix of types and sizes across the site as a whole which would accord with the provisions of the NPPF and is considered acceptable.

Market Housing	Number	Percentage	HEDNA %
1 bed flat	0	0%	4%
2 bed flat (bungalow)	2	7%	4%
2 bed house	4	14%	13%
3 bed house	13	46%	52%
4 bed house	9	32%	21%
5 bed house	0	0%	6.5%
Total	28	100%	100%

Affordable Housing	Number	Percentage	HEDNA %
1 bed flat	2	17%	9%
2 bed flat	0	0%	6%
2 bed house	4	33%	38%
3 bed house	6	50%	38%
4 bed house	0	0%	9%
5 bed house	0	0%	0%
Total	12	100%	100%

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

7.2 The S106 secured in the outline application requires 30% affordable housing with a tenure split of 75% affordable rent and 25% shared ownership which is still provided for in the proposals and is also a significant benefit of the scheme. The affordable housing is provided in clusters of 2 and 4 dwelling in north-eastern part of the scheme and 6 dwellings in the south-western part of the scheme (as shown on the proposed site

layout plan). The 30% provision accords with policy and the S106 requirements, and is acceptable.

7.3 Policy H2 of the QNP requires both housing development scheme to demonstrate a proposed mix and type of dwelling which reflects the projected needs in the village, including two and three bedroom properties suitable for families with young children. The majority of dwellings these proposals would deliver are a mixture of 2 and 3 bedroom properties suitable for families and therefore complies with this requirement.

7.4 Policy H2 also requires developments of 4 or more homes to provide 25% of dwellings to be suitable for inhabitation by older residents. The proposals provides 2 bungalows (7% of the overall market housing provision), which is not in accordance with this policy. However, given the recent case law relating to housing mix it is not possible to require provision at the reserved matters stage. While the proposal is not fully compliant with policy H2 the current provision within the application is considered acceptable

7.5 As such, the benefits are retained in these detailed proposals in terms of delivering a sustainable mix of market and affordable housing in accordance with advice contained in the NPPF and with AVDLP policy GP2, policy H2 of the QNP and emerging policy H6A of VALP.

## **8.0 Employment issues**

Achieving Sustainable Development para 8 of NPPF 2019

8.1 The Government is committed to securing and supporting sustainable economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development. It is considered that there would be economic benefits in terms of the construction of the development itself and the resultant increase in population contributing to the local economy which, should be afforded moderate weight in the scheme's favour.

## **9.0 Transport matters and parking**

AVDLP: GP24 (Car parking guidelines), SPG1: Parking Guidelines; RA.36 (Development causing traffic adversely affecting rural roads)

QNP: T1 Parking Provision; T2 Traffic, CF1 Community Facilities

VALP: T1 (Delivering the Sustainable transport vision), T5 (Delivering transport in new development) and T6 (Vehicle parking), Appendix B (Parking Standards), T7 (Footpaths and cycle routes), T8 (Electric vehicle parking) (all preceding have *moderate weight*) and T4 (Capacity of the transport network to deliver development – limited weight)

9.1 The development will be served by a single point of access in the form of Station Road, facilitated by the demolition of the existing dwelling at 151 Station Road. Details of the site access were considered satisfactory and approved as part of the outline planning permission. Condition No. 13 of the outline permission requires that the access be constructed in accordance with the approved details prior to the commencement of

development on the site. The reserved matters submission is consistent with those details.

- 9.2 Likewise, matters pertaining to the increased traffic in the village arising as a result of the proposed development were considered at outline stage. The outline application was supported by a Transport Statement. The Planning Inspector considered the highway matters to be acceptable subject to a S106 agreement which secured a number of highway safety improvements to offset the impact of the proposed development, including the upgrading of the footway along Station Road. The S106 agreement remains in place and the current proposals would not alter these provisions.
- 9.3 In respect of the amended layout proposed, the Highway officer advises that the general road layout is acceptable in principle and notes that the proposed carriageway widths of primary roads are in accordance with Manual for Streets guidance measuring between 4.8m and 6m wide. Where there are proposed footways within the residential area, the provision is appropriate and they are of adequate width as they are 2.0m wide. The removal of the larger areas of shared space that were present on the original site plan is also noted.
- 9.4 The amended site layout, by omitting the original double ended cul-de-sac arrangement in favour of internal loop roads allows the site to be serviced by refuse vehicles, more conveniently, as they would not have to turn around within the site. Vehicle tracking plans for refuse vehicles have been requested by the highway authority. A condition will be imposed to require these details to be submitted.
- 9.5 In respect of parking, the highway officer comments that, after assessing the submitted plan, they are satisfied that there are 76 parking spaces of sufficient size within the site as required by the current car parking standards.
- 9.6 They also noted that the site does have additional parking spaces above this amount going up to 105 spaces; however none of the parking is labelled as visitor parking.
- 9.7 The 'additional' parking spaces referred to in the highway officers comments are intended by the applicant to demonstrate parking provision across the scheme in accordance with the requirements of Policy T1 of the QNP which seeks a greater provision than required by the Councils adopted parking standards. Policy T1 would require the following provision:

Type of Home	Number	Parking Space requirement
1 bed	2	4
2 bed	10	20
3 bed	19	57
4 bed	9	27
<b>Total:</b>		<b>108</b>

- 9.8 The applicant has sought to respond to parking concerns raised by local residents and the parish council. The local concerns arise around the potential impact the

development could have for the on street parking issues in Station Road. In response the applicant has sought to provide enhanced parking provision within the site broadly in accordance with Policy T1 of the QNP.

9.9 105 on-plot parking spaces have been provided as shown on the latest revision of the proposed parking plan. Garages have been counted as contributing to on-plot parking provision and a total of 26 garage spaces contribute to the overall figure of 105 on-plot spaces. The overall parking provision across the scheme is therefore only 3 spaces short of satisfying the enhanced requirements of Policy T1 of the QNP and it is not considered that a shortfall of 3 spaces would be likely to result in on-street parking issues. The parking provision on the site is acceptable.

9.10 There is some use of triple stacking (two tandem spaces fronting garages) in the scheme. However, examples of triple stacking are limited with 7 of the 40 plots proposed with such parking. Effort has been made to reduce the amount of tandem parking across the scheme and the figure has been reduced significantly from the original proposals. It is important to strike a balance between the provision of independently accessible on-plot parking spaces because of the impact this can have on the quality of the street scene. Such development can appear to be very car dominated. The use of tandem spaces does aid in avoiding a development where the frontage of properties is dominated by car parking and allows for generally softer landscaped frontages and increased potential for street planting. The limited use of triple stacking is unlikely to result in cars being parked on the highway leading to highway safety issues. The proposals provide an appropriate level of on-plot parking provision.

9.11 The most recent set of amended plans provided a number of minor alterations to individual plot layout including a reduction in the depths of driveways across the scheme. These amendments were sought to ensure that residents would only have sufficient space on their driveway areas to accommodate the number of vehicles required by the parking standards and to avoid additional vehicles being squeezed onto driveways and potentially over-hanging the highway edge to the detriment of highway safety.

9.12 Overall the proposals from a highway perspective are considered to accord with relevant requirements in the AVDLP, VALP, QNP and the NPPF and this should be afforded neutral weight.

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

AVDLP: GP.35 (Design of new development proposals), GP.38 (Landscaping of new development proposals) and GP45 ('Secured by Design' considerations)

QNP: E2 Environment

VALP: BE2 (Design of new development) and NE4 (Landscape character and locally important landscape) (*moderate weight*)

### **Reserved Matter: Layout**

- 10.1 The planning inspector In considering the impact of the outline scheme on the existing settlement pattern, acknowledged the linear nature of existing residential along this part of Station Road, However the inspector also attributed significant weight to the development in depth which exists in the vicinity of the application site in contributing to the prevailing character of the area. The outline planning permission granted residential development on this backland site and therefore it is not possible to emulate the linear pattern of residential along this part of Station Road. As a consequence an alternative approach has to be adopted.
- 10.2 The outline permission included an indicative layout which featured an area of open space area in the eastern corner of the scheme centred around a double ended cul-de-sac, a retained pond close to the southern boundary of the developed part of the site and built form set away from the boundaries and generally inwards facing. This was intended to convey the general design principles of the scheme. It should be noted that the indicative layout plan was not approved as part of the outline permission allowed by the inspector and therefore whilst the current proposals should adhere to its general principles, they are not required to be carried out in accordance with the layout provided at this stage.
- 10.3 The proposed layout originally submitted with the application essentially comprised of a detailed version of the indicative layout submitted with the outline application, featuring a central road serving a series of cul-de-sacs with development backing onto the open countryside to the south . The existing pond on the site was to be retained but would be largely enclosed by built development and there was a proposed Local Area of Play (LAP) provision in the north-eastern part of the scheme formed around a double ended cul-de-sac.
- 10.4 Consideration of the detailed layout submitted gave rise to a number of concerns in carrying forward the general road layout featured in the indicative layout plan. The indicative layout considered at outline stage identified the importance of views to the south-east of the site which align with the access road into the site being kept open to retain the rural setting to the site. The original proposed layout, with specific reference to the citing of plots 22, and 23 failed to retain views to the wider countryside. it also failed to take the opportunity to make the existing pond a feature of the proposed layout and effectively closed it off from public view.
- 10.5 Additionally, with residential curtilages forming the boundaries of the site, the maintenance of these boundaries would have likely fall under private control. This arrangement had the potential to erode the effectiveness of the landscaped boundaries of the site over time as a result of private owners cutting back vegetation in order to provide more light to their properties or more open views into the countryside.
- 10.6 Parts of the site, within specific reference to the south-western corner which sought to accommodate all of the affordable housing provision appeared very cramped, particularly when compared with the far more spacious character of

dwelling formed around the LAP provision in the north-western part of the site. There were also issues relating to the proximity of individual plots to site boundaries and a street scene dominated by frontage parking. Overall, the proposals failed to take the opportunity to create a strong sense of place and respond positively to the rural characteristics of the site.

10.7 Officers have worked with the application and the layout has been redesigned in direct response to the aforementioned issues and to respond to concerns raised by third parties and Quainton Parish Council in their representations, particularly securing high quality design and achieving a more rural character for the development.

10.8 In terms of the structural layout, the revised layout provides two separate loop roads which facilitate the creation of two small perimeter blocks within the interior of the site with built development also backing onto the north, eastern and western boundaries of the site.

10.9 The importance of the southern landscaped boundary of the site, which will provide a landscaped buffer between the developed part of the site and the ecological enhancement zone to the south, is significant as this will essentially form the new rural edge of the settlement in this location. One of the key issues that the revised layout sought to address was to ensure that this boundary could be adequately safeguarded and maintained following the implementation of the development.

10.10 By providing loop roads situated adjacent to the southern boundary of the site, this takes the southern boundary out of private ownership of individual plots and brings it into the public realm. This approach is successful in alleviating the concern with the original layout that this boundary could potentially be eroded over time as residents sought to cut back the vegetation to provide greater views of the open countryside beyond from their private residential curtilages.

10.11 Playspace provision in the north-eastern corner of the site was omitted and an area of informal open space has been provided at the centre of the site, formed around the retained pond. The alterations to the structural road layout above have the benefit of opening up the central portion of the site and allow for the open space provision to enhance the setting of the pond to provide a focal point for the scheme. This has the effect of establishing a more rural character to the development and opens up views to the open countryside beyond, roughly aligned with the location of the site access.

10.12 The layout also provides for a variation in building lines with buildings set back from frontages, buildings turning corners and adequate space between buildings, in accordance with good urban design principles. The revised layout is particularly informal around the central open space and pond which helps to soften and provide a more organic, rural character to this focal point of the scheme whilst allowing for a somewhat more rigid, linear approach at the sites periphery which helps to make effective use of the site.

- 10.13 Some additional amendments were made more latterly which. related primarily to individual plot design within the scheme but, were not considered to materially alter the overall impact of the development such that formal re-consultation would be necessary.
- 10.14 Given the constraints of the site and the conditions of the outline permission, there are only a limited number of options as to how the structural layout of the site could be arranged whilst still making effective use of the land. Overall, the amended proposals are considered to represent a reasonable resolution to the development of the site which still delivers a quantum of development at the upper limit of the outline permission whilst complying with good general urban design principles and responding sympathetically to the sites rural context.

