



Buckinghamshire Council

Central Buckinghamshire Area Planning Committee

Agenda

Date: Thursday 25 June 2020

Time: 6.30 pm

Via Video Conference

Venue: Accessible to members of the public online at
<https://buckinghamshire.public-i.tv/core/portal/home>

Membership: M Bateman, J Brandis, P Cooper, B Foster, R Khan, R Newcombe, C Paternoster, B Roberts, B Russel, P Strachan, J Ward and M Winn

Webcasting notice

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If you have any queries regarding this, please contact the Monitoring Officer at monitoringofficer@buckinghamshire.gov.uk.

Agenda Item	Time	Page No
1 ELECTION OF CHAIRMAN To elect the Chairman of the Central Buckinghamshire Area Planning Committee for the ensuing year.		
2 APPOINTMENT OF VICE CHAIRMAN To appoint the Vice Chairman of the Central Buckinghamshire Area Planning Committee for the ensuing year.		
3 VIRTUAL MEETING PROCEDURAL RULES		3 - 8

4	APOLOGIES	
5	TEMPORARY CHANGES TO MEMBERSHIP Any changes will be reported at the meeting.	
6	DECLARATIONS OF INTEREST Members to declare any interest.	
7	OVERVIEW REPORT - JUNE 2020 Members are asked to note the attached Overview report updated June 2020	9 - 18
APPLICATIONS		
8	19/04494/APP - FINCHES, THAME ROAD, LONG CRENDON Single storey rear and side extensions (Retrospective) Contact Officer: Dayna Simmons dayna.simmons@buckinghamshire.gov.uk	19 - 34
9	19/00668/APP - LAND TO THE REAR OF THE LAWN, 93 AYLESBURY ROAD, ASTON CLINTON Erection of 7 two storey dwelling houses and associated garaging, together with the construction of a new access off Hyde Street, parking, landscaping and all enabling works. Contact Officer: Danika Hird danika.hird@buckinghamshire.gov.uk	35 - 64
10	19/02754/APP - LAND ADJ. RAVEN CRESCENT AND LINNET DRIVE, WESTCOTT Residential development for 6 no. dwellinghouses with associated access and landscaping Contact Officer: Danika Hird danika.hird@buckinghamshire.gov.uk	65 - 92
11	SITE VISIT ARRANGEMENTS	
12	TIMINGS OF FUTURE MEETINGS	
13	HUMAN RIGHTS ACT	93 - 94

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 - harry.thomas@buckinghamshire.gov.uk on 01296 585234, email democracy@buckinghamshire.gov.uk.

Planning Committee Virtual Procedural Rules

Introduction

The Secretary of State for Housing, Communities and Local Government made [Regulations](#) (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020) (“the 2020 Regulations”) to ensure local authorities can conduct business during the current public health emergency and this legislation was passed on 4 April 2020. The 2020 Regulations will apply to local authority meetings (full council, executive, joint committee, committee or sub-committee) held before 7 May 2021 from 4 April 2020. Councils can make standing orders in respect of virtual meetings, and will not be constrained by any existing restrictions.

Planning Committee (Area and Strategic Committees)

This meeting will be attended by Planning Committee members, officers, town and parish council representatives (in part), public objectors and supporters (in part), applicants/agents (in part) and Buckinghamshire Council members not appointed to Planning Committee (in part) and observed by other interested members of the public and the press.

Prior to the meeting

Access to Information

The Council can hold and alter the frequency and occurrence of meetings without requirement for further notice.

The 2020 Regulations make provision for local authority members and officers, and the public, to have access to documents without attending council buildings and it will be sufficient for local authorities to publish the documents on their website. This includes notices, agendas, reports, background papers and minutes. The Proper Officer will give the requisite notice to the public of the time of the meeting, and the agenda, together with details of how to join the meeting which will be available on the website.

The obligation under the old Regulations (Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) to supply copies of such documents in response to requests made by members of the public and on behalf of newspapers is disapplied.

The requirement in England for 5 clear days' notice to be given of principal council meetings, including annual meetings, still applies however notice can now be given on the council's website.

Time and Place of Meetings

Meetings can be held remotely, including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming even if particular members of the public cannot access them. This Council will use Microsoft Teams to hold virtual

meetings and will invite external participants to virtual meetings, if any, via email or telephone. Virtual meetings will be webcast via a link published on the meeting webpage.

During the meeting

Quorum for Meetings

The rules for quorum will still apply. The constitution states that if a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chairman, the business of the meeting will be adjourned. The Chairman may allow for flexibility around the start time of the meeting where there are any technical issues.

In the event of any apparent failure of the technology the Chairman should immediately determine if the meeting is still quorate. The Chairman could adjourn for 10-15 minutes to allow the connection to be re-established. If an individual Member's remote participation fails the Chairman may call a short adjournment of up to 5 minutes. However if the remote connection cannot be restored the meeting should continue providing it is quorate. The Member will have been deemed to have left the meeting at the point of failure. In relation to this meeting if the connection cannot be restored within a reasonable time the meeting can proceed but any Member who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

Attendance at meetings and webcasting

A roll call or introductions will be made at the start of the meeting to record those present. The Chairman will confirm at the outset that they can see and hear all participating members and any member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants. There is no requirement for councillors to sign their names on an attendance sheet when attending a meeting electronically. The Democratic Services Officer ("DSO") will maintain a list of attendance throughout the meeting.

To be classified as a 'member in attendance' and attend a meeting remotely, the following conditions must be satisfied;

- (a) councillors must be able to hear and (where practicable) see; and be heard and (where practicable) be seen by, other councillors in attendance at the meeting.
- b). All other members of the public must as a minimum be able to hear (but if practicable be able to view as well)

In practice this means that if councillors can be heard and hear each other and other members of the public not speaking can hear, this would fulfil the requirements of holding a virtual meeting.

Members of the press and public may only be excluded from a meeting in accordance with the Access to Information Rules and if they are causing a disturbance (see below).

The 2020 Regulations state that meetings being open to the public include access by remote means. Such access includes (but not limited to) video conferencing, live webcast, and live

interactive streaming and where a meeting is accessible to the public through such remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person. For clarity, a meeting recorded and then posted online after the event would not satisfy this requirement.

The people on the Teams call who are present throughout the meeting are the Committee Members 'round the table' and any officer supporting the meeting. The public gallery, where Members can sit and observe the meeting alongside members of the public, is the webcast version. It is important to keep numbers in the meeting (except for those allowed to be present as Members) to a minimum to enable the proper flow of the virtual meeting.

Conflicts of interest

Where a councillor has a conflict of interest during a meeting they need to declare their interest at the start of the meeting or when the interest becomes apparent . If the interest is 'personal' having declared a personal interest the councillor may continue to speak and vote on the item of business concerned. If the councillor has a prejudicial interest they will need to declare the existence and nature of their interest and withdraw from the virtual meeting by muting the microphone and only returning to the meeting once the chairman has invited them back in.

Minutes of meetings

The Minutes of meetings will be signed and kept by the Chairman until government guidance allows councillors and officers to return the signed copy to the office.

Voting

The requirements for voting at a virtual meeting will be the same as those for physical meetings. Any amendments will need to be moved and seconded and the Chairman will ask the meeting if there is any dissent to the motion. The Chairman will conduct the vote by reading out the names of voting members (like a recorded vote). Each voting member, when asked by the Chairman, will state if they are for, against or abstain. Voting will be recorded by the DSO. The DSO can then read out the total numbers of members voting in favour, against and abstaining. If Members miss out (even briefly) on hearing contributions to an agenda item they cannot vote. For non-planning application items where votes are required agreement can be made by affirmation of the meeting.

External contributors addressing the meeting

Please refer to virtual public speaking protocol.

Questions

Questions will be asked in the normal way by Committee Members as set out in the Constitution.

When can the Chairman be interrupted ?

There are circumstances allowed for in the Constitution where the Chairman can be interrupted such as:-

- Technology is not working effectively
- Officer needs to provide advice
- Point of order or personal explanation

or any other situation which the Constitution or Chairman allows.

Disturbance during proceedings

The Constitution states that if anyone interrupts proceedings, the Chairman will warn the person concerned and, if they continue to interrupt, the Chairman will order their removal from the virtual meeting room. There may be circumstances where the person needs to be removed immediately, for example, if they are being inappropriate, and the Chairman can do this by muting their microphone. If there is a general disturbance, making orderly business impossible, the Chairman may adjourn the meeting for as long as they consider necessary.

Adjournments

People will remain on the call with microphones muted and cameras off until the meeting starts again. The Chairman may also want to consider having a comfort (screen) break for longer meetings. If there is a problem with the technology, the Chairman should adjourn the meeting . However, it does not stop a meeting going ahead provided it is still quorate because a person does not have access to the required technology in the first place. If technology fails for a wholly remote meeting, and the meeting is no longer open to the public, any decisions made could be challenged as unlawful, which renders the whole meeting incapable of proceeding. Therefore, the Chairman should adjourn until the remote meeting can be restored within a reasonable period, or at a time and date fixed by the Chairman or until the next ordinary meeting

The Council will try and achieve the best possible outcome.

Confidential/exempt items

There are times when council meetings are not open to the public, when confidential, or “exempt” issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Each Member in remote attendance must ensure and verbally declare that there are no other persons present with them who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

Where a Member can demonstrate a “need to know” they will be invited to any discussion on exempt items remotely as set out in the Constitution. They must confirm that the venue is secure, that no member of the public has access and that no recording of the proceedings is being made.

Contacts

All enquiries relating to the Virtual Planning Committee Meeting procedures should be directed to Democratic Services.

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Overview Report:

Introduction

This report has been provided to assist members in the consideration of reports relating to major planning applications for development at settlements in the Aylesbury Vale area. The report summarises the policy framework for the assessment of each development proposal for members consideration in addition to the detailed report relating to each individual application.

The planning policy position and the approach to be taken in the determination of the application

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

The Development Plan

- 1.2 The overall strategy of the Aylesbury Vale District Local Plan (AVDLP) is to seek to concentrate the majority of growth (65% housing and employment) at Aylesbury with the remaining 35% in the rural areas. The latter was to be concentrated at a limited number of settlements. Insofar as this overall strategy is one which is based on the principle of achieving sustainable development, it is considered that this is still in general conformity with the NPPF.
- 1.3 Policies RA13 and RA14 relating to the supply of housing district wide form part of that overall housing strategy, and BU1 in respect of Buckingham, are now out of date, given that these identified housing targets for the plan period up to 2011 and the evidence relating to the districts need has changed significantly since these policies were adopted, and are not consistent with the NPPF policies to significantly boost the supply of housing based on up to date evidence. RA 13 and RA14 sought to take a protective approach to development and can only be given very limited weight when considering proposals within or at the edge of settlements identified in Appendix 4. Development proposals on sites are to be considered in the context of policies within the NPPF which sets out the presumption in favour of sustainable development at paragraph 11. The individual reports will address the position on housing policy as applied to the specific application on a case by case basis.
- 1.4 A number of general policies of the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP2, GP8, GP35, GP38 - GP40, GP59, GP84, GP86, GP87, GP88 and GP94. There are a number of other saved policies which might be relevant in a rural context including RA2, RA4, RA6, RA8, RA29, RA36 and RA37. Specific general policies relating to development at Aylesbury include AY1, AY17, AY20, and AY21. Other relevant policies will be referred to in the application specific report.

Emerging policy position in Vale of Aylesbury District Local Plan (draft VALP)

- 1.5 The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. The draft Vale of Aylesbury Local Plan was published and subject to public consultation in summer 2016. Following consideration of the consultation responses, and further work undertaken changes have been made to the draft plan. A report has been considered by the VALP Scrutiny Committee on 26 September and Cabinet on 10 October 2017 on the proposed submission plan. The Cabinet's recommendations were considered by Council on 18 October 2017. The proposed submission was the subject of consultation from, 2 November to 14 December 2017. Following this, the responses were submitted along with the Plan and supporting documents for examination by an independent planning inspector at the end of February 2018. The examination hearing ran from Tuesday 10 July 2018 to Friday 20 July 2018. Following completion of the examination hearings and the publication of the Inspector's Interim Findings the Council has worked with the Inspector to agree the modifications to the plan that are

necessary to make it sound. Those modifications were subject to public consultation which closed on the 17th December 2019. The adoption of the Vale of Aylesbury Local Plan is planned to be 2020; the timeline will be dependent on how long the Inspector needs to consider the representations and whether he chooses to hold more public hearing sessions prior to producing his final, binding report.

- 1.7 Whilst the VALP hearing has taken place there are a number of unresolved objections to the housing strategy and other policies. Paragraph 48 of the NPPF advises on the weight to emerging plans depending on the stage of preparation, unresolved objections and consistency with the NPPF. In view of this the policies in this document can be given some weight in planning decisions given the stage it is at, and the evidence that sits behind it can be given weight. This will be highlighted in individual reports. Of particular relevance are the Settlement Hierarchy Assessment (September 2017). The Housing and Economic Land Availability Assessment (HELAA) (January 2017) is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. These form part of the evidence base to the draft VALP presenting a strategic picture .

National Planning Policy Framework

- 1.8 The most up to date national policy is set out in the revised NPPF published in February 2019 superseding the earlier July 2018 version. At the heart of the NPPF is the presumption in favour of sustainable development (paragraph 11) in both plan-making and decision-taking.
- 1.9 The NPPF states at paragraph 8 that there are three objectives to sustainable development: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 1.10 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.(paragraph 9).
- 1.11 The Government's view of what "sustainable development" means in practice is to be found in paragraphs 7 to 211 of the NPPF. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 1.12 The presumption in favour of sustainable development in decision-taking is explained at paragraph 11 of the NPPF. Plans and decisions should apply a presumption in favour of sustainable development.
For **decision-taking** this means:,
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. 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.

Foot notes:

6: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

7: This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

- 1.13 In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - d) the local planning authority's housing delivery was at least 45% of that required⁹ over the previous three years.

And subject to transitional arrangement set out in Annex 1

- 1.14 Local planning authorities are charged with identifying a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (paragraphs 67-70) .
- 1.15 The NPPF sets out the means to delivering sustainable development. The following sections and their policies are also relevant to the consideration of all proposals:
- Building a strong competitive economy
 - Promoting sustainable transport
 - Delivering a sufficient supply homes
 - Achieving well designed places
 - Making efficient use of land
 - Promoting healthy and safe communities
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
 - Meeting the challenge of climate change and flooding
 - Supporting high quality communications
- 1.16 The NPPF sets out that transport issues should be considered from the earliest stages including the impact of development on the network, opportunities from transport infrastructure, promoting walking, cycling and public transport, environmental impacts of traffic and transport infrastructure, patterns of movement. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. (Paragraphs 102-103)

- 1.17 Paragraph 177 of the NPPF states “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”
- 1.18 The Planning Practice Guidance (PPG) has not yet been fully updated to reflect the new NPPF.

Local Supplementary Documents & Guidance

- 1.19 Local guidance relevant to the consideration of this application is contained in the following documents :
- Affordable Housing Supplementary Planning Document (November 2007)
 - Supplementary Planning Guidance on Sport and Leisure Facilities (August 2004)
 - Sport and Leisure Facilities SPG Companion Document Ready Reckoner (August 2005)
 - Five year housing land supply position statement (April 2019)
 - Affordable Housing Policy Interim Position Statement (June 2014)
- 1.20 Those documents which have been the subject of public consultation and the formal adoption of the Council can be afforded significant weight insofar as they remain consistent with the policies of the NPPF.

Housing supply

- 1.21 To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 1.22 Paragraph 60 requires that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 1.23 Where the Council cannot demonstrate a 5 year housing land supply (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, there is a presumption in favour of sustainable development in line with paragraph 11 of the NPPF. The absence of an NPPF compliant supply or delivery of housing would add to the weight attached to the benefit arising from the contribution made to the supply of housing and boosting the delivery of housing generally. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.
- 1.24 In the absence of a figure for the Full Objective Assessment of Need which will emerge through the plan making process which will also need to consider potential unmet needs from adjoining authorities not within the Housing Market Area, the council has set out its approach in the published five year housing land supply position statement which is regularly updated. It also updates the estimated delivery of sites based on the latest information. Buckinghamshire Housing Land Supply Position Statement was published April 2020 and explains the housing lands supply position in the new unitary Buckinghamshire Council area. 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.
- 1.25 It is acknowledged that this 5 year housing land supply calculation does not include any element of unmet need, however at this stage it would not be appropriate to do so. Whilst the unmet need figure has progressed, it has not been tested through examination and it would not be appropriate to use a ‘policy on’ figure for the purposes of calculating a 5 year housing land supply

for Aylesbury until the “policy on” figures and general policy approach has been examined and found sound. There are no up-to-date housing supply policies in AVDLP and therefore we still have to take into account the presumption in favour of sustainable development and apply the planning balance exercise in paragraph 11 of the NPPF. For neighbourhood plans which are considered up to date the starting point for determining such applications is to consider in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraph 14 of the NPPF as set out above is also relevant.

Neighbourhood Planning

- 1.26 Paragraph 29 and 30 states: Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies¹⁶.
- 1.27 Paragraph 30 states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.
- 1.28 The Neighbourhood Planning Act 2017 (the “Act”) came into force on 19 July 2017 and makes two provisions which are relevant:

Firstly, Section 1 of the Act amends section 70 of the Town and Country Planning Act 1990 to require a local planning authority or other planning decision-taker to have regard to a post-examination neighbourhood plan when determining a planning application, so far as that plan is material to the application.

Secondly, Section 3 amends section 38 of the Planning and Compulsory Purchase Act 2004 to provide for a neighbourhood plan for an area to become part of the development plan for that area after it is approved in each applicable referendum (a residential referendum and, where the area is a business area, a business referendum). In the very limited circumstances that the local planning authority might decide not to make the neighbourhood development plan, it will cease to be part of the development plan for the area.

- 1.29 Further advice is also set out in the NPPG.

Prematurity

- 1.30 Government policy emphasises the importance of the plan led process, as this is the key way in which local communities can shape their surroundings and set out a shared vision for their area. It also emphasises its importance to the achievement of sustainable development.
- 1.31 Paragraph 49 states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 1.32 Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate

clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process(paragraph 50)

Conclusion on policy framework

- 1.33 In considering each individual report, Members are asked to bear in mind that AVDLP (and any 'made' Neighbourhood Plans as applicable) constitutes the development plan. The emerging VALP can be given some weight in planning decisions given the stage it is at, and the evidence that sits behind it can be given weight. The Council can currently demonstrate a 5 year supply of housing land in the Aylesbury Vale area based on the latest housing land supply calculation.
- 1.34 Therefore, the Council's position is that full weight should be given to housing supply and other policies set out in any made Neighbourhood Plan Decisions should be taken in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and the NPPF as a whole, including paragraph 11 and 14.
- 1.35 Where a Neighbourhood Plan is not in place, decisions for housing developments should be taken in accordance with paragraph 11 of the NPPF, granting permission unless the application of policies in this Framework 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 and where necessary each report advises Members on the planning balance.

Whether the proposals would constitute a sustainable form of development

- Each report examines the relevant individual requirements of delivering sustainable development as derived from the NPPF which are:
 - Building a strong competitive economy
 - Promoting sustainable transport
 - Delivering a sufficient supply homes
 - Achieving well designed places
 - Making efficient use of land
 - Promoting healthy and safe communities
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
 - Meeting the challenge of climate change and flooding
 - Supporting high quality communications
- 1.36 These are considered in each report and an assessment made of the benefits associated with each development together with any harm that would arise from a failure in meeting these objectives and how these considerations should be weighed in the overall planning balance.

Building a strong, competitive economy / Ensure the vitality of town centres / Delivering a wide choice of high quality homes

- 1.37 Members will need to assess whether the development would will support the aims of securing economic growth and productivity , but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 83 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses.
- 1.38 Members will also need to consider whether each development proposal provides for a mix of housing based on current and future demographic trends, markets and community needs, of an

appropriate size, type and tenure including the provision of affordable housing. Key to the consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land. Further advice is given on affordable housing provision, including the requirement for 10% of the homes to be available for affordable home ownership on major housing development proposals. The definition of affordable is set out in Appendix 2. The new Housing Delivery Test (HDT) applies from the day following publication of the HDT results in November 2018. A transitional arrangement is set out in paragraph 215 and 216 phasing the % threshold where delivery is below of housing required over 3 years increasing from 25% November 2018, to 45% November 2019 and 75% November 2020.

Promote sustainable transport

- 1.39 It is necessary to consider whether these developments are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, taking account of the policies in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 1.40 The promotion of sustainable transport is an objective of the NPPF and patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.

Conserving and enhancing the natural environment

- 1.41 Members will need to consider how the development proposals contribute to and enhance the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains and preventing any adverse effects of pollution.
- 1.42 By their very nature, the majority of extensions of a settlement will result in development in the open countryside given that they are generally outside the built limits of the existing settlement. However, the actual and perceived extent to which they 'intrude' into the open countryside will vary and this will need to be assessed having regard to visibility and other physical factors.
- 1.43 In general, it will be important to ensure that the individual setting and character of each settlement is not adversely affected by the outward expansion of the town or village. This will necessarily involve individual assessments of the effects on the specific character and identity of each settlement, but will not necessarily be adverse simply as a result of a decrease in physical separation as any impacts may be successfully mitigated.
- 1.44 Members will need to consider the overall impact of each development assess the ability of the proposed development to be successfully integrated through mitigation.

Conserving and enhancing the historic environment

- 1.45 A positive strategy under paragraph 185 of the NPPF is required for conservation and enjoyment of the historic environment and an assessment will need to be made of how the development proposals sustain and enhance the significance of heritage assets and the positive contribution that conservation of assets can make to sustainable communities as well as the need to make a positive contribution to local character and distinctiveness.
- 1.46 The effects of specific developments will need to be assessed having regard to the site characteristics, specific impacts and ability to successfully mitigate. The Committee will need to consider the significance of any heritage assets affected including any contribution made by their setting. When considering the impact on the significance, great weight should be given to the asset's conservation and the more important the asset the greater the weight should be.

Promoting healthy and safe communities.

- 1.47 Decisions should aim to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.
- 1.48 It will therefore be necessary to consider how each scheme addresses these issues.

Making effective use of land

- 1.49 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. Planning decisions should take into account the identified need for different types of housing and other development, local market conditions and viability, infrastructure requirements, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.

Achieving well designed places

- 1.50 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 1.51 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 1.52 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Members will need to consider whether these issues have been dealt with satisfactorily.

Meeting the challenge of climate change

- 1.53 Developments will need to demonstrate resilience to climate change and support the delivery of renewable and low carbon energy.
- 1.54 This will not only involve considerations in terms of design and construction but also the locational factors which influence such factors. Development should be steered away from vulnerable areas such as those subject to flood risk whilst ensuring that it adequately and appropriately deals with any impacts arising.

S106 / Developer Contributions

- 1.55 Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development
- 1.56 Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage

Overall planning balance

- 1.57 All of these matters, including housing land supply and delivery will need to be taken into account in striking an overall planning balance.

Conclusions

- 1.58 The concluding paragraphs of each report, where Members are asked to either reach a view on how they would have decided or can determine an application, will identify whether the proposed development is or is not in accordance with the development plan, and the weight to be attached to any material considerations. The planning balance will then be set out, leading to a recommendation as to whether permission would have been, or should be, granted (as the case may be), and the need to impose conditions or secure planning obligations or if permission would have been, or should be refused, the reasons for doing so.