## **11.0 Reserved Matter: Scale**

- 11.1 The proposal for 40 dwellings will result in a density of development of approximately 23 dwellings per hectare which is consistent with the upper limit set out at outline stage. Building heights proposed are predominantly 2 storey with two examples of single storey bungalows at plots 24 and 29. Variation in the eaves heights of two storey dwelling types across the scheme has been provided to reflect the varied heights of existing dwellings in the surrounding area which form part of its character.
- 11.2 The existing frontage development on Station Road is a comparatively lower density, albeit there is significant variation in the scale of individual dwellings and plots. A number of plots in the vicinity of the application site fronting Station Road have been subdivided, which has resulted in some increase in the density of development in this location.
- 11.3 Whilst the proposed development would clearly have a greater density than the existing frontage development on Station Road the site sits behind, the inspector did consider that up to 40 dwellings on the site could be adequately accommodated. The proposal has come forward at reserved matters stage with this quantum of development. On this basis the density of the proposed development in of itself at 23 dwellings per hectare it not considered to be harmful.
- 11.4 Whilst some views of the development would be glimpsed in the gaps between dwellings fronting Station Road and along the proposed access road into the development site, proposed building heights are such that the roofs of dwellings when viewed from Station Road would not be overly prominent or obtrusive. The overall scale of the development would not be perceived in the context of frontage development along Station Road and it would not be visible unless viewed from further afield or from within the application site itself that the scale of the proposals would be appreciated.
- 11.5 The amended plans have situated the open space adjacent to the retained pond in the centre of the scheme creates a spacious open character at the heart of the proposals with the periphery of the site accommodating a higher density of built

development. This approach is considered to ensure the development is not overly urban in its form with larger dwellings arranged informally around the open space reminiscent of a small village green with smaller dwellings laid out in a linear fashion to make effective use of the less prominent part of the scheme.

11.6 Respecting the fact that the site effectively extends the existing settlement into the open countryside, the amended site layout sets two storey development away from the southern boundary of the site with the access roads providing an additional buffer between built development on the site and the new landscaped boundary which would be introduced as part of the proposals. Plot 29 is situated closer to this southern boundary than other properties however this dwelling is limited to single storey in height. As such the amended proposals respond sensitively to this important southern boundary in limiting the scale of built development situated adjacent to it.

11.7 The comments of local residents and the Parish Council in favouring a lower density of development are acknowledged. However, whilst elements of the proposed scheme are relatively high density and could be considered cramped in comparison with existing frontage development on Station Road, it is necessary to demonstrate what harm this cramped arrangement would give rise to.

11.8 The amendments to the proposals are considered to ensure that the overall character of the development site would not appear cramped or overdeveloped. A deviation from the existing settlement pattern on this site is an inevitability of the outline permission. However, it is not considered that the scale of the development proposed would harm the existing settlement pattern or character in this area which would remain characterised by the existing frontage development on Station Road. It is therefore considered that it would be difficult to sustain a reason for refusal on the basis of overdevelopment or failure to respond adequately to the existing settlement pattern given the findings of the inspector in the previous appeal.

## **12.0 Reserved Matter: Appearance**

12.1 The design statement submitted in support of the application recognises the varied character of development in the village in terms of the built form, scale and palette of materials. Dwellings in the surrounding area are comprise a mixture of red brick, London stock brick and white/cream render with roof materials being primarily a mixture of clay and slate tiles.

12.2 Chimneys are a common feature of dwellings across the village and add interest to their roofscapes. The submitted statement refers to a number of listed buildings within the village and large number of Georgian properties and small terraces of workers cottages situated around the village green.

12.3 The design of the proposed dwellings has taken a clear cue from the character of historic buildings throughout the village. The proposed development has been influenced by the existing street-scene, development within the historic core of the village and the sites rural context. There are a number of house types proposed which

create a varied and interesting streetscene across the site with adequate space around buildings. A number of amendments have been incorporated by the developer in relation to the design and distribution of different dwelling types across the scheme in order to better reflect the characteristics of the surrounding area in providing a varied character. General principles have been incorporated in almost all of the house types to include local architectural features and characteristics, with dwellings incorporating chimneys, curved brick arches, brick quoins and timber gable porches. Fenestration featured throughout the scheme features horizontal glazing bars to replicate the appearance of traditional timber sash windows. Limited use of bay windows adds further to this variety in the design of individual dwellings.

12.4 The design of garages across the scheme has been amended to be less urban in character and more in keeping with existing garages found throughout the village. Single garages across the scheme now feature dual-pitched roofs with front facing gables as opposed to the side gables originally proposed which were far bulkier and urban in character. Garages are also set back significantly from the highway and the front building line of dwellings thereby reducing their visual prominence in the street scene.

12.5 Turning to materials, details of facing materials have been provided, indicating the use of good quality materials throughout the site comprising red brick, London stock brick and ivory/off-white render for walls, and grey imitation slate or red clay tiles for roofs in keeping with the area and this settlement edge location. Notwithstanding this, a condition requiring a sample panel of the proposed materials to be erected on site for approval by the LPA is proposed, to ensure that the materials, mortar mix and pointing technique are satisfactory. Subject to this condition, it is considered that the proposal will be reflective of the established character and style of existing buildings in the locality.

### **13.0 Reserved Matter: Landscaping**

13.1 The submission is supported by a hard and soft landscaping scheme which has been amended as a result of alterations to the original site layout and in response to a number of key issues identified during the process of the application. The existing site is largely devoid of existing landscape features with the existing pond being the only significant feature to be retained as part of the proposals.

13.2 Existing boundary planting is to be retained and enhanced as part of the proposals and a new native species hedgerow is to be planted on the southern boundary of the developed part of the site adjacent to the ecological enhancement area. The new landscaped southern boundary to the site would be planted with a new native species hedgerow with a 1.2m high post and rail timber fence behind which is considered appropriate in establishing the boundary of the site with the open countryside. Where the development backs onto existing frontage development on Station Road the existing boundary is to be enhanced and a 2-3m managed planted

buffer zone introduced. Gated access into the buffer zones on either side of the site access would allow continued management of these boundaries.

13.3 The submitted landscaping plan shows that the key northern and southern boundaries of the site along with the landscaped area adjacent the site access and boundary hedgerows to the ecological enhancement area will be maintained by a management company. This will ensure that landscaping in these areas becomes properly established and is managed effectively moving forward.

13.4 Within the interior of the site, there are a number of key residential site boundaries in the revised layout which have been identified as being in relatively prominent positions within the public realm. These boundaries rather than utilising 1.8m close boarded fences in accordance with other parts of the scheme would feature 1.8m high evergreen hedges with brick walls set behind. This provision would improve the quality of the public realm in these locations significantly when compared with the use of close boarded fencing, which is of particular importance adjacent the access to the site and around the open space provision at the heart of the proposals.

13.5 The submitted scheme shows additional tree planting throughout the scheme in the rear gardens of residential properties, around the central open space and on site frontages. Whilst this provision is welcomed, it is considered that additional street planting and soft landscaping on the frontages of dwellings would improve the overall quality of the street scene and help to assimilate the development within the rural context of the site, particularly to break up and soften areas of frontage parking. It is considered appropriate to impose a condition to secure the provision of additional street planting details.

13.6 Subject to the imposition of appropriate conditions, the proposal overall is considered to accord with relevant policies and to represent good design as required by the NPPF. This should be afforded neutral weight in the planning balance.

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

AVDLP: GP.8 (Protection of the amenity of residents)

VALP: BE3 (Protection of the amenity of residents) and NE5 Pollution, air quality and contaminated land (*both considerable weight*)

QNP: H1 Housing

14.1 Given the constraints of the application site and limitations of the outline permission, there is only so much flexibility in respect of the layout of the site, which needs to respond to a number of factors, including neighbouring amenity.

14.2 The comments of the Parish Council and Station Road residents with respect of the density of the proposed development are acknowledged and it is agreed that a reduction in quantum would provide some greater flexibility. However, even if the quantum were significantly reduced a back to back relationship with existing properties on Station Road is an inevitability of the outline permission and the sites constraints.

The depth of the developed part of the application is not sufficient for a layout which avoids a back to back relationship with these properties and allows for an efficient use of the site in delivering sustainable development.

- 14.3 The introduction of a line of dwellings backing onto existing properties on Station Road will inevitably result in some loss of outlook that those existing properties enjoy. It is recognised Station Road residents would favour a lower density scheme with a greater level of separation so as to reduce this impact. However, loss of outlook is not a material consideration and planning permission cannot be refused on this basis.
- 14.4 In terms of loss of light and overlooking, the most relevant factor to consider is the level of separation between the rear of the existing properties fronting Station Road and the rear of the dwellings proposed. This establishes a back to back relationship with these properties. The level of separation between properties varies fairly significantly given the staggered building line of existing properties fronting Station Road however this is generally in excess of 30m. The lowest level of separation is between No. 137b Station Road and plot 10 at circa 24m.
- 14.5 Policy guidance suggests that a back to back separation distance of 21m in designing new residential development is adequate to avoid overlooking. Given the proposals form a new rural edge to the existing settlement, a greater level of separation would be appropriate when compared to a new development in an urban area. However, the level of separation provided exceeds the minimum 21m guidance figure and as such, whilst clearly a significant change in rural experience of the currently undeveloped site currently enjoyed by existing residents on Station Road would occur, a refusal of the application on the basis of overlooking could not be reasonably justified.
- 14.6 For the same reasons as above, given the scale of the proposed dwellings, orientation and level of separation, the proposals would not give rise to significant loss of light to existing residential properties in the vicinity of the site such that would warrant the refusal of the application.
- 14.7 As such, the proposed layout provides for adequate spacing between existing properties and the proposed new houses and no significant loss of light, privacy or outlook would result. Access to the open space provided within the development would be a benefit to existing residents.
- 14.8 An appropriately worded condition restricting the PD rights for dwellings additions and alterations, additional buildings, is recommended if the council is minded to approve the application to mitigate any potential additional impacts that might occur as a result.
- 14.9 A noise assessment has been provided in relation to the potential impacts of HS2 on the levels of amenity to be enjoyed by potential future residents of the scheme. The Environmental Health Officers are satisfied that the scheme is acceptable and that

satisfactory internal and external noise levels can be achieved subject to the development being carried in accordance with the submitted report.

14.10 It is considered that the proposed development would not unduly harm the residential amenities of nearby properties in terms of their light, outlook or privacy nor in terms of the noise or disturbance caused by the access, and provide a satisfactory level of amenity for the proposed residents. It is therefore considered the proposal would accord with policy GP8 of AVDLP, BE3 of VALP and relevant advice in this regard contained in the NPPF. It is considered this lack of impact should be afforded neutral weight.

## **15.0 Flooding and drainage**

VALP: I4 (Flooding) and I5 (water resources and wastewater infrastructure) (*both moderate weight*)

QNP: I1 Infrastructure

15.1 The site is within Flood Zone 1, an area in which flood risk is low. A Drainage strategy for the site has not been provided at this stage however conditions imposed on the outline permission require the submission of a foul water drainage scheme and surface water drainage scheme prior to the occupation and commencement of development respectively.

15.2 Whilst the LLFA have requested indicative details are provided at this stage and the applicant has been encouraged to provide this and also to consider the implications of alterations to the site layout in providing acceptable drainage schemes, this is not a requirement of the outline permission and details cannot be required at this stage.

15.3 Having regard to the above matters, it is considered that the development could be appropriately flood resilient and that surface water drainage and foul drainage details will be considered through the discharge of conditions process in accordance with the outline permission... As such the development would accord with emerging policies I4 and I5 of the VALP, I1 of the QNP and with the NPPF.

## **16.0 Landscape Impact Issues**

AVDLP: GP.35 (Design of new development proposals) and GP.38 (Landscaping of new development proposals). RA8 (Development in Areas of Attractive Landscape and Local Landscape Areas)

VALP: NE4 (Landscape character and locally important landscape) and NE8 (Trees, hedgerows and woodlands) attract moderate weight.

QNP: E2 Environment

16.1 The development comprises built development on an open field at the edge of the built-up area, consequently it is inevitable that the development will result in impact on the landscape. The impact on the landscape was an issue considered at the outline stage, and it was concluded that, subject to a good standard of design, the adverse landscape impact would not be significant enough to outweigh the benefit of

the 40 dwellings proposed. Indeed the inspector in para 39 of their appeal decision concludes that the development would result in a 'barely perceptible degree of change' to the landscape character assessment (LCA).

16.2 The design and layout of the proposed development has been amended significantly from its original form, in order to respond more appropriately to the site's rural context in establishing a new rural edge to the settlement in this location. Significantly, the southern boundary of the site is bordered by loop roads which not only provide greater separation of built development to the rural edge but also allows for the maintenance of the landscaped southern boundary of the site to be managed appropriately, as it would no longer form part of private residential curtilages.

16.3 As such, there is no reason to suggest that the impact of the proposed development in this regard is not consistent with the conclusions of the inspector in relation to the outline scheme. The application is therefore considered to comply with the requirements of the aforementioned policies.