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Report to Central Area Planning Committee

Application Number:	19/04494/APP
Proposal:	Single storey rear and side extensions (Retrospective)
Site Location:	Finches, Thame Road, Long Crendon
Applicant:	G. May Brown
Case Officer:	Dayna Simmons
Ward(s) affected:	Bernwood Ward
Parish-Town Council:	Long Crendon Parish Council
Date valid application received:	30.12.2019
Statutory determination date:	24.02.2020 (EoT agreed to 26.06.2020)
Recommendation	Approval

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The proposal is considered to be of scale and form that respects the appearance of the existing dwelling and would not constitute overdevelopment. The proposal would not cause any loss of privacy or increase of overlooking to any nearby dwellings. It is considered that due to the nature of the scheme there would be no sense of enclosure or overbearing impact as a result of the development on the surrounding dwellings. The proposal would have no impact on the Brill-Winchendon Hills Area of Attractive Landscape. In addition, the proposal would satisfy the Council's SPG Parking Guidelines and would accord with the development plan policies within the Long Crendon Neighbourhood Plan and the AVDLP and the NPPF.
- 1.2 The recommendation is that permission be **granted** subject to the following condition :-

Condition:

1. AMP1 - The development hereby permitted shall only be carried out in accordance with drawing No. 332/103 – Proposed ground floor plan – Rev 4 (received 29th December 2019), 332/104 – Proposed elevations 1 – Rev 6 (received 12th February 2020) and 332/105 – Proposed elevations 2 – Rev 6 (received 12th February 2020) submitted under cover of e-mail dated and received by the Local Planning Authority on 12 February 2020.

Reasons:

1. RE11 – Satisfactory appearance

WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, the Council takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. The council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, amendments were received which addressed the initial concerns raised and as such, the application was considered to be acceptable.

2.0 INTRODUCTION

- 2.1 This item was on the published agenda for the former Aylesbury Vale District Council's Development Management Committee on 26 March 2020, which was cancelled. Long Crendon Parish Council raised material planning objections to the scheme and indicated that they wish to speak at committee.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The application site comprises of a detached single storey, partially rendered, brick built bungalow with a concrete tiled gable roof and an attached carport to the southwest side elevation.
- 3.2 The property benefits from off street parking with an attached carport to the southwest side elevation. There is also an existing driveway to the front of the property. There is parking provision for four cars.
- 3.3 The site is accessed via a private drive to the northeast of Thame Road. The drive also serves the adjacent bungalow, 'Morningside', which is of a similar form to the application property, prior to extension.
- 3.4 The wider area is residential in character with a mixture of house types and architectural style.
- 3.5 The application site is located within the Brill-Winchendon Hills Area of Attractive Landscape. Long Crendon Conservation Area is located 19m to the southwest, abutting the southwest boundary of the neighbouring dwelling ('Morningside'), and 20m to the east.
- 3.6 The ground levels to the front of the application site decrease slightly towards the front common boundary. The ground levels to the rear are relatively level throughout although increase towards the northwest rear boundary with some neighbouring properties to the rear located on higher ground.
- 3.7 The front of the application site is relatively open with an approx. 1.8m high close boarded fence marking the southeast boundary. The southwest front boundary is partially treated with a hedgerow and vegetation and a close boarded fence panel. The west side boundary treatment is comprised of an approx. 1m high brick wall marking the common boundary between the application site and the neighbouring property 'Morningside'.
- 3.8 The boundary treatment to the rear, southeast and northeast of the site comprises of an approx. 1.8m high close boarded fence, and an approx. 1.3m high stone wall (on the northwest boundary side) make up the rear northern boundary treatment. The northwest side boundary treatment to the rear is made up of an approx. 1.5m brick wall (towards the

northeast side) and an approx. 1.8m high close boarded fence (towards the southwest side).

4.0 PROPOSAL

- 4.1 Retrospective planning permission is sought for the erection of a single storey rear extension with a flat roof to the rear northwest elevation, and a single storey side extension with a gable roof to the southwest side elevation following demolition of the existing carport.
- 4.2 The proposed rear extension would be 4m deep, 14.1m wide and 3m high, with bifold sliding doors and three powder coated aluminium windows on the rear elevation, bifold sliding doors on the southwest side elevation and one powder coated aluminium window on the northeast side elevation.
- 4.3 The proposed side extension would be 6m deep, 3.5m wide and 4.8m high, and would continue the eaves and roof height of the original dwelling. The extension would have one powder coated aluminium window on the rear elevation and one powder coated aluminium window on the southeast front elevation.
- 4.4 The proposed side extension would be located 9.7m from the rear north boundary and abut the northwest side boundary.
- 4.5 The proposed rear extension would be located 3.5m from the northwest side boundary and 0.1m from the southeast side boundary of the dwelling.
- 4.6 The host dwelling and proposed extensions would be rendered in a shade of white, and the roof of the dwelling finished with slate.

5.0 RELEVANT PLANNING HISTORY

- 5.1 18/02325/APP - Demolition of single-storey side extension, erection of two-storey side extension and alterations to roof. – Appeal dismissed
- 5.2 19/01521/ACL - Application for a Lawful Development Certificate for a proposed rear and side extensions – Approved
- 5.3 19/00016/NONDET - Demolition of single-storey side extension, erection of two-storey side extension and alterations to roof - Dismissed

6.0 PARISH/TOWN COUNCIL COMMENTS

6.1 Long Crendon Parish Council have objected to this application.

6.2 The full comments received from Long Crendon Parish Council are appended to this report and a summary of their comments is provided below:

- Out of keeping with the location
- Materials used not as defined in Certificate of Lawful Development issued previously for works
- Height of extensions not as designated under permitted development
- Some openings appear bigger than on approved plans
- Materials used are in conflict with those found on neighbouring properties
- Impact on neighbouring Conservation Area
- Supporting documentation is misleading
- Development would be highly visible

7.0 CONSULTATION RESPONSES

7.1 Buckingham and River Ouzel Drainage Board – No comment

8.0 REPRESENTATIONS

8.1 Six representations have been received, objecting to this application for the following reasons:

- The materials being uncomplimentary to existing architectural design of area
- The height of the proposal
- Inaccurate information regarding window sizing and distance from neighbouring properties on submitted plans
- Removal of trees and hedges
- Perceived temporary nature of obscured glass in window overlooking neighbouring property 'Conifers'
- Impact on outlook

One representation has been received supporting the application, stating that it is satisfying that after the house has sat virtually derelict for three years that time and money has been invested in delivering an attractive family home.

9.0 EVALUATION

9.1 A number of the policies within the VALP following the main modification consultation, are now afforded some weight in the decision making process. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of particular relevance are:

- T6: Vehicle Parking (moderate weight)
- BE2: Design of New Development (moderate weight)
- BE3: Protection of Amenity (considerable weight)
- NE4: Landscape character and locally important landscape (moderate weight)

9.2 Policy BE3 has been the subject of objections and the Inspector has not requested main modifications so can be regarded as resolved and this policy can be given considerable weight. Where the remainder of these policies have been the subject of objections and the Inspector requested main modifications, he has confirmed that he is satisfied they remedy the objection so these can be given moderate weight.

9.3 Until VALP is fully adopted, the saved policies within Aylesbury Vale District Local Plan (AVDLP) continue to hold full weight and so the proposal will also be assessed against the relevant policies.

9.4 Long Crendon has a formally made Neighbourhood Plan. The LCNP outlines the vision for Long Crendon to 2023 and contains specific policies and proposals for the use and development of land in the Long Crendon Area over the plan period. The proposal will be assessed against the relevant policies within the LCNP.

a) Impact on appearance and character of the dwellinghouse, street scene and wider area

9.5 Policy LC9 of the Long Crendon Neighbourhood Plan states, that development proposals will be supported provided their scale, density, height, massing, landscape design, layout and materials, including alterations to existing buildings, have understood and reflect the character and scale of the surrounding buildings and distinctive local landscape features.

- 9.6 Policy GP.9 of the AVDLP states that proposals for extensions to dwellings will be permitted where they protect character of outlook, access to natural light and privacy for people who live nearby; respect the appearance of the dwelling and its setting and other buildings in the locality; and accord with published Supplementary Planning Guidance on residential extensions and the other policies of the development plan.
- 9.7 AVDLP policy GP35 requires that development respects and complements the physical characteristics of the site and its surroundings, the building tradition of the locality, the scale and context of the setting, the natural qualities and features of the area and the effect of the development on important public views and skylines. Section 12 of the NPPF sets out the guiding principles that authorities should follow in achieving well-designed places. Policy BE2 of VALP is consistent with the aims of Policy GP35 of the AVDLP.
- 9.8 AVDLP Policy RA8 states, that development proposals in areas of attractive landscape should respect their landscape character. Developments that adversely affect this character will not be permitted unless appropriate mitigation measures can be secured. Policy NE4 of VALP is consistent with the aims of Policy RA8 of the AVDLP.
- 9.9 The Council's Residential Extensions Design Guide states that extensions should be designed to respect and complement the character of the existing building and to ensure that extensions do not destroy the composition and architectural integrity of the existing building nor overwhelm, dominate or detract from it.
- 9.10 The proposed extensions would be located to the rear and side of the dwelling. Due to the location of the application site at the end of a private drive approx. 50m from the public highway, and the position of the surrounding buildings, the proposal would not be visible from the main highway (Thame Road) and so there would be no impact on the streetscene.
- 9.11 Although the Conservation Area is located a minimum of 19m from the site, views of the site from the publically accessible areas of the Conservation Area are obscured by existing dwellings.
- 9.12 The application site falls within the Brill-Winchendon Hills Area of Attractive Landscape. In terms of wider landscape impact the site is wholly within the defined settlement of Long Crendon and would be viewed in the context of surrounding residential development. The

proposal would therefore comply with policy LC9 of the Long Crendon Neighbourhood Plan, RA8 of the AVDLP, NE4 of the VALP, and the NPPF on this ground.

- 9.13 The proposed rear extension would be single storey and would appear subservient to the host dwelling as it would be set below the original roof ridge. It would also not be considered to overwhelm the host dwelling.
- 9.14 The proposed side extension would match the eaves and roof height of the original dwelling and would not be set in from the front and rear elevations. However, the side extension is relatively modest at 3.5m wide when compared to the width of the original dwelling. It therefore would not be considered to overwhelm the original dwelling and would not cause harm of such significance to warrant refusal.
- 9.15 The proposed rear extension would have a flat roof and grey powder coated aluminium openings. The proposed side extension would have a slate tiled gable roof and grey powder coated aluminium openings. The existing roof tiles for the dwelling would be replaced with slate and the host dwelling and extensions would be fully rendered in a shade of white (which can be controlled by condition). It is considered that the proposed materials are acceptable and would satisfactorily integrate the extensions into the host dwelling.
- 9.16 In terms of the streetscene, there are examples of white render on adjacent dwellings and as such this finish would not be incongruous. Although slate is not visible within the immediate vicinity, there are several examples of slate roofs throughout Long Crendon, and so the use of slate tiles would not be out of keeping with the wider area.
- 9.17 In summary the proposal is considered to be of a scale and design that respects the character and appearance of the existing dwelling and does not overwhelm it. In addition it is considered that the proposal would not appear prominent within the streetscene or the locality in general. The proposal is therefore considered to comply with Policy LC9 of the Long Crendon Neighbourhood Plan, policies GP9 & GP35 of the AVDLP, emerging VALP policy BE2, the Council's Design Guide Residential Extensions and the NPPF.

b) Impact on Residential Amenity

- 9.18 The NPPF at paragraph 127 sets out guiding principles. One of the principles set out is that authorities should always seek to create places that have a high standard of amenity for all existing and future users.
- 9.19 Policy GP8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. VALP policy BE3 is closely aligned with AVDLP policy GP8.
- 9.20 The rear extension would be located approx. 4.1m from 'Morningside', the dwelling to the south west. The boundary between these two properties is marked by 1.8m high close board fencing. Due to this separation distance and the single storey nature of the proposal, it would not cause loss of light nor appear overbearing when viewed from this property.
- 9.21 The rear extension would have bifold sliding doors on the side elevation which would face onto the boundary between the application site and 'Morningside'. Due to the boundary treatment, it is not considered there would be significant loss of privacy as a result of this opening.
- 9.22 The proposed side extension would abut the northwest side boundary shared with 'Morningside'. The side extension would not extend beyond the rear elevation of Morningside and, due to a gable projection to the front of the neighbouring dwelling, would not extend beyond the front elevation. Furthermore, there are no openings in the side elevation of this property. As such, the side extension would not result in loss of light or privacy to this property, and would not appear overbearing.
- 9.23 A window is also proposed in the front elevation of the side extension which would face onto the applicant's front garden and the private track beyond. Given that there are already openings in the front elevation and no dwellings immediately adjacent to the private track, this window would not result in loss of privacy.
- 9.24 The side extension would be located 9.7m from the rear boundary so would not impact on properties to the rear. It would also be obscured in views from the properties to the north east by the form of the existing dwelling and the rear extension and so would have no amenity impact.