## **17.0 Ecology**

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

QNP: NE2 Natural Environment

17.1 A key component of the outline permission was the provision of a ecological enhancement zone on the southern portion of the application site which is to be kept completely free of built development (including drainage infrastructure) in order to offset the impact of the development of the site and provide biodiversity net gains in accordance with the requirements of the NPPF.

17.2 Condition 17 of the outline permission requires the submission of an ecological mitigation and enhancement strategy (EMES) prior to the commencement of development on site (including vegetation removal). These details have been provided under a separate application reference 17/A4041/DIS. Alterations to the proposed site layout secured as part of the process of this application will need to be accounted for in an updated EMES. As discharge of these details is not sought by this application, and the amended proposals are consistent with the landscape and ecology plan (PL12C) approved as part of the outline permission, the application is considered to accord with the requirements of the development plan in this regard which is afforded neutral weight.

## **18.0 Historic environment**

AVDLP: GP53 - New development in and adjacent to Conservation Areas

VALP: BE1 - Heritage Assets (*moderate weight*)

QNP: E2 - Environment

18.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is generally

reflective of policy GP53 of the AVDLP and policy BE1 which make more specific references to individual characteristics which should be preserved and include, for example, views into or out of conservation areas. However, saved policy GP53 of the AVDLP is not entirely consistent with the 'language' of the NPPF set out in paragraphs 193 and 196 as they apply in this instance, because it doesn't go on to comment on a heritage assets 'significance', how this harm should be quantified, and the balancing of harm against public benefits. It is therefore considered that policy GP53 can only be given limited weight.

18.2 The site lies a significant distance to the south of the designated Quainton Conservation Area, the significant separation distance and intervening development ensure the proposals will not harm the setting of the Conservation Area.

18.3 The Council's heritage officer has reviewed the proposals in respect of their potential impact upon heritage assets in the area surrounding the site and concludes that, primarily due to a lack of intervisibility, the impact of the development will be negligible.

18.4 The potential impact of the development on the setting of No. 159 Station Road referred to in the Heritage officer's comments is noted and it is considered that the design and appearance of dwelling and landscaping provision considered earlier in this report is appropriate to ensure no harm to this non-designated heritage asset.

18.5 In summary, there is not considered to be a conflict with the NPPF in respect of heritage assets and the development would accord with the aims of Policies GP35 and the AVDLP, BE1 of the emerging VALP and E2 of the QNP. The proposed development would not result in any harm to the significance of the heritage assets in the surrounding area. Matters pertaining to Archaeology are considered separately under the following section of this report.

## **19.0 Archaeology**

AVDLP: GP.59 Archaeology and Ancient Monuments

VALP: BE1 Heritage Assets

19.1 This application seeks the discharge of condition 8 of the outline permission (Geophysical survey and archaeological evaluation).

19.2 In line with Condition 8 of Outline Application 17/04041/AOP, geophysical survey and archaeological trial trenching were carried out within the application site. Whilst we are still awaiting the report from the trial trenching, preliminary results were not of high archaeological significance, and would not impact on the reserved matters application. The Archaeology Officer therefore has no objection to the reserved matters application and does not consider it necessary to apply any further conditions to safeguard archaeological interest.

19.3 Whilst the discharge of condition 8 is not recommended by the Archaeology officer under the final report has been received and approved, it has been

recommended that conditions 9 and 10 of the outline permission can be discharged. The application is therefore considered acceptable in these terms which should be afforded neutral weight.

## **20.0 Infrastructure and Developer Contributions**

AVDLP: GP86-88 Play space provision for new residential development

VALP : I2 sports and recreation (Moderate weight), I3 Providing community facilities (Moderate weight)

QNP: CF1 Community Facilities

SPD: Sport and Recreation and Ready Reckoner

20.1 A detailed S106 agreement was signed as part of the outline permission, including 30% affordable housing provision, off site highway works including the upgrading of footways on Station Road and the provision of either a Local Equipped Area of Play (LEAP) on site or payment in lieu of on site play provision as well as monitoring for compliance with the provisions of the S106. These provisions would not be altered as part of the current reserved matters application.

20.2 Negotiations as part of the application, in consultation with the Councils parks and recreation officer, have considered the most appropriate way of carrying forward the requirements of the S106 in respect of playspace provision to provide the most benefits for the scheme. In the interests of making most efficient use of the land and following amendments to the layout of the scheme to bring the retained pond to the forefront of the scheme it was agreed that open space provision within the site should be formed around the pond to enhance its character and setting.

20.3 Given the rigid constraints regarding the provision of formal place space and the safety implications of having this located adjacent an open body of water it was agreed that the provision of an informal area of open space akin to a small village green would be in the best interests of the visual amenity and overall quality of the public realm provided by the proposals. Financial contributions will therefore be made in accordance with the S106 for off-site provision.

## **21.0 Other matters:**

21.1 The following conditions are considered as part of this submission:

- Condition 2 - details of the appearance landscaping, layout and scale of the site ('the reserved matters') - by virtue of this application this condition is satisfied;
- Condition 5 - Details of the materials proposed to be used on the external surfaces of the development and on the surfaces of the roads, footpaths and driveways - the Proposed Materials Plan (Revision E) submitted with this application is considered to provide adequate details to satisfy condition 5. Whilst samples of the proposed materials have not been provided, these can be secured by way of a new condition attached to the reserved matters permission.

- Condition 8 – Whilst the Councils Archaeological officer is satisfied that the results of the geophysical survey show that archaeological features would not impact upon the reserved matters submission, it has been recommended that this condition is not discharged until the final report has been submitted and approved.
- Conditions 9 & 10 – Due to the negative nature of the archaeological works undertaken, these two conditions can now be discharged
- Condition 12 – Noise impact from the proposed HS2 railway – The submitted noise assessment report submitted with this application is considered to provide adequate details to satisfy condition 12.
- Details pertaining to the discharge of Condition 16 - Construction Method Statement and Condition 17 - Ecological mitigation and enhancement strategy is pending consideration under a separate application reference 17/A4041/DIS

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

22.1 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.

22.2 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

22.3 This detailed scheme follows the refusal of permission of the outline proposal 17/04041/AOP and subsequently allowed appeal APP/J0405/W/18/3207382 where the principle of the development was accepted and this is a material consideration in the determination of this application.

22.4 The application has been evaluated against the Development Plan and the NPPF. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in this Framework taken as a whole. The application has been evaluated against the Development Plan, the Quanton Neighbourhood Development Plan, the emerging VALP as a material consideration, and the NPPF. The Authority has assessed the application against the objectives of the NPPF and whether the proposals deliver 'sustainable development'.

- 22.5 The development has already been assessed as making a significant contribution to the housing land supply with the outline permission which weighed in favour of the proposal. There would be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site which also weighs in favour of the proposal.
- 22.6 Harm relating to the loss of a green field site was evaluated at the outline stage and the principle of development of this site was considered acceptable for a development of up to 40 dwellings.
- 22.7 Compliance with the objectives of the NPPF have been demonstrated in terms of the parking provision, promoting healthy communities, the design of the development, impacts on the natural environment, impacts on the highway and heritage assets. These matters do not represent benefits to the wider area but demonstrate an absence of harm.
- 22.8 Following significant amendments to the proposed site layout the revised proposal now better responds to the sites rural context, the existing neighbouring properties and the character of the existing settlement. The details submitted, subject to conditions, satisfactorily deal with the reserved matters of scale, appearance, layout and landscaping.
- 22.9 Weighing all the above factors and having regard to the NPPF as a whole it is considered that the proposal would accord with the development plan policies and there are no material considerations to indicate otherwise.
- 22.10 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.

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

- 23.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 23.2 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.

23.3 In this instance the applicant was provided with pre-application advice and, following the submission of the formal application, meetings were held with the applicant's agent to discuss a number of issues with the proposals and to agree a way forward. The applicant was provided the opportunity to submit amendments to the scheme in order to address the issues raised and additional meetings were held, providing constructive feedback in order to find a mutually agreeable solution, in particular regard to the site layout.

23.4 The application is to be considered by the Planning Committee where the applicant/agent will have the opportunity to speak to the committee and promote the application.

## **24.0 Recommendation**

24.1 The application is recommended for **APPROVAL** subject to the following conditions:

1. The development hereby permitted shall only be carried out in accordance with the following drawing No's:

3546 - 10 - Housetype A (Rev B)

3546 - 11 - Housetype B (Red Brick) (Rev B)

3546 - 12 - Housetype C (Rev C)

3546 - 13 - Housetype D (London Stock Brick) (Rev C)

3546 - 16 - Housetype F (Rev C)

3546 - 19 - Housetype L (Rev C)

3546 - 20 - Housetype M (Rev B)

3546 - 24 - Housetype N (Rev C)

3546 - 26 - Housetype H (Rev A)

3546 - 28 - Housetype G (Rev C)

3546 - 30 - Single Garage (Rev A)

3546 - 31 - Double Garage (Rev B)

3546 - 33 - Housetype B (London Stock Brick) (Rev B)

3546 - 06 - Proposed Parking Layout

3546 - 34 - Housetype D (Red Brick)

3546 - 37 - Housetype G - Plot 1

3546 - 38 - Housetype G (London Stock Brick)

3546 - 39 - Housetype L - Plot 23

3546 - 40 - Carport – Plot 37&38

3546 - 41 - Single Garage – Plot 24

3546 - 42- Double Garage – Plot 23

3546 - 01 - Proposed Site Plan (Rev Z)

- 3546 - 03 - Materials Plan (Rev E)
- 3546 - 04 - Boundaries Plan (Rev G)
- 3546 - 05 - Hard Landscaping Plan (Rev E)
- 3546 - 06 - Proposed Parking Layout (Rev B)
- 3546 - 12 - Housetype C (Rev D)
- 3546 - 14 - Housetype E (Rev C)
- 3546 - 35 - Housetype C (Red Brick) (Rev A)
- 3546 - 36 - Housetype E (London Stock Brick) (Rev A)

Noise Assessment Report April 2020

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

2. The scheme for parking and garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the dwelling it serves 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 the National Planning Policy Framework.

3. No dwelling shall be occupied until the boundary treatment indicated on 3546 - 04 - Boundaries Plan (Rev G) serving that dwelling has been constructed/erected. It shall thereafter be retained.

**Reason:** To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and to comply with policy GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

4. 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 dwelling 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 policy GP8 and GP35 of Aylesbury Vale District Local Plan.

5. Notwithstanding the 3546 - 03 - Materials Plan (Rev E) approved by this permission, no

work above slab level permitted by this consent shall take place until samples of the proposed render, bricks, mortar mix specification and pointing technique have been provided to the Local Planning Authority by means of a sample panel measuring at least 1.5m by 1.5m (which shall remain on site for the duration of the development) and the Local Planning Authority has given written approval of those details. The development shall be carried out using the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy GP53 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

6. Notwithstanding the approved 3546 - 05 - Hard Landscaping Plan (Rev E), no development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The soft landscaping plan shall provide details of additional street planting and the soft landscaping of site frontages. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy GP9 and GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

7. A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas and open amenity areas, other than domestic gardens shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

**Reason:** In the interests of amenity and to ensure that adequate provision of open space is made within the development and to comply with policies GP86 and GP87 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

8. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy GP.35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

9. No development shall take place until a vehicle tracking plan has been provided detailing how large refuse and emergency vehicles would manoeuvre within the site. These details should provide clarification that a large vehicle can service the site and exit in a forward gear.

**Reason:** In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with the National Planning Policy Framework.

10. No work above slab level permitted by this consent shall take place until a plan identifying the location of passive wiring/future charging points for electric vehicles has been submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved details. Passive wiring to facilitate at least one future charging point connection per dwelling shall be provided.

**Reason:** In order to future-proof the development, support government objectives for electric vehicles and reduce the pollution impacts associated with traffic, in accordance with emerging VALP Policy T8 and the National Planning Policy Framework.

## INFORMATIVES

1. You are advised that Planning Obligations have been entered into in connection with this permission.
2. You are advised that, unless expressly indicated, nothing within this approval effects or varies the conditions imposed on outline planning permission no. 17/04041/AOP dated 01/05/2019 which must be complied with.
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. 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 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 8 weeks is required to draw up the agreement following the receipt by the Highway Authority of a completed Section 278 application form. Please contact Highways Development Management at the following address for information: -

County Highway Authority  
Buckinghamshire Council,  
Highways Development Management

6<sup>th</sup> Floor  
Walton Street Offices,  
Walton Street,  
Aylesbury  
HP20 1UA  
Telephone: 01296 382416  
Email: [highwaysdm.av@buckinghamshire.gov.uk](mailto:highwaysdm.av@buckinghamshire.gov.uk)

**Appendix A: Consultation Responses and Representations**

**Appendix B: Site Location plan**

**Appendix C: Appeal Decision 17/04041/AOP**

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

## Councillor Comments

**Cllr Scott Raven (Received 02/06/20)** – Due to strong local objection to the proposed development, I believe that if being considered for approval, the application would benefit from being brought before planning committee. As far as I can identify on the proposed plans, the site is lacking a comprehensive drainage plan, and up to 40 homes on the proposed site would be unacceptably cramped in design terms. Furthermore, due to the volume of homes being proposed, significant parking issues would arise in the immediate area, which is already struggling with the amount of on-road parking occurring. Ultimately, this development does not fit the local plan.