- 9.25 The proposed rear extension would be located 5.5m from the side elevation of the neighbouring property to the southwest 'Morningside', 25.4m from 'Sycamore House' to the north, 23m from No.2 Braddens Furlong to the north, 16.4m from 'Casa Mia', also to the north and 18.2m from the rear elevation of 'Conifers' to the northeast. It is considered that no loss of light to the surrounding properties will be incurred due to the separation distances and single storey nature of the proposed development.
- 9.26 The proposal would be visible from within the residential curtilages of surrounding properties. However, due to the maximum height of 4.8m for the side extension and 3m for the rear extension, it is not considered that the extensions would appear visually intrusive.
- 9.27 Openings are proposed in the rear elevation of the side extension and the rear extension. The proposed single storey side extension would include a window in the northwest rear elevation and the proposed single storey rear extension would include bifold sliding doors and three windows which would also face out onto the rear garden. These would overlook the rear garden, the boundaries of which are marked by an approx. 1.8m close boarded fence (to the southeast boundary side) and a 1.3m stone wall (to the northwest boundary side). Whilst the low brick wall means that views into the property at the rear are possible, a separation distance of 5.7 metres to the rear boundary would be maintained with a separation distance of 25.4m to the rear elevation of the dwelling to the rear, 'Sycamore House'. Furthermore, there were previously openings on this elevation and it is not considered that there would be significant additional loss of privacy as a result of the separation distance being reduced by 4m.
- 9.28 The proposal includes the insertion of a window on the north west elevation of the existing dwelling, 2m from the boundary. This would be orientated towards 'Casa Mia' with the boundary separating the two dwellings marked by 1.8m high fencing. Given this, and the fact 'Casa Mia' is located on higher ground than the application site, there would not be significant loss of privacy as a result of this opening.
- 9.29 It is considered that the addition of these openings will not cause any loss of privacy or increase of overlooking to any nearby dwellings. It is considered that due to the nature of the scheme there would be no sense of enclosure or overbearing as a result of the development on the surrounding dwellings.

9.30 In summary, given the positioning of the proposal and its relationship relative to the neighbouring properties in terms of scale, position of windows and orientation it is considered that whilst the proposal would cause some harm, it is not significant enough to justify refusal. Therefore the proposal accords with policy GP.8 of the AVDLP, the NPPF and emerging VALP policy BE2.

c) Impact on Highways & Parking

9.31 Policy GP24 of AVDLP seeks to maintain levels of car parking appropriate to the level of development. The Council's SPG Parking Guidelines stipulates, that for dwellings with four bedrooms there should be 3 off-street parking spaces provided within the curtilage of the dwelling, with these spaces, as a minimum, 2.4 metres in width and 4.8 metres in depth.

9.32 As an area of hardstanding for the parking of 3 cars has been demonstrated on the proposed Location and Site Plan (drawing no. 332/110 (revision 5), the proposal is considered to accord with GP.24 of AVDLP and NPPF, T6 of VALP and the Council's SPG Parking Guidelines.

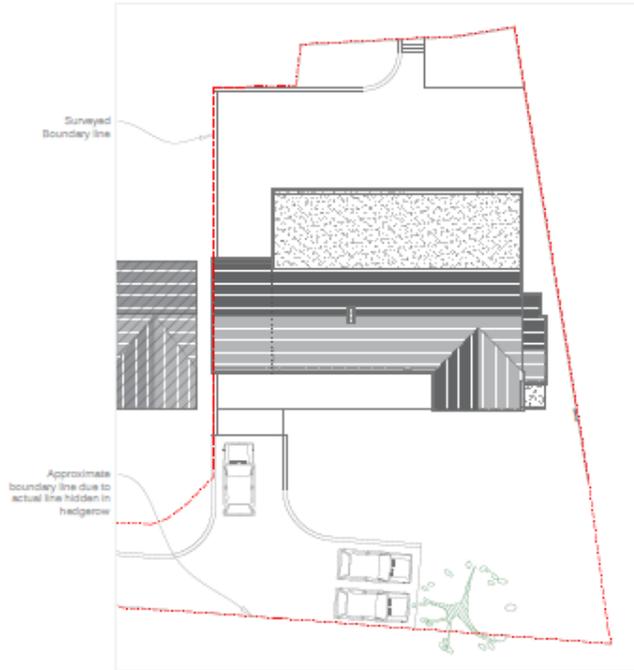
Case Officer: Dayna Simmons

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Location Plan
1:1250 at A3



Site plan
showing Proposed Roof Plan
1:200 at A3



APPENDIX 2 – Long Crendon Parish Council Comments 27.01.2020

The Parish Council at the Planning Committee held on 20th January 2020 has strong objections to this retrospective Planning Application and will attend if it called to an AVDC Committee.

The original application to substantially enlarge the original modest bungalow under planning reference 18/02325/APP was objected to at the time – see the Parish Council Comments on the case file. There were many grounds for the PC objection.

A subsequent planning appeal by the applicant was dismissed by the Inspector.

A notice of intent to demolish the bungalow was submitted to Building Control around the same time as the Appeal was in progress.

A subsequent application for a Certificate of Lawful Development was submitted to the LPA proposing a development to be carried out under permitted development rights. This was issued (as it appeared to comply with technical requirements of PD) with specific conditions including use of similar materials (matching facing bricks and materials appropriate etc.). See AVDC case files for your own details.

What has been built on the site in the meantime is best described as a monstrosity and completely inappropriate and out of keeping with the location. Parish Councillors described it as “hideous” in the discussion at their Planning Committee meeting.

The ugly rendered grey finished walls, the black tiled roof slates, the grey window frames are not what was defined in the Permitted Development. It appears that some openings may have been made bigger and that heights of the new extensions are not as designated under the permitted development. The amended bungalow sticks out significantly against all its neighbours as the materials used are in conflict with the expected brick and tiles of neighbouring homes. It does not sit well as a neighbour to the Conservation Area.

The Parish Council registers its strong objection and would ask the LPA to reject this retrospective application and instruct the applicant to return the property to the original finishes, roof sizes etc. as articulated under the permitted development scheme.

The Parish Council is of the opinion that the applicant has been disingenuous in their dealings with neighbours and the Local Planning Authority and have acted in an unfriendly and un-neighbourly way.

The retrospective planning application contains most of the same material planning concerns and issues that were raised by the Parish council and others in the initial planning application that was comprehensively rejected. It furthermore does not even reflect accurately what appears to have been built.

APPENDIX 2.1 – Long Crendon Parish Council Comments 18.02.2020

The Parish Council at the Planning Committee meeting held on 17th February 2020 continues to have **STRONG OBJECTIONS** to this retrospective Planning Application and will attend if it is called to an AVDC Committee.

The only revision in the latest version of this application since it was last considered on 20th January 2020 is the submission of 2 diagrams showing a rendered wall finish "in a shade of white".

The original application to substantially enlarge the original modest bungalow under planning reference 18/02325/APP was objected to at the time – see the Parish Council Comments on the case file.

There were many grounds for the PC objection.

A subsequent planning appeal by the applicant was dismissed by the Inspector who supported the conclusions of the LPA.

A notice of intent to demolish the bungalow was submitted to AVDC Building Control around the same time as the Appeal was in progress.

A subsequent application for a Certificate of Lawful Development was submitted to the LPA proposing a development to be carried out under permitted development rights. This certificate was issued (as it appeared to comply with the technical requirements of PD) with conditions including use of similar materials (e.g. matching facing bricks and materials appropriate etc). Whilst the original bungalow had elements of render wall finishing the overall appearance was of a brick faced building, particularly on the gables facing neighbouring homes. See AVDC case files for your own details.

What has been built on the site in the meantime appears to significantly exceed what was expected under permitted development. Parish Councillors are disappointed at the result - unsatisfactory rendered grey finished walls replacing the original facing bricks, the black tiled roof slates replacing the brown/reddish tiles, the use of grey window frames etc. It appears that some openings may have been made bigger and that heights of the new extensions are not as designated under the permitted development. The amended bungalow sticks out significantly against all its neighbours as the materials used are in conflict with the expected brick and tiles of neighbouring homes. It does not sit well as a neighbour to the Conservation Area. (whilst accepting it is not actually part of the Conservation Area)

The Parish Council continues to register a **STRONG OBJECTION** and would ask the LPA to reject this retrospective application and instruct the applicant to return the property to the original finishes, roof sizes etc as articulated under the permitted development scheme.

The Parish Council is of the opinion that the applicant has been and continues to be disingenuous in their dealings with the Parish Council, neighbours and the Local Planning Authority and have acted in an unfriendly and un-neighbourly way.

The retrospective planning application contains most of the same material planning concerns and issues that were raised by the Parish Council and others in the initial planning application that was

comprehensively rejected.

We request that the LPA do NOT APPROVE this retrospective application and accidentally set an undesired precedent for other future applications in the Parish of Long Crendon .

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Report to Central Area Planning Committee

Application Number:	19/00668/APP
Proposal:	Erection of 7 two storey dwelling houses and associated garaging, together with the construction of a new access off Hyde Street, parking, landscaping and all enabling works.
Site Location:	Land To The Rear Of The Lawn, 93 Aylesbury Road, Aston Clinton
Applicant:	Rectory Homes Limited
Case Officer:	Danika Hird
Ward(s) affected:	Former Aston Clinton & Stoke Mandeville
Parish-Town Council:	Aston Clinton
Date valid application received:	21.02.2019
Statutory determination date:	18.04.2019
Recommendation	Supported in principle and DEFERRED AND DELEGATED to officers for approval following the satisfactory completion of a S106 Agreement or Unilateral Undertaking (as appropriate) and subject to those conditions as considered appropriate by officers, or if this is not achieved for the application to be refused for reasons as considered appropriate by officers.

Summary & Recommendation/ Reason for Planning Committee Consideration

The application has been evaluated against the Development Plan, which comprises of Aylesbury Vale District Local Plan (AVDLP) and the Aston Clinton Parish Neighbourhood Plan and the Authority has assessed the application against the planning principles of the NPPF and whether the proposals deliver 'sustainable development'. The most important policies within the Development Plan are up to date and are afforded full weight in the determination of this application. As such, in accordance with paragraph 11 of the NPPF, Local Planning Authorities are required to approve development proposals that accord with an up-to-date development plan without delay.

As part of the above assessment it is acknowledged that there would be economic benefits in terms of the construction of the development and those associated with the resultant increase in local population. Furthermore, the development of 7 dwellings would make a contribution to the housing land supply.