## Parish/Town Council Comments

### **Quinton Parish Council – (Received 18/05/20)**

#### **1. Introduction:**

1.1 The parish council **objects** to the application and will set out its reasons in the following sections.

1.2 The parish council will quote from the Appeal Decision of 1st May 2019 Appeal ref. APP/J0405/W/18/3207382 (the Appeal Decision).

1.3 The parish council also wishes to express dismay and disappointment that the applicant has failed to conduct any local consultation on the approval of Reserved Matters contrary to the guidance and spirit of paras 39 and 40 of the NPPF. Such consultation had it taken place may have negated or modified the parish council's comments and gone a long way to address local resident concerns as expressed in the public comments submitted.

1.4 Furthermore, the parish council is of the view this application cannot be considered properly without a comprehensive sustainable drainage plan being presented. Condition 11 is by far the most detailed condition (over 20 separate points) and will be fundamental as to whether 40 homes can realistically be built with a drainage infrastructure fit for purpose. The Inspector refers in the Appeal Decision to a sustainable urban [*sic*] drainage system being required.

1.5 It would have been of great encouragement to all had the applicant referred to their plans for the Lowland Meadow Enhancement Scheme under the obligations in the Unilateral Undertaking, but the applicant is silent on this matter.

#### **2. Visual Effect, Layout and Design**

2.1 The Inspector states in the Appeal Decision para 20 p.4 that:

*'With careful attention to the design of the proposal at the reserved matters stage the amenity of adjacent occupiers in particular in terms of outlook and privacy would be maintained.'*

2.2 The Inspector goes on to state in para 45 p.9 that:

*'The proposal is also for 'up to 40 dwellings' and the Council would be able to refuse any subsequent reserved matters application that they considered was unacceptably cramped or inappropriate in design terms.'*

2.3 Quanton Neighbourhood Development Plan Policy H1 states:

*'proposals for new homes will be supported where they respect the character of the immediate locality; contribute to local distinctiveness; and maintain appropriate amenity of adjacent dwellings.'*

2.4 The layout as shown in the Site Plan takes no account of the above requirements. No thought has been made to the amenity of existing residents as the largest cluster of houses (plots 1 to 13 and 37 to 40) back onto the linear line of Station Road presenting a visual intrusion. It would be more appropriate to locate the fewest number of dwellings behind and along Station Road as shown on the south western border (pond end).

2.5 The access road into the site along with proper landscaping could act as a substantial buffer between the existing dwellings and the new homes. The LAP (local area of play) is a waste of green space which could be used to provide a much more sophisticated area of habitat around the existing pond providing a more substantial and attractive vista onto the lowland meadow.

2.6 It is extremely unclear how the proposed landscaping will either soften or mitigate the visual effect of 40 houses. There is no longer reference to a 'green buffer' as presented in the outline application, and the hard landscaping plan refers to grass and soft landscaping. There are plans for instant evergreen hedging but not extending the same variety of established hedgerow, and a lack of tree planting. There is more detail on fencing and paving than green infrastructure.

2.7 Quanton Neighbourhood Development Plan Policy E2 states:

*'Beyond the Conservation Area, new buildings and extensions should be an asset to the street scene in terms of: quality of materials (respecting and complementing the materials used on buildings nearby); their location on a site; and their relationship with existing development.'*

2.8 The parish council is in full agreement with comments from Heritage that the applicant has ignored an opportunity to secure high quality design in a unique rural environment in direct conflict to the expectations detailed in section 12 of the NPPF in achieving well designed places.

2.9 Reference is made to be in keeping with the houses in the village by using red and London brick, but the house comparisons used are over a mile away in the village centre and not on Station Road where there is an eclectic mix of housing forms and materials.

2.10 It was always the parish council’s concern that the development would have an urbanising effect on the area, and the layout of housing achieves exactly that. There is a total lack of innovative positioning to make the most of the rural scene, and no variation in design and materials.

2.11 Overall, it must be questioned whether fitting 40 homes onto this site can provide a distinctive settlement that blends in with the surrounding area.

**3. Parking**

3.1 Quanton Neighbourhood Development Plan Policy T1 states:

*‘New homes with one or two bedrooms should be provided with at least two car spaces on the plot. For new homes with three or more bedrooms each property should be provided with at least three car spaces on plot and where possible, room for visitor parking.’*

3.2 Therefore, without an allowance for visitor parking the minimum requirement for this application is:

<i>Type of Home</i>	<i>Number</i>	<i>Parking Space requirement</i>
<i>1 bed</i>	<i>2</i>	<i>4</i>
<i>2 bed</i>	<i>8</i>	<i>16</i>
<i>3 bed</i>	<i>19</i>	<i>57</i>
<i>4 bed</i>	<i>11</i>	<i>33</i>
<b><i>Total</i></b>		<b><i>110</i></b>

3.3 It has been stated there are currently 76 spaces planned, and even if this does not include garages, the planned number is unacceptably low to comply with Policy T1 minimum standards.

3.4 During the neighbourhood plan consultation, parking was one of the top issues Quanton residents wanted addressed especially for new developments to ensure streets were not blocked or blighted by parking on verges and pavements, a key imperative as to how QNDP parking policies were agreed and formulated.

**4. Summary**

4.1 The parish council is of the view that the application as presented has not complied with several aspects of the Appeal Decision, does not accord with key policies of the Quanton Neighbourhood Development Plan or the National Planning Policy Framework.

4.2 There is also the question as to whether 40 dwellings are sustainable given the uncertainties over visual impact, density, drainage and parking requirements, and therefore the application should either be withdrawn or refused.

**The following Quainton Parish Council comments dated 25<sup>th</sup> September 2020, on the revised plans submitted with regard to this application, should be read in conjunction with the comments dated 18<sup>th</sup> May 2020:**

**1. Introduction**

1.1 The parish council has the following additional comments on the revised plans submitted for this application. The comments should be read in conjunction with consultee comments submitted to the planning authority on 18th May 2020.

1.2 The parish council has (via ward councillor Scott Raven) requested the application be ‘called in’ to Committee as per the process set out by the planning authority constitution. Whether the parish council will wish to continue to pursue a call in will very much depend on the applicant’s response to the matters raised.

1.3 At the parish council’s request, a remote Zoom meeting was held on 18th September between the applicant, representatives from the parish council and Quainton residents who had submitted comments to the planning authority on the application.

1.4 The outcome of the meeting was for the applicant to consider the changes asked for (in the main are detailed in sections 2 – 5), but to date there has been no response or contact.

**2. Visual Effect, Layout and Design**

2.1 The parish council has again considered the overall site layout and design as to whether they respect the character of the immediate locality; contribute to local distinctiveness; and maintain appropriate amenity of adjacent dwellings.

2.2 Residents directly affected by new homes situated to the rear of their properties (plots 1 - 12) are still concerned about:

- being overlooked
- the closeness of the properties and lack of privacy
- the lack of housing mix

2.3 The parish council is of the view there is an opportunity to mitigate these concerns by altering the angle of the properties so they are not directly facing the linear line of Station Road. Furthermore, housing types C,G,M should be reduced and replaced with other housing types particularly Type D (bungalows) to soften excessive height concerns.

*Part 9 of the Local Distinctiveness Analysis guidance states\*:*

Most villages have developed organically over time. Buildings can be parallel, gable on to the road or at any point between to create enclosure and intimacy.



*Houses contain space, with longer views avoiding any sense of claustrophobia*

\* source - AVDC Design Guide:

[https://www.aylesburyvaledc.gov.uk/sites/default/files/page\\_downloads/1.4%20Local%20Distinctiveness.pdf](https://www.aylesburyvaledc.gov.uk/sites/default/files/page_downloads/1.4%20Local%20Distinctiveness.pdf)

2.4 The parish council is disappointed that the style of housing and materials have not changed. Again, in line with guidance in the Local Distinctiveness Analysis there is an opportunity to have a variety of styles and materials prevalent in rural locations which as previously mentioned would complement the eclectic mix of housing along Station Road e.g.

- More chalk rendered properties (only 3 Type L properties are rendered)
- Use of flint and stone frontages
- Eave dormers and swept dormer roofs
- Porches

2.5 The parish council would fully support such changes to secure high quality design in a unique rural environment which also meets the expectations detailed in section 12 of the NPPF in achieving well designed places.

### 3 Landscaping

3.4 Detail on soft landscaping remains limited apart from the boundary treatments, and no information on any significant tree planting.

3.5 It is noted there is now an increase in the green space surrounding the pond. Along with more tree planting, there is scope to include smaller green spaces should the number of dwellings be reduced (see section 5).

### 4 Parking

4.1 We note the increase in parking spaces to 105 (includes garages) however, the spaces are compromised by the introduction of 'tandem' parking that experience has shown do not get used, and as a consequence there is the increased incentive to park on the street and verges.

4.2 The parish council wishes to seek a condition that permitted development be removed from altering or converting existing garages or car ports.

### 5 Housing density

5.1 The parish council has consistently maintained that the building of 40 dwellings on the site is not sustainable and contributes to many of the issues raised in relation to overlooking, parking, sustainable drainage and general layout.

5.2 The development is the single biggest house building project ever in Quanton and more worrying has been designed on urban grounds where with more vision the site could have a true rural character as set out in section 2.

5.3 This will be near impossible to achieve if 40 dwellings are maintained as frankly there is not enough space to play with.

5.4 We ask serious consideration is given to reducing the number of homes to 30. This would give much more flexibility for inclusion of more soft landscaping and the ability to angle or stagger those dwellings nearest to the adjacent residents.

5.5 While this may seem counter intuitive being a consequential reduction in 'affordable' homes from 12 to 9, this has no real impact on local Quainton residents wishing to rent a property as explained in section 6.

## 6 Informatives

6.1 The parish council needs to understand how the Lowland Meadow Enhancement Scheme under the obligations in the Unilateral Undertaking will operate and who is responsible for its operation and monitoring of performance

6.2 The parish council is curious as to the site name Romney Meadows, and at some stage would wish a more appropriate name be used for the long term.

6.3 The applicant should be aware that HS2 contractors plan to close Station Road South to the A41 fully or intermittently between October 2020 and July 2021 while they conduct major road improvements to Station Road and the A41 junction. This would be the most practical route for other construction traffic to access the application site. The proposed diversionary route is currently for traffic to access Station Road via the village centre which is of great concern.

6.4 There has been provision of affordable homes in recent years in Quainton with two Rural Exception Schemes being affordable housing for rent for people with a strong local connection totalling 11 dwellings.

6.5 The parish council holds a register of interest so that names from the register may be put forward for first consideration when a property becomes available. Over the last 4 years the parish council has successfully housed 3 individuals or families under the RES.

6.6 In addition, the Vale of Aylesbury Housing Trust (VAHT) manages 38 dwellings within the village which residents living locally may apply for via the Bucks Home Choice scheme. However, local connection is given little weight for these properties and the application site allocation of 8-9 properties would fall into this category to be part of the Aylesbury Area waiting list.

6.7 Therefore, unless some of the new affordable homes are committed to the Quainton RES there is little prospect of a local person getting priority for a rental property unless they have an overwhelming need e.g., they are homeless.

6.8 The parish council proposes at least 3 dwellings allocated for rental be part of the Quainton RES (e.g. 1 x 1 bed, 1 x 2 bed and 1 x 3 bed) and would work with the applicant and housing

partner to achieve this.

## 7 Summary

7.1 The parish council is of the view that the changes set out are in the gift of the applicant to address and make significant amendments to the development that would enhance the site to the benefit of all concerned namely:

- More privacy to protect the amenity of neighbouring properties
- A housing layout more conducive to a rural location
- A greater mix of housing types and materials
- Additional green landscaping
- A parking plan to comply with the Neighbourhood Plan parking policy
- An overall reduction in the number of dwellings
- Support to the local Rural Exception Scheme

### Consultation Responses

#### **Buckinghamshire Council Sustainable Drainage Officer (BC SuDS) – 21<sup>st</sup> April 2020**

Following the review of the information provided within the Design and Access Statement (March 2020, BHB Architects), the BC SuDS officer has noted that the applicant did not seek to address Condition 11 in relation to surface water drainage in the initial stage. Therefore, it has been highlighted that the development layout has been amended from the indicative outline proposals as set out in the Flood Risk Assessment and Drainage Statement (ref. ICS2272.07.003 Rev B and dated October 2017) and such it is unclear if the new proposed layout would allow sufficient space for the attenuation of surface water runoff through the use of SuDS within the site.