Policy H2 is worded positively in accordance with the requirements of paragraph 16 (b) of the NPPF, which requires plans to be prepared positively, in a way that is aspirational but deliverable. Notably, policy H2 contains no maximum thresholds expressly limiting developments of over 5 dwellings, it purely supports developments of 5 or less. Notwithstanding the quantum of development, any proposal would need to be considered against the design and development management policies including an assessment of any harm arising from the development in that regard. Officers therefore consider that there is no conflict with policy H2 with regard to the quantum of the development provided that the proposal would accord with the design and development management policies. The report concludes that there is no conflict with the design and development management policies contained within the Aston Clinton Parish Neighbourhood Plan and therefore the proposal complies with policy H2 of ACPNP.

The proposed development would comply with policies HQD1 (High Quality Design), HQD2 (High Quality Design), H1 (Settlement Boundary), H2 (Housing Development), H3 (Affordable Housing), H5 (Mix of Housing), T1 (Traffic Mitigation), EN1 (Development Impact on Biodiversity), EN2 (Protecting Biodiversity) and EN4 (Abating Flood Risk) of the Aston Clinton Parish Neighbourhood Plan, policies GP2, GP8, GP24, GP35, GP38 - GP40, GP45, GP86-GP88 and GP94 of Aylesbury Vale District Local Plan and the advice within the NPPF as a whole, and there are no material considerations that indicate a decision otherwise than in accordance with the development plan. It is therefore recommended that the proposal be supported in principle and **DEFERRED AND DELEGATED** to officers for approval following the satisfactory completion of a S106 Agreement or Unilateral Undertaking (as appropriate) securing the provision of affordable housing and financial contributions towards education and off-site sports and leisure facilities and subject to those conditions as considered appropriate by officers, or if this is not achieved for the application to be refused for reasons as considered appropriate by officers.

WORKING WITH THE APPLICANT/ AGENT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal. The council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case as part of this application, amendments were received and following the receipt of such details the application was found to be acceptable and approval is recommended subject to relevant planning conditions and the satisfactory completions of a legal agreement.

1.0 INTRODUCTION

1.1 This item was on the published agenda for the former Aylesbury Vale District Council's Development Management Committee on 26 March 2020, which was cancelled. Aston Clinton Parish Council has raised material planning objections and confirmed that it will speak at the Committee meeting.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site extends to circa 0.26ha and lies to the north-western edge of the village. The site itself consists of part of the garden land of Nos 93 and 93a Aylesbury Road. These existing large detached residential properties are set back from the Aylesbury Road and are positioned on generous sized plots. There is an existing single structure on the site in the form of an old stable building, with the site mainly laid to lawn with trees interspersed across the site. Existing boundary vegetation exists along the north eastern and north western boundaries, with no current defining boundary features along the south western boundary of the site.

2.2 To the north-west of the application site are agricultural fields, whilst to the north-east is a new residential development site currently under construction (ref: 16/00780/AOP). To the south-east

is the new access road (Hyde Street) serving the adjoining development to the north-east with No.93 and 93a Aylesbury Road lying to the south-west.

- 2.3 The submitted plans show three parking spaces serving each of the four bedroom properties (Plots 1, 2 & 3). These spaces are laid out in a triple tandem arrangement, with one space being provided in the form of a garage.

3.0 PROPOSAL

- 3.1 This application seeks full planning permission for the erection of 7 two-storey dwellings along with associated garaging, parking and landscaping within the site, comprising of two detached properties, a pair of semi-detached dwellings and a row of three terraced properties. Each property will be served by its own private rear garden which has a depth of at least 10m.
- 3.2 The proposal involves the construction of a new priority junction onto the recently constructed Hyde Street which serves the new residential development which is currently under construction of the north-east of the site. The new access road would initially measure 5.5metres in width reducing to 5m as the road turns into the site and in the form of a shared surface arrangement with a turning-head adjacent to the boundary which adjoins the open countryside. A 2m wide pedestrian footway is shown to run alongside the initial section of the access, terminating at the shared surface and will connect the site with Aylesbury Road. Allocated parking is shown for each of the properties with single, detached garages serving Plot 1 to 4.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site:

No relevant planning history

4.2 Adjoining Site:

18/01316/ADP:- Approval of reserved matters pursuant to outline permission 16/00780/AOP regarding appearance, landscaping, layout and scale for 50 dwellings with associated garages, parking, landscaping and highway infrastructure – Approved.

17/00807/ADP:- Approval of Reserved Matters pursuant to outline permission 16/00780/AOP regarding appearance, landscaping, layout and scale for 50 dwellings with associated garages, parking, landscaping and highway infrastructure - Approved.

16/00780/AOP:- Outline application with access to be considered and all other matters reserved for the demolition of 95 Aylesbury Road and the erection of 50 dwellings with access, parking, amenity space, formal and informal open space, footpath links, landscaping, drainage and all ancillary works on land to the rear of 93 Aylesbury Road - Approved.

15/01395/AOP:- Outline application with access to be considered and all other matters reserved for the demolition of 95 Aylesbury Road and the erection of 50 dwellings with access, parking, amenity space, formal and informal open space, footpath links, landscaping and all enabling works - Refused.

5.0 PARISH/TOWN COUNCIL COMMENTS

- 5.1 Aston Clinton Parish Council:- Objects to this application on the following grounds: *‘With the VALP in its final stages and the adopted Aston Clinton Neighbourhood plan being part of the local statutory development plan which forms the basis for determining planning applications, the proposed development would be contrary to both plans in terms of sustainability. Further, given the fact that the Local Planning Authority can demonstrate a 5 year housing land supply paragraph 11 d of the NPPF is not engaged. Due to the village having high existing completions/commitments and no additional school capacity (as stated in the VALP) and no further capacity to accommodate housing growth, the VALP identifies a provision for 627 dwellings in Aston Clinton which have already been met by approved completions/commitments. There is no unmet housing need in Aston Clinton. However, the Aston Clinton Neighbourhood Plan (ACNP) supports growth for appropriate developments of 5 or less dwellings on infill and/or redevelopment sites located within the settlement boundary Policy H2. The proposed development, although falling within the settlement*

*boundary, is for more than the 5 dwellings and therefore contrary to the ACNP.
If the application is considered by Committee, the Parish Council wishes to speak'.*

The Parish Council's full representations are appended at the end of this report.

6.0 CONSULTATION RESPONSES

- 6.1 Buckingham and River Ouzel Drainage Board: Raised no comments.
- 6.2 Ecologist: No objection subject to condition securing the delivery of mitigation and measures outlined within the Preliminary Ecological Appraisal. Not a reasonable likelihood of protected and priority habitats or species being affected by this development.
- 6.3 Recycling and Waste Officer: Raised no comments
- 6.4 Environment Agency: Have advised that they do not wish to be consulted on this application.
- 6.5 BCC Highways: Raised no objection subject to conditions. The development would seek to utilise the access road built to serve the aforementioned 50 dwellings (16/00780/AOP). The additional movements can be safely accommodated via the access road and corresponding junction with Aylesbury Road. Whilst it is noted that AVDC waste collection team utilise larger vehicles than the tracking plan shown, BCC Highways are satisfied that there is adequate space within the site for larger vehicles to manoeuvre and therefore no further information is required.
- 6.6 Protected Species Officers: No objection subject to informative relating to Great Crested Newts. There is not reasonable likelihood of protected habitats or species being affected by this development. There is a single pond on site, however this is deemed to have negligible potential of great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017.
- 6.7 Parks and Recreation: As this application site has been deemed cumulative to the adjacent site (16/00780/AOP), an off-site financial contribution in lieu of on-site sports and leisure facilities would be appropriate in this case and amount to £25,987.50. Discussions with take place with Aston Clinton Parish Council to identify an appropriate sport/ leisure project to assign this contribution towards.
- 6.8 BCC Archaeology: Welcome the submission of a desk-based assessment, which indicates the proposal being within pre-historic, Roman and medieval landscapes and various features. Recommends a condition securing archaeological trial trenching to ascertain the buried archaeological significance and extent.
- 6.9 Environmental Health: Raised no comments
- 6.10 Lead Local Flood Authority: No comments received.
- 6.11 Strategic Access Officer: Raised no comments from a rights of way perspective.
- 6.12 Arboricultural Officer: No objection subject to condition. The proposal requires the removal of the vast majority of the tree stock within the site. Although the trees are largely of small scale and limited individual quality they are considered to have significant cumulative values. Proposed landscaping details have been provided and, despite issues with species choices, planting locations and spacing, have demonstrated that commensurate replacement provision is feasible.
- 6.13 AVDC Affordable Housing: The development would be deemed to be cumulative to 16/00780/AOP

thus 2 affordable units would need to come forward as part of this development in order to provide 30%. An affordable housing plan was submitted, showing two ownership units. Whilst it is desirable to the Local Planning Authority that these units come forward as affordable rented, it is noted that this would tip the percentage of rented units of 75%. Although a mix could be pursued, from experience having one rented and one shared ownership is not attractive and would limit or indeed prevent Registered Partners from making offers.

- 6.14 **Education:** Confirmed that financial contributions towards the expansion of the existing primary and secondary school provision serving the development is required to mitigate its impact as both schools are currently at capacity. The contribution cost is based on number of units and bedrooms in relation to the provision type (primary and secondary).
- 6.15 **SUDS:** Objects due to insufficient information regarding the proposed surface water drainage scheme. Request further information regarding management of surface water in the form of a comprehensive Drainage Strategy and accompanying Drainage Statement. The site falls within Flood Zone 1 and the Environment Agency Map shows the site lies in an area of very low risk of surface water flooding. The water table is anticipated to be within 3m of the ground surface and therefore may impact upon subsurface components. The method of surface water drainage does not comply with the drainage hierarchy nor has the applicant demonstrated permission for the proposed connection. At present the method of surface water disposal has not been demonstrated for this site. The LLFA are pleased that permeable paving has been incorporated. The applicant is required to provide an indicative drainage layout. The application requires further details, including calculation regarding surface water management.

7.0 REPRESENTATIONS

7.1 11 Representations were received raising the following objections:

- The district has a five year land supply
- Application is contrary to policy H2 of ACPNP
- Impact on ridge and furrow on site and reference to other appeals relating to this matter
- Land should be protected due to its historical significance.
- Increased traffic
- Another poor use and application of development in the area, it will not bring much economic growth to the village
- Inadequate parking facilities for the housing
- Aston Clinton has no more need for any more housing.
- Village is becoming a victim of an oversupply of non-affordable housing
- Excessive and rapid growth of housing in Aston Clinton has been unsustainable causing overload of services and social infrastructure and other issues.
- Highway is insufficient for additional development/ road to be added. The access road is too narrow and in the widest parts leading up to the proposed development.
- Existing parking issues in area
- A number of trees will also need to be removed which is surely cause for concern, and they have TPOs.
- Countryside and wildlife is being destroyed by these developments.
- Reference to other applications and appeals

8.0 EVALUATION

8.1 **a) The planning policy position and the approach to be taken in the determination of the application**

8.2 Members are referred to the Overview Report before them in respect of providing the background information to the Policy. The starting point for decision making is the development plan, i.e. the

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

8.3 Development Plan
Neighbourhood Plan

8.4 It is noted that Aston Clinton is covered within a designated Neighbourhood Plan Area within the Aston Clinton Parish Neighbourhood Plan (ACPNP) which was made on 08th August 2018. A number of ACPNP are relevant to this application and will be considered in the following evaluation:

- Policy HQD1: High Quality Design
- Policy HQD2: High Quality Design
- Policy H1: Settlement Boundary
- Policy H2: Housing Development
- Policy H3: Affordable Housing
- Policy H5: Mix of Housing
- Policy T1: Traffic Mitigation
- Policy EN1: Development Impact on Biodiversity
- Policy EN2: Protecting Biodiversity
- Policy EN4: Abating Flood Risk

Aylesbury Vale District Local Plan (AVDLP)

8.5 A number of saved policies within the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP2, GP8, GP24, GP35, GP38 - GP40, GP45, GP86-GP88 and GP94.