As such, the BC SuDS officer has requested that an indicative drainage plan to be submitted in order to demonstrate that the applicant can provide sufficient attenuation storage so as not to cause an increase in flood risk to future occupants or existing development as set out in the NPPF.

#### **BC SuDS – 21<sup>st</sup> September 2020**

Same with the above comments from 21<sup>st</sup> April 2020

#### **BC Ecology Officer – 21<sup>st</sup> April 2020**

Condition 2 forms a small part of the wider Ecological Mitigation and Enhancement Strategy (EMMS) which is required to be submitted as part of Condition 17 of the approval for this application. The EMMS is still to be submitted in support of this application site.

Nonetheless, the BC Ecology officer does not have any formal objections towards the two conditions that this application is asking to discharge.

### **Crime Prevention Design Advisor (CPDA)**

The design and layout submitted appear to incorporate the principles of CPTED (crime prevention through environmental design). Nonetheless, the applicant is advised to seek additional crime prevention advice, best practice and guidance on the Secured by Design website.

### **Buckingham and River Ouzel Drainage Board – 22<sup>nd</sup> April 2020/23<sup>rd</sup> September 2020**

No comments to make as the application site is outside of the Board’s district.

### **BC Parks and Recreation – 22<sup>nd</sup> April 2020**

The current proposal fails to provide a Local Equipped Area for Play (LEAP) as requested at the outline stage and therefore, this is considered unacceptable.

Given that the dwellings within the proposed development would be well over 1,000m straight line distance from Quanton’s main central open space and only play area, a LEAP must be provided on-site in order to ensure that all dwellings are within Fields in Trust’s recommended 400m safe walking distance of a LEAP. The Local Area of Play (LAP) provision cannot be accepted due to its limited play value and require that such provision to be included within the LEAP.

Nonetheless, sufficient open space is provided within the proposed development to accommodate a LEAP.

Due to this on-site Outdoor Playing Space and LEAP provision, the ‘full’ sport and leisure contribution, currently £138,182 based on the submitted bedroom per dwelling mix (2 x 1bed, 8 x 2bed, 19 x 3bed, 11 x 4+bed) will be reduced in accordance with our Ready Reckoner by 16.3% (£22,524) to £115,658.

### **BC Parks and Recreation – 15<sup>th</sup> September 2020**

The BC Parks and Recreation officer has decided to retract the previous request made on 22<sup>nd</sup> April 2020 for on-site sport and leisure facilities due to the restriction on public access to the Lowland Meadow, the Parish Council not being in favour of the previously proposed LAP and there being under 50 dwelling within the development. Instead, a full sport and leisure contribution has been requested based on the final approved bedroom per dwelling mix, as per the following table:

#### Financial Contribution

1 Bed	£1,375
2 Bed	£2,475
3 Bed	£3,300
4+ Bed	£4,812

### **BC Archaeology Officer – 24<sup>th</sup> April 2020**

No objections to the reserved matters application as the preliminary result of the trial trenching were not of high archaeological significance and therefore, it would not be necessary to apply any further conditions to safeguard the archaeological interest.

Notwithstanding the above, it is recommended that Condition 8 should not be discharged until a final report is received and approved.

Conditions 9 and 10, due to the negative nature of the archaeological works undertaken, can now be discharged.

### **BC Archaeology Officer – 21<sup>st</sup> September 2020**

Following the evaluation by geophysics and trial trenching carried out within the application site, a full report has been provided to and accepted by the BC Archaeology Service and therefore, no further works were required. As such, the BC Archaeology has no objections towards the discharge of Condition 8.

### **Environment Agency – 27<sup>th</sup> April 2020/10<sup>th</sup> September 2020**

No comments

### **BC Affordable Housing – 28<sup>th</sup> April 2020**

The number of affordable dwellings illustrated in the Site Plan Drawing No. 3546-01 satisfies the requirement for 30% affordable housing (12 units) and the mix of house types shown is suitable.

- Attention should be paid to the requirement in the s106 that at least 1 unit be Category 2 / M4(2) and 1 unit Category 3 / M4(2) of Part M Building Regs.
- The tenure of units has not been illustrated on an Affordable Housing Plan. There should be 3 or 4 shared ownership units and 9 or 8 affordable rent (total of 12 units). For shared ownership it is suggested 2 x 2 bed houses and 1 or 2 x 3 bed houses and the remaining for affordable rent.
- The Unilateral Undertaking (UU) clustering restriction of 5 affordable dwellings has been exceeded and therefore, this should be addressed.

As stated in the UU, no more than 21 private units are to be occupied until all the affordable units have been completed and transferred to a Registered Provider.

### **BC Affordable Housing – 25<sup>th</sup> September 2020**

Attention should be paid to the requirement in the s106 that at least 1 unit be Category 2 / M4(2) and 1 unit Category 3 / M4(2) of Part M Building Regs.

- It has been requested that such units should be identified and compliance with these regulations ensured.
- The tenure of units has not been illustrated on an Affordable Housing Plan. There should be 3 or 4 shared ownership units and 9 or 8 affordable rent (total of 12 units). For shared ownership it is suggested 2 x 2 bed houses and 1 or 2 x 3 bed houses and the remaining for affordable rent.

- The tenure of units should be illustrated on an Affordable Housing Plan.
- The Unilateral Undertaking (UU) clustering restriction of 5 affordable dwellings has been exceeded and therefore, this should be addressed.
- The Site Plan shows a cluster of 6 units which is in excess of these restrictions.

### **BC Highways Officer – 6<sup>th</sup> May 2020**

Within the outline consent application reference no 17/04041/AOP details of the internal estate road were not considered and the comments were based on the principle of the development. The latter has already been accepted, subject to Legal Agreement.

Nonetheless, the detailed layout of the estate roads proposed within this site is generally considered acceptable.

Site layout: The general layout is considered to be acceptable in principal and it is noted that the proposed carriageway widths of primary roads and shared surfaces are in accordance with Manual for Streets guidance. As such, it is considered that where there are proposed footways within the residential area, the provision is appropriate and they are of adequate width.

Shared space is proposed for a number of locations within the site. However, the Buckinghamshire Council has considered the 2018 request from DfT and decided to implement the pause on shared space schemes until further updates are received following the guidance review. This pause on shared space schemes does not include: raised junctions, speed tables, toucan crossings, cul-de-sacs and closes serving 25 properties or less, schemes where the contract to construct has already been awarded.

Parking: Following the assessment of the submitted plan, the BC Highways officer has considered that the proposed parking spaces within the site are of a sufficient number and size and therefore would comply with the parking standards. It has been noted that the site has additional parking spaces, however, they have not been labelled as visitor parking.

Tracking: It has been requested that further tracking data should be submitted in order to show that a large vehicle can service the site and exit in a forward gear.

Overall, based on the above, the BC Highway Authority has no objection in principal to the proposed development, subject to additional information.

### **BC Highways Officer – 11<sup>th</sup> September 2020**

The applicant has addressed the concerns raised in the BC Highways consultation response dated 6<sup>th</sup> May 2020 by submitting amended plans.

Site Layout: Larger area of shared space that were present on the original site plan have been removed.

Parking: There are 76 parking spaces of sufficient size within the site and therefore, this would comply with the parking standards. Furthermore, it has been identified that there are additional parking space above this amount, going up to 105 spaces, however, none of them are labelled as visitor parking.

Tracking: It has been requested that further tracking data should be submitted in order to show that a large vehicle can service the site and exit in a forward gear.

Based on the above, the BC Highway Authority has no objection in principal to the proposed development, but would require additional information.

### **Heritage Officer – 1<sup>st</sup> May 2020**

Whilst the development fails to fully capitalise on the placemaking potential of the site and utilise good design principles; the development would not harm setting of the designated and non-designated heritage assets.

#### Representations

##### Amenity Societies/Residents Associations

### **Quinton Village Society – 17<sup>th</sup> May 2020**

Quinton Village Society fully agrees with and supports the reasons stated for Quinton Parish Council's objections to this application. We consider those reasons to be so very thorough, detailed and pertinent that we have little extra comment to make.

Having walked the site with the Inspector at the time of the appeal and having listened to the long term knowledge of local residents, we are very aware of how wet and badly drained it always is, and of how relevant the universally accepted warnings about building on flood plains are (whatever the size).

It is also pertinent that creating a sustainable drainage system for the site, should this be possible, and at the same time dealing with the run-off from the proposed impermeable built areas, could merely result in shifting the problem to - and potentially overloading - drainage systems further down the line.

A further comment that we would add, however, is that we consider that the Inspector's decision, in allowing the appeal, appeared to be more concerned with the legal niceties of the interpretation of words than it did with the basic and established rules of planning in our village - and that the Inspector's decision should, in our opinion, be reversed.

### **Other Representations**

15 comments have been received from 8 separate households objecting to the proposal on the following grounds:

#### Residential Amenity

- Plot no. 13 would be directly overlooking into the living area of property no. 135A and would cause a lack of privacy;
- Any proposed windows that would be oriented toward no. 135 would impact the privacy of occupants at no. 135
- Having 3 dwellings erected at a distance of 2m from the boundary would have an impact upon the privacy of occupants at no. 135
- The revised plans removed an area of open space between the existing properties on Station road and the proposed dwellings and would therefore have an impact upon the

privacy of neighbouring dwellings as they would be situated in close proximity to their boundaries

- Should propose a green buffer or corridor of land along the rear boundaries of dwellings on Station Road
- Risk of new homeowners to cut back the proposed hedges and vegetation and therefore, would have an impact upon privacy
- The proposed dwellings would appear overbearing and would block the views towards the empty field

### Health

- Plot nos. 13 and 15 would be directly situated behind no. 135's pond, barn and stable block which houses 3 horses. The proposed works would pose an immediate health risk to the horses and owners of no. 135
- There is a matter of horse and animal welfare which is not being considered at all and the proposal would have the potential of causing a health risk

### Flood Risk/Drainage

- Flooding concerns given that the existing pond at no. 135 is an overflow for rain water from the stables that drains into a ditch and hedge next to where plot no. 14 is sited
- The application site is subject to flooding issues and during winter months or when there's significant rainfall, this would overflow in the gardens of dwellings on Station Road
- Resiting the pond as a water catchment area will not ease the flooding and would become a safety hazard (potential drowning)
- Would increase current flooding issues
- No structured drainage has been proposed
- Lack of comprehensible drainage plan
- The pipework of dwellings on Station Road are from 1960 and therefore, they have to be constantly cleared up. Bucks Rail Station is connected to the same pipework and therefore, the proposed development should seek an alternative system to remove sewage and rain water from the application site

### Character and Landscape

- The proposal would not be in keeping with the rural character of the village because the plot of land is too small to sustain 40 dwellings and the proposed design is fit for a town development
- The maintenance and fencing of the pond would impact the character of the area
- Frontage parking is not in keeping with the locality
- Poor design quality
- The existing pond will lose its local character
- Not enough space for open spaces or LEAP
- The visual layout and design are not in keeping with the character of the immediate area
- Housing mix not reflective of surrounding area
- No plan for the maintenance of landscaped boundaries

### Crime Prevention

- The proposed footpath between the rear gardens of existing dwellings on Station Road and the proposed dwellings would raise security issues and would enable criminal activity. The access road to proposed development should be located along the existing garden boundaries of the dwellings on Station Road and should have grass verges and vegetation
- The proposed boundaries between existing dwelling on Station Road and new development are not sufficient to mitigate the reduced security

### Traffic and Parking

- There would be increase in traffic as a result of the proposed works and in combination with HS2 will give rise to a significant increase in traffic
- Insufficient parking spaces have been provided which would enable cars to be parked on Station Road. Coupled with the fact that the Speeding Indicating Device allows cars to enter the village faster than they should, this would then increase risk of accidents

### Noise

- Would create a lot of noise and therefore, would have an impact on the residential amenity of dwellings on Station Road

### Design/Layout

- The general form of the layout is unsuitable given its location
- The appeal decision allows up to 40 dwellings and if a satisfactory layout cannot be achieved than the number of proposed dwellings should be reduced significantly
- The scheme is overdeveloped and cramped
- The quality of the proposed design and layout does not comply with Council's policies nor with Quainton NP's policies
- Inspector's interpretation of words was not correct and decision should be reversed
- A number of conditions have not been met at this stage
- The quality and appearance of the proposed dwelling are not in keeping with a rural development

### Trees

- 60ft White Poplar at No 153a Station Road would overhang into a new proposed dwelling and given it's size and consequent roof system any building within 30ft from the said tree would be subject to harmful risk if it were to fall down





## Appeal Decision

Inquiry Held on 12 to 15 March 2019

Site visit made on 14 March 2019

**by Richard Aston BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 1 May 2019**

**Appeal Ref: APP/J0405/W/18/3207382**

**Land rear of Station Road, Quainton HP22 4BX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr G Flint and Mr and Mrs G Richardson against the decision of Aylesbury Vale District Council.
- The application Ref 17/04041/AOP, dated 20 October 2017, was refused by notice dated 22 January 2018.
- The development proposed is described as '*outline application (with all matters reserved except access) for the erection of up to 40 dwellings with associated access, open space, landscaping and associated works*'.

### Decision

1. The appeal is allowed and outline planning permission is granted for development described as '*outline application (with all matters reserved except access) for the erection of up to 40 dwellings with associated access, open space, landscaping and associated works*' at 151 and land to the rear of 151 Station Road, Quainton HP22 4BX in accordance with the terms of the application, Ref 17/04041/AOP, dated 20 October 2017, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. The application was submitted in outline, with only access to be considered. I have dealt with the appeal in this manner. I have had regard to the submitted layout plan but as this is marked 'Illustrative' I have determined the appeal on the basis that it shows only one option for the layout of the development applied for. The address in the banner heading above has been taken from the application form but I have preferred the use of the address given on the appeal form in the decision above as this is a more accurate address for the location of the appeal site.
3. The Inquiry sat for 4 days from 12 March to 15 March 2019. On 14 March 2019 I visited the site and the immediate area on an accompanied basis before visiting a number of pre-agreed locations in the wider area on an unaccompanied basis. I also carried out an unaccompanied visit to the site and surrounding area before the start of the Inquiry.
4. A Statement of Common Ground ('SoCG') was submitted at the Inquiry. This sets out the policy context along with matters of agreement. There is

- agreement that the site lies in a sustainable location and despite the wording of the only reason for refusal this was not an issue pursued by the Council.
5. The Council also confirmed that the third reason for refusal would be overcome on completion of a S106 agreement and the fourth had been resolved prior to the start of the Inquiry. A draft planning obligation in the form of a Unilateral Undertaking ('the UU') was submitted before the Inquiry but due to the need for signatures I agreed a period of time for this to be submitted following the closure of the Inquiry. A signed UU dated 1 April 2019 was duly received within that timescale.
  6. The UU secures financial contributions for a policy compliant level of affordable housing, financial contributions towards open space and/or a Locally Equipped Area of Play, education contributions for a new teaching block at Waddesdon CE School, sports and leisure contribution, a highways contribution for improved bus services in the locality and an associated monitoring contribution. Further, a Lowland Meadow Enhancement Scheme to maintain and enhance a priority meadow habitat along with a sustainable urban drainage system.
  7. The Council's CIL statement sets out the detailed background and justification for each of the obligations in terms of their necessity, relationship to the appeal scheme and their reasonableness. In general, these matters were not controversial at the Inquiry and the need for the obligations was not in dispute. The Council has a CIL charging schedule in place and on the evidence before me the obligations would accord with the provisions of Regulation 122 of the CIL Regulations 2010 and the tests for planning obligations set out in the National Planning Policy Framework ('the Framework'). I have taken them into account and return to them in the planning balance below.
  8. A number of additional documents were received prior to and during the Inquiry, the latter of which as set out at the end of this decision. This included rebuttal proofs and further evidence in relation to housing land supply matters along with additional submissions at my request. The parties agreed that such evidence was integral to the main issues and third parties were given an opportunity to comment. Consequently, there would be no prejudice to any party from my consideration of these documents in determining the appeal and I have taken them into account.

### **Main Issues**

9. Given the above and based on the evidence submitted and heard in relation to the appeal the main issues are:
  - The effect of the proposal on the character and appearance of the area, including the landscape.
  - Whether the Council can demonstrate a 5-year supply of deliverable housing sites and the significance of my findings for this appeal.

### **Reasons**

#### *Planning policy context*

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The

statutory development plan includes the 'saved' policies of the Aylesbury Vale District Local Plan 2004 ('the LP') and the made Quainton Neighbourhood Development Plan 2016 ('the NDP').

11. The Council's reason for refusal alleges conflict with Policy GP.35 of the LP and Policies E2 and H1 of the NDP. In this context and insofar as paragraph 11 (d) of the Framework is concerned the matter of what are the most important policies was the subject of much disagreement along with the various potential reasons why the LP/NDP and policies might be regarded as out of date and/or the weight I should give to those reduced and whether the so called tilted balance in paragraph 11 (d) is therefore engaged.
12. Policy GP.35 of the LP is a design policy and the appellant's case did not seek to dispute that it is not relevant to outline applications and consistent with the Framework. I agree and I give it full weight. My attention was also drawn to Policies RA.13 and RA.14 of the LP by the appellant, the former not being relevant or most important because it relates to development within settlement boundaries. Appendix 4 includes Quainton and Policy RA.14 is permissive for residential or mixed-use development of up to 5 dwellings on a site not exceeding 0.2 hectares subject to 3 criteria. The Council accept that it is relevant as it relates to sites 'on the edge of the built-up areas of settlements listed in Appendix 4' but that it is not a 'most important policy'.
13. The Council also accept the policy is out of date and should be given very limited weight but that it is also 'generally consistent with the aim of the NPPF'<sup>1</sup>. I do not know the exact reasons why the Council did not include Policy RA.14 in the reason for refusal because despite it being considered out of date, the acid test of weight to be given, even if a policy is out of date, is its consistency with the Framework.
14. Nevertheless, in the context of the amended wording of the Framework the presence of this policy does not engage the tilted balance insofar as it is not a most important policy for the proposal before me. The Council also confirmed at the Inquiry that even if the tilted balance under paragraph 11 (d) was applied, the adverse impacts would significantly and demonstrably outweigh the benefits and I return to paragraph 11 of the Framework and the decision making process in the planning balance and conclusion below.

#### *The Quainton Neighbourhood Development Plan*

15. The NDP was made on 31 October 2016. Policy H1 of the made version supports proposals for new homes within the settlement boundary, subject to certain criteria, but there is a presumption against new homes outside the settlement boundary, '*except on sites adjoining the Settlement Boundary along Station Road where a distinct boundary to open countryside can be achieved and where appropriate amenity of adjacent existing dwellings can be maintained*'.
16. It was brought to my attention before the Inquiry that a main modification required by the examiner and endorsed by the Council was not carried through to the made version and that this error is the subject of a proposed claim for judicial review by the appellant. The modification amended the above wording to include '*back land development of homes behind frontage dwellings will only*

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<sup>1</sup> DR PoE paragraph 2.9.

*be supported where a distinct boundary to open countryside can be achieved and where appropriate amenity of adjacent existing dwellings can be maintained*'. The reason given for this was to be consistent with the Framework as it essentially did not plan positively to support development due to the restricted nature of the submission version.

17. The Council were unable to provide me with any satisfactory explanation of what happened and the simple fact is that it remains unclear to me whether the published version of the NDP is the lawfully made NDP. Nonetheless, I am required to determine the appeal in accordance with the development plan in force at the time of my decision and this includes the NDP as it stands. However, having done so the appeal site is clearly next to the settlement boundary which runs along the rear boundaries of properties on Station Road. As such in any reasonable interpretation based on the wording of the policy it *'adjoins the settlement boundary along Station Road'* and there is nothing in the NDP or evidence before me to persuade me the test should be restricted to a site that *'adjoins Station Road'*.
18. Although the Council have concerns regarding the ability to achieve a boundary given the possible size of rear gardens and the location of the boundary within and around the curtilages of residential properties, there is no cogent reason why an appropriate boundary could not be designed and secured at the reserved matters stage. The proposal provides space for a clear and definite landscaped hedgerow boundary that would be sympathetic with the pattern and type of field boundaries in the surrounding area. Subject to the details it could be distinct and well defined as required in the supporting text to the policy.
19. Dealing with the NDP as contended should have been made, no agreed definition of backland development is before me although the Council considered this was restricted to development of rear gardens. I do not agree with such a restrictive interpretation and as a matter of fact and degree it can amount to any land to the *'back'* or *'rear'* of existing development where it adjoins the boundary of that development or property.
20. In considering both versions the outlook from some of the adjoining houses would be noticeably altered, even with a potential set back of the new development to assist in mitigating the effects on those occupiers. However, planning is concerned with land use in the public interest so that private loss of view would not constitute a significant material planning consideration. The Council do not object on these grounds<sup>2</sup> and a satisfactory relationship is ultimately a design matter that could be negotiated and achieved at the reserved matters stage. This should include substantial additional landscaping along the shared boundary in order to soften the outlook from those properties. With careful attention to the design of the proposal at the reserved matters stage the amenity of adjacent occupiers in particular in terms of outlook and privacy would be maintained.
21. For these reasons, in both the version that was made and the one that it is contended by the appellant should have been made, the proposal would accord with Policy H1, the relevant requirements of which are set out above. Policy E2 is a matter to which I now turn to as that policy is concerned with matters of character and appearance.

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<sup>2</sup> Confirmed in CE by DR and in 4.16 of the SoCG.

*Character and appearance - Assessment of character*

22. The rectangular shaped appeal site forms part of a flat field of semi-improved grassland with a small field pond in the centre and well contained from the wider area by virtue of the existing hedgerows and development along Station Road. It lies to the south east of properties on Station Road, a relatively recent development of residential and other uses that sits between the village of Quainton, with its more historic and distinctive character and the Buckinghamshire Railway Centre ('the BRC').
23. When walking along Station Road from the bridge over the railway line I observed a linear character of residential development with the appeal site being visually contained by the existing landscaping on its southwestern boundary. However, I also observed that there was some substantial development at depth. This included the BRC complex with its large car park and complex of associated buildings, carriages and other rail related paraphernalia stretching south along the rail line and opposite. It was evident that such development extended some way beyond the rear boundary of the appeal site and was screened from it by substantial landscaping.
24. Directly opposite the entrance to the BRC is a large complex of rural commercial buildings and hardstandings extending for some depth from the road frontage and sited at a lower level than the carriageway. I also observed that further to the north development extended back from the frontage in the form of a nursery and its associated array of horticultural buildings. Other development was also evident at the rear including a large stable building abutting the north eastern boundary of the appeal site, a garage building on the appeal site and other single storey buildings further to the north.
25. Further along Station Road and on the opposite side there is a small development referred to as Seechfield and although the Council contended that this was development 'within the plot', nonetheless, the perception is of development extending back from the frontage. There were also a few more isolated examples of complexes of rural buildings and stables set back from the northern side of Station Road with access directly from it.
26. Whilst there are some differences in use and scale of those buildings, nevertheless, they are an intrinsic part of the settlement pattern and character of the southern end of Station Road. Put simply there is some linear frontage development but also development in depth and the former is not strong enough in both visual or spatial terms to prevail and form the overriding character of development in the immediate area. This was also my perception when viewing this part of the settlement from Simber Hill where I observed a linear pattern of development is not strongly defined or perceived so as to form the dominant character of development in that part of the settlement.
27. The parties agree that the site does not sit within a valued landscape for the purposes of paragraph 170 of the Framework. The site is also not subject to any qualitative landscape designations within the LP, the VALP or the NDP. The Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) are clear however that the fact that an area of landscape is not designated nationally or locally does not mean it does not have any value.
28. At the national level, the site is identified as falling within the 'Midvale Ridge National Character Area 109'. This comprises a band of low-lying limestone hills

giving extensive views across the countryside. The national profiles are necessarily broad in their descriptions but at a more local level, the Aylesbury Vale Landscape Character Assessment (2008) identifies the appeal site within the 'Westcott Claylands LCA 5.9' ('the LCA').

29. The LCA is composed of various sized fields, predominantly in pastoral use and united by a good hedgerow pattern around small to medium sized fields. Distinctive features, amongst others, includes natural, calcareous, and unimproved grassland. The associated landscape guidelines include, amongst other things, encouragement of the retention and strengthening of the historic hedgerow pattern including establishing new hedgerows and to maintain the extent and condition of neutral calcareous unimproved and semi-improved grassland, wherever possible, including encouragement of good management practices.
30. The immediate locality is also likely to be subject to considerable physical changes in the near future because of HS2 which will run on the opposite side of the BRC. This substantial infrastructure project is likely to include significant engineering works to re-align Station Road and what are likely to be considerable earthworks to change the topography and appearance of this part of the landscape dramatically. In combination with the Council's own allocated sites<sup>3</sup> on the northern side of Station Road and notwithstanding they are not part of the baseline; the locality is highly likely to see a considerable change through the introduction of a greater amount of built development that will affect the physical fabric and character of the LCA.