Emerging policy position in Vale of Aylesbury District Local Plan (draft VALP)

8.6 A number of policies within the VALP (as modified October 2019 – all references to VALP hereafter refer to this edition) following the main modification consultation which started on the 5th November 2019, are now afforded some weight in the decision making process. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of particular relevance are S2 Spatial Strategy for Growth, S5 Infrastructure, S3 Settlement Hierarchy and Cohesive Development, D3 Proposals for non-allocated sites at strategic settlements, larger villages and medium villages, H1 Affordable Housing, H6a Housing Mix, H6c Accessibility, T1 Delivering the Sustainable Transport Vision, T5 Delivering Transport in New Development, T6 Vehicle Parking, T7 Footpaths and Cycle Routes, T8 Electric Vehicle Parking, BE1 Heritage Assets, BE2 Design of New Development, BE4 Density of New Development, NE1 Biodiversity and Geodiversity, NE4 Landscape Character and Locally Important Landscape, NE7 Best and Most Versatile Agricultural Land, NE8 Trees, Hedgerows and Woodlands, C4 Protection of Public Rights of Way, I2 Sports and Recreation, I3 Community Facilities, Infrastructure and Assets of Community Value, I4 Flooding. Policies S1 Sustainable Development for Aylesbury Vale and BE3 Protection of the Amenity of Residents have been the subject of objections and the Inspector has not requested main modifications so these can be regarded as resolved and these policies can be given considerable weight. The remainder of these policies have been the subject of objections and the Inspector requested main modifications and confirmed that he is satisfied they remedy the objection, so these can be given moderate weight. Finally, policy T4 Capacity of the Transport

Network to Deliver Development can only be given limited weight as it is a new and untested policy which was introduced by a modification and therefore subject to consultation.

8.7 Policy S1 (Sustainable Development for Aylesbury Vale) within the emerging VALP which is currently being afforded considerable weight states *'All development must comply with the principles of sustainable development set out in the NPPF. In the local context of Aylesbury Vale this means that development proposals and neighbourhood planning documents should: Contribute positively to meeting the vision and strategic objectives for the district set out above, and fit with the intentions and policies of the VALP (and policies within neighbourhood plans where relevant). Proposals that are in accordance with the development plan will be approved without delay, unless material considerations indicate otherwise. The Council will work proactively with applicants to find solutions so that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*. The proposed development will be assessed in detail below, under the relevant sections to see whether the proposed development accords with the NPPF principles of sustainable development.

8.8 **b) Whether the proposal would constitute a sustainable form of development**

- **Sustainable Location**

8.9 The Government's view of what "sustainable development" means in practice is to be found in paragraphs 7 to 211 of the NPPF. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

8.10 It is acknowledged that the NPPF promotes sustainable development and encourages consolidation of smaller rural settlements where it will enhance or maintain the vitality of rural communities. In terms of its broader location, Aston Clinton is identified in AVDLP as an Appendix 4 settlement implying that this is considered to be appropriate to allow "limited small scale development" within the settlement.

8.11 In the Settlement Hierarchy Assessment 2017, Aston Clinton is identified as a 'larger village'. Larger Villages are typically defined as having a population of between 2,000 and 3,000 and have between 8 – 10 of the key criteria (within 4 miles of a service centre, employment of 20 units or more, food store, pub, post office, GP, village hall, recreation facilities, primary school, hourly or more bus service and train station). Aston Clinton itself has been identified as having a larger population and near to the large service centres of Tring and Aylesbury (3 to 4 miles away). Aston Clinton is also very close to the A41 connecting Aylesbury and Hemel Hempstead, has an hourly or more bus service and is near to several large employment sites. On this basis, it is therefore accepted that Aston Clinton is a more sustainable location with scope for small scale development subject to the scale of growth that could reasonable be considered sustainable not only in terms of its impact on the localised site and surrounding but also in terms of the wider capacity of the village to accept further population growth, having regard to its impact on the infrastructure and local services and the community itself.

8.12 As defined by Aston Clinton Parish Neighbourhood Plan (ACPNP), the application site falls within the defined settlement boundary of Aston Clinton. Policy H1 of the ACPNP supports infill development within the settlement boundary where it accords with other design and development management neighbourhood plan policies.

8.13 Policy H2 of the ACPNP should be read in conjunction with policy H1 of the ACPNP and states that to provide for sustainable housing growth, developments of 5 or less dwellings on infill and/or redevelopment sites will be supported if they are located within the settlement boundary and

accords with the design and development management policies. The scheme would provide seven new dwellings. The adopted ACPNP is part of the development plan and given full weight in the determination of the application. The proposed dwellings are to be sited adjacent to the nearly completed residential development (16/00780/AOP) located to the north-east of the application site with existing residential properties situated along Aylesbury Road to south-east and west of the application site. The only boundary of the site which adjoins the open-countryside is the north-western boundary. The proposal will retain the existing north-western boundary with open countryside, consistent the residential development for application (ref: 16/00780/AOP). As such, the site is considered to constitute infill development within the existing built-up limits of the settlement. Whilst it is acknowledged that policy H2 of the ACPNP provides affirmative support for schemes of five or less dwellings within the defined settlement boundary, Officers do not consider policy H2 to expressly preclude schemes in excess of five dwellings.

- 8.14 Policy H2 is worded positively in accordance with the requirements of paragraph 16 (b) of the NPPF, which requires plans to be prepared positively, in a way that is aspirational but deliverable. Notably, policy H2 contains no maximum thresholds expressly limiting developments of over 5 dwellings, it purely supports developments of 5 or less. Notwithstanding the quantum of development, any proposal would need to be considered against the design and development management policies including an assessment of any harm arising from the development in that regard. Officers therefore consider that there is no conflict with policy H2 with regard to the quantum of the development provided that the proposal would accord with the design and development management policies. Further consideration into the design and development management policies will be considered later in the report below.
- 8.15 The site is shown in the HELAA as forming part of a larger parcel as land, referred to as Land north of Aylesbury Road/ south of the A41 (Ref: AST024) and was identified within the HELAA as being part suitable, however the site falls outside of the land allocated within the emerging VALP.
- 8.16 In accordance with paragraph 30 of the NPPF, once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in the local plan covering the neighbourhood plan area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are subsequently adopted. Within the supporting text of the emerging VALP, paragraph 1.25 identifies all policies within Chapter 3 and Chapter 4 of VALP as strategic policies including a number of other specifically identified policies. Emerging policy D3 (Proposals for non-allocated sites at strategic settlements, larger villages and medium villages) of VALP falls within Chapter 4 of VALP and therefore would be considered a strategic policy. Whilst this is noted, to date, emerging policy D3 of VALP has not been adopted. Consequently, policy H2 of the ACPNP will take precedence in the determination of this application. Furthermore, paragraph 30 of NPPF only gives precedence to strategic and non-strategic local plan policies which are subsequently adopted, when there is a conflict between neighbourhood and local plan policies. However, as there is no direct conflict between the policies themselves within the neighbourhood plan or the local plan, policy D3 would not be engaged and is not applicable in this instance.
- 8.17 Overall, it is therefore accepted that Aston Clinton as a larger village is a more sustainable location to accommodate new development. The site is located within the defined settlement boundary of Aston Clinton and given quantum of development sought (seven dwellings) and its location to the development approved under 16/00780/AOP the proposal would constitute in-principle small-scale infill development. However, consideration needs to be given to the design and development management policies within the Aston Clinton Parish Neighbourhood Plan and all material planning considerations, the specific merits of the scheme and the application site itself, rather than Aston Clinton as a whole.
- 8.18 The detailed issues are considered in more detail under the headings below.

- **Building a strong, competitive economy**

- 8.19 The Government is committed to securing and supporting sustainable economic growth and productivity, but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.20 There would be economic benefits derived from this development in terms of the construction of the development itself and the resultant increase in population contributing to the local economy. These benefits include the creation of jobs during construction, extra demand for goods and services and increased local spending from the resultant increase in population, which would be positive and long lasting to the local economy. It is therefore considered that the proposal would give rise to future economic benefits and therefore would accord with the advice within the NPPF.

- **Delivering a sufficient supply of homes**

- 8.21 Local planning authorities are charged with delivering a wide choice of sufficient amount of and variety of land and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development. In supporting the Government's objective of significantly boosting the supply of homes, paragraph 61 states that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). Key to the consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land.
- 8.22 Based on the findings of the HEDNA, the housing land supply document shows Aylesbury Vale District Council to have a 5.64 year supply this year. Work is ongoing towards revising this calculation in accordance with the new NPPF and early indications are that the council still maintains over 5 years supply.
- 8.23 As a result of the proposed development, the scheme would provide a contribution of 7 dwellings to the housing supply for the District, a significant benefit which is tempered by the relatively small scale nature of this development and would assist in boosting the District's housing supply. It is considered that the scheme could be delivered within a reasonable time, subject to approval due to the scale of the development being sought.
- 8.24 As outlined in policy GP2 of AVDLP, the provision of affordable housing is required for development of 25 dwellings or more or with a site area of 1 ha or more. Whereas Policy H3 of ACPNP and emerging policy H1 of VALP requires 25% affordable housing for developments of 11 or more dwellings. In addition to this, the revised NPPF introduced a requirement for 10% of the homes to be available for affordable home ownership on major housing developments (10 or more dwellings).
- 8.25 Whilst it is acknowledged that the proposed development of 7 dwellings falls below these thresholds, the proposed development is considered to be cumulative development to the new residential development located to the north-east of the site, and therefore affordable housing would be required. The proposed development is considered to be cumulative as it has been

submitted by the same applicant and seeks to utilise the same access, Hyde Street off Aylesbury Road. This associated development of 50 dwellings was granted approval as part of applications 16/00780/AOP and 18/01316/ADP. As part of this current application, two dwellings (Plots 5 & 6) are shown to be shared ownership properties (affordable homes). Whilst it would have been desirable to the Local Planning Authority to have these units as affordable rented units, it is acknowledged that cumulatively this would result in the percentage of rented units exceeding 75%. Although the Local Planning Authority could pursue a mix of one rented and one shared ownership property, the Council's Affordable Housing Officer has advised that in their experience the Council's partner Registered Providers consider two tenures in adjacent semi-detached properties to not be attractive and would limit, or indeed prevent Registered Providers from making an offer. As such, in this instance, two shared ownership properties of the house types indicated (2 bedroom property) would be acceptable.

- 8.26 With regard to the mix of housing, policy H5 of the ACPNP states '*proposals should set out how they have considered housing mix and those that will provide a mix of housing types to include 1,2 and 3 bedroom dwellings will be supported*'. The proposed development comprises of a housing mix of 3x 4 Bedroom (Plots 1, 2 & 3), 2x 3 Bedroom (Plots 4 & 7) and 2x 2 Bedroom (Plots 5 & 6). A variety of houses has been provided and therefore housing mix shown is considered to be acceptable.
- 8.27 Overall, the proposed development is considered to accord with policies H3 and H5 of the ACPNP, policy GP2 of the AVDLP and the advice within the NPPF.

- **Making effective use of land**

- 8.28 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.
- 8.29 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should taking into account of the importance the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 8.30 Policy BE4, Density of new development, of the emerging VALP states that *proposed densities of developments should generally constitute effective use of the land and reflect the densities of their surroundings , and will be appraised on a site-by-site basis to ensure satisfactory residential amenity.*
- 8.31 The proposed development seeks the erection of 7 dwellings on the residential gardens associated with No.93 and No.93a Aylesbury Road in Aston Clinton contributing to the Districts housing. As outlined within the supporting information, the site area measures 0.26 hectares and therefore the proposal would provide a density of approximately 27 dwellings per hectare. It is noted that this is an increase in density when compared to the new residential development to the north-east of the application site which has density of approximately 23 dwellings per hectare, however it is considered that the density shown would be broadly reflective of the site's surroundings. The proposal can thus been seen as supporting the Government's objective to make effective use of land. The need to consider the prevailing character and setting, promoting sustainable transport, conserving and enhancing the natural and historic environment, securing well designed, attractive and healthy places, adequate amenity and meeting climate change is dealt with in the following section(s) of the report.