#### *Landscape character and appearance*

31. Both parties sought to undermine the respective Landscape and Visual Impact Assessments ('LVIA') but it was clear to me that both approaches had merit, albeit with some notable but not critical omissions that were examined at the Inquiry. Ultimately the content and opinions in such assessments involve inherently subjective judgements and I am not bound to accept even undisputed evidence and must also rely on my own judgment.
32. Both parties agree there would be a 'negligible' effect on the Midvale Ridge NCA and I agree. There is also agreement that the sensitivity of the landscape character is 'medium', and the difference lies between the 'negligible' and 'medium' 'magnitude of change' in year 1 contended by the appellant and Council, respectively and the effect of landscaping in future years. This equates to a 'moderate/minor' and 'moderate' significance of effect given the sensitivity is agreed as being 'medium'.
33. Clearly the change from an open field to a housing development, even allowing for landscaping and planting, would have a permanent effect and a consequent change in the appreciation of the immediate landscape by formation of a new edge to it. However, this would also be the case in relation to any greenfield development proposal and it is only a relatively small part of the much larger LCA. The key consideration is whether it would be so significant to be harmful and fail to comply with the policies of the development plan.
34. The submitted aerial photograph<sup>4</sup> clearly shows a number of regular shaped fields of different sizes and shapes and bordered by mature field hedgerows.

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<sup>3</sup> QUA0014-016.

<sup>4</sup> Appendix AM3 of AM PoE.

- The surrounding field pattern is geometric and can be seen and appreciated on the ground. The rectangular shape of the appeal site and the area of grassland that remains would be reflective of the natural landscape pattern, even more so than the Council's own indicative layout for QUA0014-016 would be.
35. The Council criticised the proposal as being development in depth which, it was alleged, would clearly and noticeably change the settlement pattern. My observations as set out above are that examples of development in depth exist elsewhere in the immediate area and are an intrinsic part of the settlement pattern along Station Road. Development on the appeal site would not be of a markedly substantial depth and would still be wrapped by the landscape and bordered by a suitable hedgerow.
  36. Linearity is clearly part of this but those buildings include substantial rural and commercial buildings extending back into the open countryside from Station Road. They are part and parcel of the way this area is perceived and the linearity of development is not so strong that it should preclude development to the rear in this part of the settlement, mindful that on my reading this is what the modification of Policy H1 of the NDP essentially allows for. The siting of this development would not result in a dissociation of the settlement or a perception of being severed from the wider landscape.
  37. The Council also contend that locally there would be a disassociation of hedgerows and a significant alteration to the setting of the pond. However, on the ground the boundary would align with the established hedgerow pattern to the north and be parallel to the existing field boundary. The geometric field pattern would still prevail and the proposal would not extend beyond the depth of the BRC car park or the stable and nursery buildings to the north. The pond is a feature of the landscape, but it did not appear to me to be such a distinctive landscape feature of such importance that its enclosure by additional housing signifies harm would occur to the landscape. Moreover, it would be retained and in the long term enhanced to provide ecological connectivity benefits as a breeding ground and pathway for Great Crested Newts.
  38. Small areas of Lowland Meadow, a Habitat of Principal Importance ('HPI') would be lost to accommodate the development but ultimately replaced by the creation of a slightly larger area of HPI which would benefit from greater protection and management. Mixed native hedgerows would also be planted and the areas and subject to conditions I am satisfied that there would be no net loss of HPI. Overall, there would be some ecological and environmental protection and enhancement in accordance with the landscape guideline of the LCA. This is also the type of enhancement that accords with Policy GP.35 insofar as it would be complimentary to the natural qualities and features of the area.
  39. Drawing my conclusions together on landscape effects, I share the appellant's view that the proposal would result in a barely perceptible degree of change and that the LCA in this location has the ability to accommodate the change proposed. To this extent the significance of effect would be 'Minor' as opposed to the more 'Moderate' and 'Major/Moderate' the Council suggests. There would not be unacceptable harm to the key characteristics of the landscape and moreover, some compliance with the guidelines within the LCA.

### *Visual effects*

40. The Council disagrees with the findings of the LVIA in 7 of the 10 viewpoints and further viewpoints were put forward by both parties<sup>5</sup>. Despite disagreement as to the robustness of the viewpoints initially selected I find the totality of the viewpoints were entirely representative of the experience of the appeal site and I subsequently viewed the appeal site from those additional viewpoints at my site visit.
41. In wider views I saw from my site visit that Simber Hill is a considerable distance away and views of the appeal site are obscured by development along Station Road. On clear day the roof tops of the houses would be visible, but the site is seen against the backdrop of the BRC and residential development in the foreground. This includes the perception of development at depth which will be further exacerbated by the Council's allocations at QUA0014-016. The relatively small scale of the appeal site when compared with the full panorama of the view of the landscape would, in combination with proposed landscaping, mean that any effect would be much lesser than the 'Moderate/Major' the Council suggests.
42. Due to topography I found no clear views from the Public Right of Way<sup>6</sup> ('PRoW') which runs broadly north south, some distance to the east of the appeal site and which sits at a lower level than the appeal site and with a number of intervening field hedgerows. From viewpoint 4 the upper storeys would be visible but the built form would be seen in the context of existing buildings to the rear and intervening vegetation. There would be a negligible deterioration in that view and the proposal would not be visually dominant to those using the PRoW. This would be even less from viewpoints 5 and 14 due to the lower level of the PRoW at these points and their distance from the appeal site.
43. Closer to the site the properties which bound the land along Station Road would have variable views from rear windows and gardens (viewpoint JB1), although some of these at ground floor would be filtered by the boundary vegetation which could be strengthened by additional tree and shrub planting. There are limited views of the site from Station Road itself (viewpoints 2 and 3) given the siting and layout of properties and small gaps and some minimal views of the housing would be seen through the access into the site. These would result in no more than 'Moderate/Minor' effects.
44. In terms of the additional viewpoints from the BRC (JB2 and 3) and additional 11 and 12 views would be filtered by vegetation and development within the BRC including a large brick building and train carriage shed. The visual effects would ultimately depend on the layout, scale and appearance of the development which are not matters before me, but I see no reason why a scheme could not be appropriately designed and accommodated on the site at the reserved matters stage. This includes the clear necessity that careful attention would need to be paid by any future developer to including variety in the dwelling heights and form so as to appropriately reflect the variety that exists along Station Road and is part of its character and appearance. This is plainly a detailed design matter to be negotiated at the reserved matters stage.

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<sup>5</sup> Viewpoints JB1, JB2, JB3 and 11, 12 and 13.

<sup>6</sup> The Bernwood Jubilee Way/North Buckinghamshire Way/Midshires Way and Outer Aylesbury Ring QUA/19/1 and QUA/19/2.

45. The roof tops would be visible locally, in particular from the additional viewpoints but not unduly so because there is intervening vegetation and sufficient opportunities for additional substantial landscaping. The houses would be more visible in Year 1 but not overly intrusive and there is enough space for soft landscaping so any future scheme is unlikely to result in an overly hard or dense edge to the site. Even in winter, views of the housing would be seen through the de-leafed branches and over time the landscaping both within the properties and development in general, would mature to further soften the effects. The proposal is also for 'up to 40 dwellings' and the Council would be able to refuse any subsequent reserved matters application that they considered was unacceptably cramped or inappropriate in design terms.
46. In the context of the existing built form and mindful of the likely and considerable changes through HS2 and the intended VALP allocations<sup>7</sup> in the immediate locality the proposal would not result in an unduly dominant or visually prominent development that would give rise to an undesirable suburbanisation of the site that would be harmful to its appearance or that of the area. There would be a change but the development's visual impact within its immediate surroundings would be highly localised and no more than 'moderate/minor'. It would not be overwhelming decisively negative.

*Conclusions on character and appearance*

47. Taking everything together, there may well be visual changes and even minor harm from a limited number of viewpoints in the short to medium term before the proposals assimilate into the landscape, along with the loss of a greenfield site. However, there would be overall compliance with Policy GP.35 of the LP which, requires that development should respect and complement the physical characteristics of the site and surroundings, the historic scale and context of the setting and the natural qualities and features of the area.
48. I also see no reason why quality materials could not be secured that would complement the substantial variety used in existing properties along Station Road and therefore achieve an appropriate relationship with existing development and be an asset to the streetscene. Accordingly, it would also accord with Policy E2 of the NDP insofar as compliance in such terms is required. Further, there would be no conflict with the conserving and enhancing the natural environment objectives of the Framework.

*Five-year housing land supply*

49. There were essentially 3 strands to the appellant's case, that allocated sites in the VALP should not be included in the deliverable land supply and that the Council's evidence base is not sufficiently robust for me to conclude a deliverable supply of 5 years. Further, that the amended definition of 'Deliverable' within the Framework means it is now a 'closed list' and excludes allocated sites. My attention was also drawn to how these matters have been addressed in other appeal decisions, albeit that they pre-dated the latest Government policy and guidance.
50. Whatever the courts may be required to ultimately decide on this latter point of law, for the purposes of this appeal the relevance of a conclusion on 5-year housing land supply is only necessary in considering whether there are material

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<sup>7</sup> QUA0014-016.

considerations that would indicate a decision should be made other than in accordance with the plan. In other words, whether the proposal should benefit from the application of the tilted balance in accordance with footnote 7 of paragraph 11 (d) of the Framework. However, in this appeal I have found compliance with the development plan, when read as a whole. Consequently, a conclusion on whether the Council has a 5 year supply has no significance for my decision and it is simply not necessary for me to reach a definitive conclusion on this matter.

### *Other Matters*

51. In reaching this view I have had regard to the representations made by third parties, Quainton Parish Council, and the Quainton Village Society. These concerns range from effects on highway safety through traffic increases, pressure on local infrastructure, facilities and services, lack of inclusion in the Council's HELAA<sup>8</sup>, the strategy of the VALP and loss of privacy through overlooking.
52. In terms of highway safety, the relevant highway authority does not object and having viewed the surroundings both during the day and early evening I do not consider the proposal would result in harm to highway safety. Contributions towards highway improvements are secured by condition and education contributions within the UU. There is also nothing substantive from the relevant providers that suggests local services and facilities would be placed under unacceptable pressure that would not be mitigated by the combination of suggested conditions and obligations before me.
53. Given the most important policies are concerned with character and appearance and I have found compliance with those and the LP as a whole, it is not determinative in my view that the VALP identifies a future share of housing development for Quainton. I am also mindful that there is some inherent uncertainty as to whether Quainton will be the subject of further housing considering the uplift required by the VALP Inspector and in light of that Inspector's view that 'it may be possible for the Council to meet it entirely by additional allocation close to Milton Keynes'<sup>9</sup>. This in no way indicates to me any degree of certainty that it will and nothing substantive was put forward by the Council at the Inquiry to demonstrate otherwise. Despite the Council's best intentions, they may not be able to secure the number of dwellings required by the uplift at the preferred locations, not least because those sites are subject to co-operation from neighbouring authorities and ultimately may not come forward as envisaged. That is not sufficient justification for objecting to a proposal that I have found to be sustainable development.
54. My attention has also been drawn to the issue of precedent. However, I see no reason why, if this proposal were to be allowed, that it would undermine the Council's ability to exercise its judgement in relation to similar development proposals on this or other sites, especially because each case is determined on its own merits and because each site will have different constraints and opportunities.

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<sup>8</sup> Housing and Economic Land Availability Assessment.

<sup>9</sup> Inspector's response to Council's reply to his Discussion Document D5 – ID3.

55. Quainton Parish Council have referred to a previous decision at land known as The Strand<sup>10</sup>. However, I have not been provided with the full details and so cannot be certain that it is directly comparable, noting that its location is not within the Station Road area, being much closer to the historic core of Quainton village. It does not therefore alter my views in relation to the main issues and in any event, each case must be determined on its own merits.
56. I appreciate there will be local disappointment with my decision not least given residents' involvement in creating the NDP, the likely impending effects of HS2 in such proximity to the settlement and what they perceived to be the erosion of the reasons why Quainton was chosen for many of them to settle with their families. The proposal however would allow for others to settle, including those in need of affordable housing. This would add positively to the mix and overall diversity of the community whilst also complying with the NDP in an area of generally high housing demand.
57. There was also some criticism by the Council and third parties of the approach to the site following a previous scheme for 80 houses that was withdrawn in July 2017. However, it appears to me that the evolution of the scheme before me demonstrates the very type of compromise that the planning system seeks to achieve. Moreover, the fact that an earlier scheme proposed more houses and this has subsequently been reduced has no real bearing on the planning merits of the appeal before me. Thus none of these other considerations, on their own or in combination, alter my view to allow the appeal.

### **Conditions**

58. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. The appellant has confirmed in writing acceptance to the wording of pre-commencement conditions. A condition is required to ensure compliance with the approved plans and other submitted details as access is a matter to be considered and in the interests of ecology and for the avoidance of doubt as this provides certainty. I have attached conditions limiting the life of the planning permission and set out the requirements for the submission of reserved matters in accordance with the Act albeit there is no need for suggested condition 3. To ensure the housing is delivered in the short term as intended by the appellant the commencement condition has been amended to 18 months following the date of approval of the reserved matters, the timescale for submission of those has also been reduced to 18 months.
59. Material samples are required in the interests of the character and appearance of the area and for the same reason that no development shall exceed 2 storeys in height. By virtue of proximity to Archaeological Heritage Assets, conditions are necessary to record and/or safeguard any such assets. To ensure that the development does not result in sewerage flooding, a condition is necessary to ensure approval and implementation of appropriate details. In the interests of preventing surface water flooding, a further condition is necessary to require the approval and implementation of a Sustainable Urban Drainage System. In the interests of safeguarding the living conditions of future occupants, conditions are necessary to require the submission and implementation of a noise assessment due to the proximity of the proposed HS2 route and other rail schemes and a Construction Method Statement.

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<sup>10</sup> APP/J0405/W/16/3157098.

60. In the interest of highway safety a condition requiring the new access to Station Road to be constructed as approved is required. Further, that the footway on Station Road and proposed pedestrian and other highway safety improvements, as detailed in the submitted Transport Statement, are carried out. In the interests of ecology an Ecological Mitigation and Enhancement Strategy based on the submitted BSG Ecological Appraisal is also necessary.
61. Conditions 9, 10, 11, 13, 16 and 17 are conditions precedent and were agreed by the appellant at the Inquiry. I am satisfied that they are fundamental to the development to ensure that it does not occur until such matters are resolved, in the interest of heritage assets, flood risk, highway safety, living conditions and ecology.

*Planning balance and overall conclusion*

62. For the reasons given above the proposal would comply with Policy GP.35 of the LP and Policies E2 and H1 of the NDP, the former as made or the version that is contended should have been made. The proposal would therefore comply with the development plan, when read as a whole.
63. The proposal would also result in ecological enhancements through the creation of HPI and associated better management and maintenance. The provision of housing, delivered in a shorter period than normal weighs in favour of the proposal, not only in the light of national policy to significantly boost the supply of homes but also the provision of 30% affordable housing in an area of generally high housing demand, irrespective of the 5 year supply position<sup>11</sup>. There would also be short term economic benefits during construction, an increase in spending in the local economy from future residents and future support for local services and facilities which also weigh in favour. For the avoidance of doubt, I give no weight to those contributions which are to simply mitigate the effects of the proposal and contained within the UU.
64. Overall, the proposal would fulfil the social, economic, and environmental dimensions of the definition of sustainable development. My finding of compliance with the development plan means the proposal would be the sustainable development for which paragraph 11 (c) of the Framework indicates should be approved without delay. It is therefore simply not necessary to consider the requirements of paragraph 11 (d) any further.
65. In conclusion, the proposal would comply with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

*Richard Aston*

INSPECTOR

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<sup>11</sup> DR accepted at the Inquiry a deficit of 813 dwellings should have been provided by April 2018 and that this deficit should be given 'considerable weight' as a material consideration.

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Ms Caroline Daly, of Counsel instructed by Aylesbury Vale District Council

She called

Mr Jonathan Bellars Aylesbury Vale District Council  
BA MA PhD

Mr Asher Ross GL Hearn  
Dip TP

Mr Daniel Ray Principal Planner  
BSc (Hons) Msc MRTPI Aylesbury Vale District Council

### FOR THE APPELLANT:

Mr Paul G Tucker, of Queens Counsel instructed by Mrs Jacqueline Mulliner  
Terence O'Rourke

He called

Andrew Macquire Aspect Landscape Planning  
BA (Hons) DipLA CMLI

Jacqueline Mulliner Terence O'Rourke  
BA (Hons) BTP (dist) MRTPI

### INTERESTED PERSONS:

Mr Arthur Evans Chairperson Quinton Parish Council  
Mr Brian Fludgate Clerk to Quinton Parish Council  
Mr Martin Jacobs Quinton Village Society  
Mr John Ashton Pye Homes  
Mr Ashley Maltman Pye Homes  
Mr G Richardson Appellant  
Mrs Vivian Craker Local resident  
Mr Lee Whitlock Local resident  
Mr Freddie Humphreys Kings Chambers

Gerald Richardson Roger Cleal  
Joan Cleal Mr A Holland  
Claire Lucas John Rust  
Hazel Pearson Keioth Sutton  
Angela Gladwin David Gladwin  
Robin Woodruff Brian Rainbow  
Emma Rainbow John Coote  
Shirley Coote David Warner

**DOCUMENTS SUBMITTED AT THE INQUIRY**

<b>Document Number</b>	<b>Document name</b>	<b>Submitted by</b>
<b>Document 1</b>	GLIVIA Statement of Clarification 2/14 and extracts	Council
<b>Document 2</b>	AM/JB Landscape and Visual Effects Comparison Tables	Appellant
<b>Document 3</b>	VALP documents – AVDC response to discussion document D5 and Examining inspector’s response 4 March 2019	Council
<b>Document 4</b>	Opening submissions on behalf of the appellant	Appellant
<b>Document 5</b>	Opening submissions on behalf of AVDC	Appellant
<b>Document 6</b>	Statement of Mrs V Craker	Mrs V Craker
<b>Document 7</b>	Referendum version of Quainton Neighbourhood Development Plan 2015 - 2033	Council
<b>Document 8</b>	Appeal Statement of Common Ground	Council
<b>Document 9</b>	Housing Land Supply Statement of Common Ground	Appellant/Council
<b>Document 10</b>	Housing and economic land availability PPG extracts	Appellant
<b>Document 11</b>	AVDC Landscape Architect response to application 17/00737/AOP	Council
<b>Document 12</b>	Planning Statutory Review Claim Form – Court ref: CO/86712019	Council
<b>Document 13</b>	Draft planning conditions	Council
<b>Document 14</b>	Amended planning conditions	Council
<b>Document 15</b>	CIL Compliance Schedule	Council
<b>Document 16</b>	Pye Homes written agreement to pre-commencement conditions	Appellant
<b>Document 17</b>	VALP allocated sites QUA014-16 chronology of events	Council
<b>Document 18</b>	Addendum to statement of common ground on housing land supply	Appellant/Council
<b>Document 19</b>	Housing land supply comparison tables	Appellant/Council
<b>Document 20</b>	Statement of Mr L Whitlock	Mr L Whitlock
<b>Document 21</b>	AVDC closing submissions	Council
<b>Document 22</b>	Appellant closing submissions	Appellant

**DOCUMENTS SUBMITTED AFTER THE INQUIRY**

<b>Document 23</b>	Completed S106 agreement (Unilateral Undertaking)	Appellant
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## SCHEDULE

### CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans and submitted details:
  - Landscape and Ecology Plan PL12C
  - Demolition Plan PL02B
  - Location Plan L01A
2. Details of the appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development commences and the development shall be carried out as approved.
3. Application for approval of reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission.
4. The development hereby permitted shall begin before not later than 18 months from the date of approval of the last of the reserved matters to be approved.
5. No development above ground level shall take place on the building(s) hereby permitted until details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.
6. No dwelling shall be occupied until details of the foul water drainage scheme for the site have been submitted to and approved in writing by the Local planning authority and no dwelling shall be occupied until the approved foul drainage scheme serving that dwelling has been implemented as approved.
7. No building on any part of the development hereby permitted shall exceed 2 full height storeys in height.
8. Prior to the submission of the reserved matters the applicant, or their agents or successors in title, shall have undertaken archaeological evaluation in form of a geophysical survey and trial trenching in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority. Where significant archaeological remains are confirmed these will be preserved in situ.
9. Prior to the submission of the reserved matters where significant archaeological remains are confirmed, no development shall take place until the applicant, or their agents or successors in title, have provided an

appropriate methodology for their preservation in situ which has been submitted by the applicant and approved by the local planning authority.

10. Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording no development shall take place 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 local planning authority.

11. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- Demonstrate that water quality, ecological and amenity benefits have been considered
- Assessment of water quality and demonstration that the surface water drainage strategy meets the criteria of the SuDS Manual in relation to pollution treatment.
- Existing and proposed discharge rates and volumes
- Ground investigations including:
  - Infiltration in accordance with BRE365
  - Groundwater level monitoring
- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy listed in the National Planning Policy Guidance. This may include surveys and confirmation from third parties.
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, volumes of all SuDS components and details of land raising
- SuDS components agreed in the outline application
- Full construction details of all SuDS and drainage components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of any proposed land raising works with demonstration that this will not cause an increase in flood risk to existing and proposed development
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
  - Flow depth
  - Flow volume
  - Flow velocity
  - Flow direction

- Prevention of the discharge of water onto the public highway.

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the local planning authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

12. The applicant will submit with any detailed planning application for approval by the local planning authority a full assessment of the potential noise impacts from the proposed HS2 railway, the upgraded East West Rail Link and the Quainton Railway Society Site.

The assessment should use data contained in the HS2 Environmental Statement, the draft East West Rail Environmental Statement or the final version if published at the time of the assessment, and an assessment of the noise generated by the Quainton Railway Society premises conducted in accordance with BS 4142:2014. The assessment should consider both the individual and cumulative impacts of these sources.

The assessment should indicate any mitigation necessary to ensure that the guideline sound levels, shown below, in the proposed dwellings and the associated private amenity spaces are not exceeded. The mitigation shall subsequently be implemented in accordance with the approved details

Location	Daytime	Night time
	07:00 to 23:00	23:00 to 07:00
Living Room	35dB LAeq,16hr	
Dining Room	40dB LAeq,16hr	
Bedroom	35dB LAeq,16hr	30dB LAeq,8hr
		45dB LAmaxF
External private amenity spaces	50dB LAeq,12hr (07:00-19:00)	

13. No development shall take place until the new access to Station Road has been constructed in accordance with drawing no: DTA Drawing 18294-0, titled 'Proposed Site Access'. The access shall not be constructed other than in accordance with; 'Buckinghamshire County Council's Guidance note, "Commercial Vehicular Access Within Highway Limits" 2013.

14. Prior to the occupation of the development a detailed design for the proposals for the upgrade of footway works on Station Road and subsequent pedestrian improvements shall be submitted to the local planning authority for approval. The approved scheme shall subsequently be implemented prior to occupation of the first dwelling to improve pedestrian connectivity between the site and amenities in Quainton Village and provide raised kerbs to bus stops within the vicinity of the site. These should be designed and constructed in general accordance with Buckinghamshire County Council's Guidance and allow for any required public consultation. For the avoidance of doubt these include the feasibility of implementing the measures outlined in Transport Note dated 6 June 2017, the details of which are set out within the Transport Statement submitted on 20 October 2017.

15. Prior to the occupation of the development a detailed scheme of highway safety improvements, as appended to the Transport Statement submitted on 20 October 2017, shall be constructed in accordance with details to be submitted to and approved by the local planning authority in writing.
16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- all site operatives', visitors' and construction vehicles
  - storage of plant and materials
  - loading, off-loading of plant and materials
  - parking and turning within the site
  - Pre condition surveys
  - Site hoarding
  - Delivery, demolition and construction hours
  - Adequate precautions to prevent the deposit of dust and mud and debris on the adjacent public highways.
17. Prior to the commencement of the development (including vegetation removal), an ecological mitigation and enhancement strategy (EMES) (in accordance with the BSG Ecological Appraisal dated 17 July 2018) shall be submitted to, and be approved in writing by, the local planning authority. The EMES shall include the following:
- a. Review of site potential and constraints
  - b. Purpose and objectives for the proposed works.
  - c. Extent and location/area of proposed works on appropriate scale maps and plans (e.g. retention/new planting of trees).
  - d. Type and source of materials to be used where appropriate, (e.g. native species of local provenance, specification, number and location of bat and bird boxes, provision of permeable fencing/refugia for hedgehog).
  - e. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
  - f. Details of proposed mitigation measures for protected species (e.g. timing, works requiring supervision by an ecological clerk of works, appropriate lighting strategy)
  - g. Protocols for the containment, control and removal of invasive species (e.g. Montbretia)
  - h. Details of initial aftercare and long-term maintenance of ecological habitats (e.g. hedgerows).
  - i. Details for monitoring and remedial measures.

Development shall take place in accordance with the approved EMES and copies of any European Protected Species licences (or other such protected species licences) must be submitted to the local planning authority for its records

----- End of conditions -----

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

**DETERMINATION OF PLANNING APPLICATIONS**

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

**HUMAN RIGHTS ACT 1998**

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

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

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

**SECTION 17 CRIME AND DISORDER ACT 1998**

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

**EQUALITY ACT 2010**

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

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