8.32 As such, the proposal is considered to represent an effective use of land which accords with policy BE4 of the emerging VALP and therefore accords with the advice within the NPPF.

- **Conserving and enhancing the natural environment**

Landscape:

8.33 In terms of consideration of impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Regard must be had as to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. The following sections of the report consider the proposal in terms of impact on landscape, agricultural land, trees and hedgerows and biodiversity.

8.34 Section 15 of the NPPF states planning policies and decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

8.35 Policy HQD1 of ACPNP states *“All development in the Parish should be of high quality design and a good standard of amenity for all existing and future occupants and should reflect the attractive vernacular of Aston Clinton, and be in keeping with local character. To achieve this, development proposals will be supported, provided: i) Their scale, density, height, massing, landscape design, layout and materials, including alterations to existing buildings, have understood and reflected the character and scale of the surrounding buildings and of distinctive local landscape features; and ii) Landscape schemes for housing include the planting of trees and/or hedges and the provision of private amenity space to the front and/or rear;”*

8.36 Policy GP.35 of the AVDLP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. This policy is considered to be consistent with the NPPF.

8.37 Policy GP.38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible.

8.38 Also of relevance is Policy BE2 – Design of new development, of the emerging VALP which sets out that all new proposals shall respect and complement:

- a) The physical characteristics of the site and its surroundings including the scale and context of the site and its setting
- b) The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials
- c) The natural qualities and features of the area, and
- d) The effect on importance public views and skylines

8.39 In addition policy NE4 – Landscape character and local important landscape, states development must recognise the individual character and distinctiveness of particular landscape character areas

set out in the Landscape Character Assessment (LCA), their sensitivity to change and contribution to a sense of place. The policy goes on to set out a number of criteria that development should consider, this includes (but not limited to)

- a) Minimise impact on visual amenity
- b) Be located to avoid the loss of important on-site views and views towards important landscape features
- c) Respect local character and distinctiveness in terms of settlement form and field pattern, topography and ecological value
- d) Ensure that the development is not visually prominent in the landscape

8.40 The site abuts the northern edge of Aston Clinton village and currently forms part of the garden land associated with No.93 and No.93a Aylesbury Road in Aston Clinton. The site is enclosed on three sides by existing residential development, with north-western boundary of the site adjoining the open countryside.

8.41 The site also lies within the Southern Vale Landscape Character Area (LCA), an area assessed as being of moderate sensitivity and generally poor condition with guidelines to "restore and enhance" the landscape characteristics of the area. This area is characterised by *'large areas of low lying vale landscape with limited topographic variation and containing transport corridors and large villages that due to the open nature and the urban edge of Aylesbury break down the rural character'*.

8.42 The proposed development would comprise of the development of garden land therefore it is inevitable that the proposed development would have an impact upon the character and appearance of the site itself and its immediate environs. The proposed development would result in infill development at the edge of Aston Clinton's settlement, retaining the current boundary between the settlement and open countryside to the north-west of the site.

8.43 The revised site layout shows the provision of 7 dwellings fronting the proposed new carriageway off Hyde Street with a turning head adjacent to the boundary which adjoins the open countryside. The layout shown is considered to be reflective of the new residential development which has largely been completed to the north-east of the application site.

8.44 Mitigation has been designed into the proposal with the retention and enhancement of the existing north-western boundary hedgerow which demarks the edge of Aston Clinton's settlement and the open countryside beyond. Amended plans were received as part of this current application, setting the built form in from the boundaries of the site, bolstering the existing north-western hedgerow to 3 metres and removing this important hedgerow from private ownership. This mitigation, in particular the bolstering of the north-western hedgerow will help to soften views of the proposed development and to integrate it into the wider landscape to Aston Clinton.

8.45 Overall, it is considered that the whilst the proposal would cause adverse harm to the landscape character and visual amenity, this harm would be relatively localised and reasonably limited. The proposed development is therefore considered to accord with policies HQD1 and HQD2 of the ACPNP, policies GP35 and GP38 of AVDLP, policies BE2 and NE4 of the emerging VALP and the advice within the NPPF.

Trees and Hedgerows:

8.46 Policies GP.39 and GP.40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.

- 8.47 Policy EN1 of the ACPNP seeks the retention of trees and hedgerows. However it acknowledged that where their retention is unavoidable, replacement trees and hedgerows must be provided, such that no overall loss arises.
- 8.48 This application was accompanied by an Arboricultural Impact Assessment which identifies the existing soft landscaping within the application site and the level of landscape to be removed in order to accommodate the proposed development. The Arboricultural Officer has advised that there are concerns with the cumulative impact of amount of soft landscaping to be removed and some of the details relating to the spacing of trees and emphasis on rear garden/ boundary planting. Whilst this is noted, as part of the revised layout sufficient information has been received to demonstrate that commensurate replacement planting is feasible. As such, the Arboricultural Officer raises no objection to the scheme subject to conditions ensuring tree protection measures and a revised landscaping scheme.
- 8.49 Furthermore, the landscaping to be removed forms part of the residential gardens associated with the host dwellings and therefore could be removed at any point as they are not protected. A number of concerns have been raised by third party representations with regard to some of the affected trees being protected by Tree Preservation Orders (TPOs). The nearest trees protected by TPOs are located along the frontage of Aylesbury Road and as such, the trees affected by the proposed development are not protected. As such, it is considered that subject to further details being provided which can be secured through a condition, the scheme would comply with policy EN1 of the ACPNP, policies GP39 and GP40 of AVDLP and the advice within the NPPF.

Biodiversity/Ecology

- 8.50 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.
- 8.51 Policy EN2 of the ACPNP states: *“To avoid impacts on and to provide net gains in biodiversity, development should:*
- i) Safeguard designated sites, protected species and habitats, ancient or species rich hedgerows, grasslands and woodlands; and*
 - ii) Provide measures to mitigate any adverse effects of development on biodiversity by providing a biodiversity net gain; and*
 - iii) Where possible and appropriate, provide sustainable drainage facilities and a restrictive use of storage lagoons or similar retentive systems discharging to surface water receptors”.*
- 8.52 This is also required within policy NE1 of the emerging VALP.
- 8.53 This application was supported by a Preliminary Ecological Appraisal. The Council’s Ecologist concurs with justification provided that the orchard trees and garden pond do not meet the criteria for priority habitats. The submitted appraisal does outline that the local data search has revealed records of Great Crested Newts in ponds/waterbodies within a 1km radius of the proposed development. Whilst this is noted, the pond on site is isolated from other waterbodies and there are limited dispersal opportunities for Great Crested Newts to the on-site pond due to distance, a lack of connectivity and low suitability habitat on site. As such, the Council’s Ecologist have advised that there is not reasonable likelihood of protected and priority habitats or species being affected by the proposed development. A number of mitigation and enhancement measures have been suggested within the Appraisal which are considered to be acceptable and can be secured via a condition. These measures are as follows:

- Where practically possible, retain and protect existing trees

- Where removed, trees to be replaced on a 'like for like' basis particularly with regard to the fruit trees.
- Recommend hedgerow to the west is protected and retained. Any new hedgerow planting should be of a native species.
- New areas of garden planting should be designed, planted and managed to maximise their value on wildlife (a key element of this would be the species used).
- It is recommended that the pond is drained and cleared in a careful and controlled manner during the autumn and not undertaken in temperatures below freezing. Existing aquatic vegetation should be removed and temporarily placed in an undisturbed area of the garden to allow any remaining animals to disperse.
- It is recommended that the wood from the removed fruit trees from within The Stables is moved and set vertically within a secluded area of the site in order to preserve the dead wood habitat and any invertebrates that may be using the habitat. It is recommended that two additional log piles are created within the same area.
- The regime of vegetation clearance to remove woody vegetation should ideally commence between September and February to avoid the bird breeding season (March-August). If cleared during this time Ecologists should be appointed to assess any risk and to ensure compliance with the legal protection to nesting birds.
- Erection of Bird Nesting Boxes, in particular, on the building integrated bird boxes.
- At least 50% of the new dwellings will contain integrated Bat Tubes.
- Any garden fences or walls erected within the development are made permeable for hedgehogs.

8.54 The proposal is therefore considered to accord with policy EN2 of the ACPNP and Policy NE1 of the emerging VALP as well as the advice within the NPPF.

- **Promoting sustainable transport**

8.55 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.56 Policy T1 of the ACPNP states: *'Development proposals will need to demonstrate that appropriate site access and traffic mitigation can be delivered in order to minimise any significant adverse impacts on the highway network arising from the new developments'*.

8.57 As outlined above, Aston Clinton itself is considered to be one of the more sustainable settlements within the District given the services and facilities it offers, its proximity to large service centres and employment areas and its existing public transport provision. The site is particularly located within close proximity to Aylesbury Road, a main arterial road through the village. Within reasonable walking distance, the site has pedestrian access to Aston Clinton's services and facilities with footpaths located along Hyde Road and Aylesbury Road. Furthermore, with regard to public transport, Aston Clinton is served by a range of bus services which connect Aston Clinton to the

main service centres, with bus stops being located a short distance from the site. As such, the site is considered to be sited in a sustainable location in transport terms.

- 8.58 This application seeks a new access off Hyde Park in Aston Clinton. Hyde Park road which is accessed off Aylesbury Road received permission as part of application 16/00780/AOP to serve the erection of 50 new dwellings (residential development to north-east of the site), to which the Highway Authority did not object. This current proposal for the provision of 7 dwellings has the potential to generate between 28-42 two-way daily vehicular movements onto the local highway network. These vehicular movements have been assessed by the Buckingham County Council's Highway Engineer who has advised that these additional movements can be accommodated safely via Hyde Road and the corresponding junction with Aylesbury Road.
- 8.59 Furthermore, the submitted refuse vehicle tracking plan shows a vehicle measuring 10.9m, however the AVDCs waste collection team use refuse vehicles which measure over 11m. Whilst this is noted, BCC Highways Engineer has advised that there is adequate space within the site for private cars and refuse vehicles to turn and egress in forward gear and therefore it is not necessary in this instance to require any further details in respect of this matter. BCC Highways are therefore content that the proposed access and manoeuvrability arrangements are acceptable and would not result in unacceptable levels of traffic.
- 8.60 Overall, the application site is located within a sustainable location from a transport perspective and BCC Highways have not raised any objections with regard to the safety, access or manoeuvrability within the site. The proposed development is therefore considered to accord with policy T1 of the ACPNP and the advice within the NPPF.

Parking

- 8.61 Policy HQD1 of ACPNP states '*All development in the Parish should be of high quality design and a good standard of amenity for all existing and future occupants and should reflect the attractive vernacular of Aston Clinton, and be in keeping with local character. To achieve this, development proposals will be supported, provided... iii) They make provision for off-street car parking spaces in accordance with adopted standards, unless a clear case can be made for why the proposal will result in fewer spaces being required;*'
- 8.62 AVDLP policy GP24 requires that new development accords with published parking guidelines. SPG 1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development. Also of relevance is policy T5 of the emerging VALP sets out optimum standards for parking.
- 8.63 The proposed development seeks the erection of 7 dwellings varying from two bedrooms up four. In accordance with the SPG 1 "Parking Guidelines" properties comprising of three bedrooms require two spaces, with four bedroom properties requiring three parking spaces to be provided within the curtilage of the dwelling it serves. Within the standards, two bedroom properties are required to either have one space where communal parking is provided with one visitor space per two dwellings or two spaces where communal spaces are not to be provided. The submitted plans show three parking spaces serving each of the four bedroom properties (Plots 1, 2 & 3). These spaces are laid out in a triple tandem arrangement, with one space being provided in the form of a garage. Where possible, the Local Planning Authority avoids the use of triple tandem arrangements for practicality reasons and whilst not ideal, similar arrangements could be found on the new development to the north-east of the site which the Local Planning Authority considers this development to be cumulative to. As such, it is considered that in this instance this matter could not be pursued any further and this alone would not be a sufficient reason to warrant the refusal of the application.

8.64 With regard to electric vehicle charging points, the agent has confirmed their intentions are to *'undertake new capacity checks to assess the KVA capacity of the network. If there is sufficient capacity, we will ensure that the properties are wired to enable electric car vehicle charging. The purchasers can then in future install the charging point that corresponds with the product type they require'*.

8.65 The remaining plots (4, 5, 6 & 7) provide the required number of spaces for the size of the properties they serve and are laid layout satisfactorily. Overall the parking scheme shown is considered to comply with the aims of policy HQD1 of the ACPNP, policy GP24 of AVDLP and the advice within the NPPF.

- **Promoting healthy and safe communities**

8.66 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces. Policies GP86-88 and GP94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development.

8.67 A financial contribution towards off-site sport and leisure provision and education would be necessary and will be secured via an obligation within a Section 106 Agreement. Furthermore, as part of application 16/00780/AOP, which this application seeks to be cumulative development to, concerns were also raised by third party representations regarding the capacity of local health services. NHS England were consulted as part of this associated, earlier outline approval with the previous Officer's report summarising their comments as follows. *"NHS England have been consulted in this regard and advise that the existing practice (the Westongrove Practice) has sufficient capacity to absorb the increase in population that would result from this development. It is noted that the Aston Clinton surgery forms part of a partnership with two other surgeries (located at Bedgrove and Wendover, 3.7km and 4.2km away respectively) which are both reasonably proximate to the site for such facilities which may not always be within walking distance. It is therefore considered there is adequate provision in the area such as not to warrant refusal of the application on grounds of lack of access to such facilities"*. Given contributions towards health were considered not required at the time of application 16/00780/AOP, to which this current application is associated with, it is considered that the provision of a small number of additional units (7) would not result in a significantly higher demand on health services when compared to application 16/00780/AOP to now warrant contributions towards health. Furthermore, officers are of the opinion that since the provision of health facilities is normally within the remit of the NHS, and to date the CCG or NHS Trust have not satisfied the CIL regulations test it is not considered that it would be appropriate to seek to secure contributions.

8.68 Subject to the satisfactory completion of a S106 securing this provision the proposed development would accord with policies GP86-88 and GP94 of AVDLP and the advice within the NPPF.

- **Achieving well-designed places**

8.69 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 8.70 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
- 8.71 Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.
- 8.72 There are a number of policies within the ACPNP which relate to design, Policy HQD1 requires *'all development in the Parish should be of high quality design and a good standard of amenity for all existing and future occupants and should reflect the attractive vernacular of Aston Clinton, and be in keeping with local character. To achieve this, development proposals will be supported, provided: i) Their scale, density, height, massing, landscape design, layout and materials, including alterations to existing buildings, have understood and reflected the character and scale of the surrounding buildings and of distinctive local landscape features'* with policy HQD2 stating that *'proposals for housing should include: i) Well designed modern housing, which should integrate with, and compliment, the village; and ii) Materials should, where appropriate, reflect the local vernacular; and iii) Buildings should not exceed two storeys, unless it can be demonstrated that it would be in keeping with its surroundings and not appear incongruous'*.
- 8.73 Policy GP.35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP.45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site.
- 8.74 Policy BE2 – Design of new development, of the emerging VALP also sets out how development proposals should respect and complement a number the site and its surroundings.
- 8.75 The proposal seeks frontage development along a new access road off Hyde Street and are set back to allow for small front gardens to the front of each of the properties. Parking is shown to be located to the side of the dwellings with a number of the properties being served by detached single garages. The layout shown also enables the retention and reinforcement of the existing north-eastern and western boundaries, in particular the boundary adjacent to the open countryside (north-western). As a result of the proposed development, the north-west boundary is to be bolstered to 3m which is necessary mitigation due to this boundary forming the sensitive rural edge of the settlement. As such, it is considered that there would be adequate circulation space between the proposed properties to ensure proposed development does not constitute an overdevelopment of the site.
- 8.76 The proposed development would comprise of a number of house types, including detached, semi-detached and terrace properties which offer a degree of variety in terms of architectural styles which draw upon characteristics found within the local area, largely reflecting the properties currently under construction to the north east. This shared approach to the design and layout of proposal with the properties to the north-east of the site is welcomed as it allows for a cohesive

development overall. The proposed dwellings would have ridge heights of between 5.5 and 9.1m. The slight variation within the properties proposed include ditched dormer windows within the eaves of the roof, flat roof canopies to the front of the properties, properties with front facing gables, pitched roof canopies over the front doors and two-storey rear projections, all of which add interest to the local streetscene. The supporting information advises that the properties are to be constructed with either concrete plain tiles or slates for the roof and red bricks. Small amounts of render is shown with the detached garages shown to constructed with black stained timber clad.

8.77 Overall, the general layout, design and appearance is considered to respond the new residential development located to the north-east of the site and therefore the development is considered to reflective and integrate satisfactorily with the character and appearance of the local area. The proposal is therefore considered to accord with policies HQD1 & 2 of the ACPNP, policies GP35 and GP45 of AVDLP and the advice within the NPPF.

- **Meeting climate change, flooding and coastal change**

8.78 The NPPF at Section 14, 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 163 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.

8.79 Policy EN4 of the ACPNP states "all development proposals with flood risk implications should:

- Demonstrate that flood risk is not increased elsewhere; and*
- Ensure that surface water run off does not exceed the existing rate using sustainable drainage and permeable paving and surfacing; and*
- Be sited in areas of the least flood risk".*

8.80 Emerging policy I4 of VALP also seeks the provision of flood risk assessments, where appropriate, the management of flood risk and the provision of sustainable drainage systems (SuDS).

8.81 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 site to lie within an area of very low risk of surface water flooding. The Infiltration SuDS Map anticipates the water table to be within close proximity of the ground surface and therefore this may impact upon any subsurface components. Within the accompanying Design and Access Statement it is advised that the drainage strategy for the site '*relies upon storage within permeable paving to control surface water runoff rates and provide filtration to maintain water quality. It will then drain into a control chamber before discharge into the storm sewer along Hyde Street. Foul drainage will connect into the newly laid foul network along Hyde Street, with the use of a package pump station given the levels across the site*'.

8.82 As part of this application the Lead Local Flood Authority (LLFA) were consulted and raised objections to the proposed development due to insufficient information regarding the proposed surface water drainage scheme. The LLFA has advised that 'storm sewer' referred to in the submitted Design and Access Statement would in fact be a Thames Water foul sewer network and therefore the proposal would not comply with the drainage hierarchy as foul sewers are not included. Furthermore, the applicant has not demonstrated that permission for the connection to the sewer has been obtained and therefore the LLFA consider that at present, a method of surface

water disposal has not been demonstrated for this site. Ground investigations are also sought prior to the determination of this application to assess the infiltration potential of the site, due to the anticipated high levels of groundwater. If infiltration is found not to be feasible, the applicant will need to demonstrate an alternative discharge method and may wish to explore a connection to one of the nearby watercourses, with written permission to demonstrate a lifetime connection to serve the development.

- 8.83 The LLFA welcome the use of permeable paving which has been incorporated within the design of the proposed development, however an indicative drainage layout is required to demonstrate connectivity between the dwellings and the drainage components until the point of discharge. Calculations are also required in respect of storm events, including climate change storm events, details of critical storm durations and how the system will function during different storm events. If flooding occurs within the climate change storm event, details would be required in terms of where this will occur and the volume of flooding.
- 8.84 Overall, although the applicant has currently not been able to demonstrate a viable surface water drainage scheme, there are a number of options which can be explored and therefore it is likely a suitable surface water drainage scheme could come forward. Consequently, whilst noting the concerns of the LLFA, it is considered that a condition could be imposed requiring a surface water drainage scheme to come forward prior to the commencement of works and therefore Officers do not consider a reasons for refusal on this matter alone could be sustained in this instance. In addition to the details provided within the Design and Access Statement, a drainage strategy layout for the site was submitted, however this layout was based on earlier layout and therefore is not reflective of the layout currently shown. This would therefore be resolved as part of the details to be submitted as part of condition suggested above. Subject to a condition of this nature, the proposal is considered to accord with policy EN4 of the ACPNP, emerging policy I4 of VALP and the advice within the NPPF guidance.

- **Conserving and enhancing the historic environment**

- 8.85 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving the Listed Building, its setting and any features of special architectural or historic interest in which it possesses. In addition to paying attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 8.86 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. With paragraph 194 stating any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Paragraph 196 states 'where a development will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal'.
- 8.87 Policy HQD1 of ACPNP states '*All development in the Parish should be of high quality design and a good standard of amenity for all existing and future occupants and should reflect the attractive vernacular of Aston Clinton, and be in keeping with local character. To achieve this, development proposals will be supported, provided: v) The proposals take full account of any relevant considerations concerning the historic environment and heritage assets in the area*'.
- 8.88 Policy GP.53 of AVDLP requires new developments in and adjacent to conservation areas to preserve and enhance the character and appearance of the Conservation Areas.

- 8.89 Policy BE1 Heritage Assets of the emerging VALP sets out that *The historic environment, unique in its character, quality and diversity across the Vale is important and will be preserved or enhanced. All development, including new buildings, alterations, extensions, changes of use and demolitions, should seek to conserve heritage assets in a manner appropriate to their significance, including their setting, and seek enhancement wherever possible.* The policy states that the Council will require development proposals that cause less than substantial harm to a designated heritage asset to weigh the level of harm against the public benefits that may be gained by the proposal, including securing its optimum viable use.
- 8.90 The application site does not fall within or located near to a Conservation Area nor are there any listed buildings which would be affected by the proposed development. The nearest listed building is located to the south of Aylesbury Road. As such, the proposed development is considered not to impact any designated heritage assets.
- 8.91 Overall, the proposed development is considered to cause no harm to any designated heritage assets. Consequently, there is no requirement to offset the impact of the proposals against any public benefit, as required by the NPPF. 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. The proposal therefore accords with policy HQD1 of the ACPNP, policy GP53 of AVDLP and policy BE1 of the emerging VALP and the advice within the NPPF.

Archaeology

- 8.92 Paragraph 189 of the NPPF advises that where a site on which development is proposed includes, or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. This is further supported by policy GP59 of AVDLP which states ‘in dealing with development proposals affecting a site of archaeological importance the Council will protect, enhance and preserve the historic interest and its setting. Where research suggests that historic remains may be present on a development site planning applications should be supported by details of an archaeological field evaluation. In such cases the Council will expect proposals to preserve the historic interest without substantial change’.
- 8.93 This application was accompanied by a desk-based archaeological heritage statement which outlines the application site is located within pre-historic, Roman and medieval landscapes and various features and finds relating to these periods within the vicinity of site. Given these recordings have been identified, Buckingham County Council’s Archaeologist has recommended archaeological trial trenching to ascertain the archaeological significance of the site and its extent. Subject to further archaeological investigation being secured by condition, no harm has been identified to the archaeological interest of the site and its vicinity.
- 8.94 A number of concerns have been raised with regard to ridge and furrow, within the desk-top Archaeological Assessment ridge and furrow was identified as being present, until recently, to the north and eastern fields of the proposed development area. As such, whilst it is acknowledged that at some point the site was part of the medieval field system comprising of field strips and ridge and furrow, this changed when the land was enclosed as residential garden. The walkover survey assessment of the application site advises that *‘the majority of the proposed development area comprises grass with shrubs and trees dotted across it, whilst an orchard occupies part of the north-western half. The site is surrounded by mature hedges and scrubs and wooden fences’.* As such,

this assessment makes no suggestion that ridge and furrow (a non-designated heritage asset) remains present within the site.

8.95 Overall, the proposed development is considered to cause no harm to the archaeological interest of the site subject to conditions. Consequently, there is no requirement to offset the impact of the proposals against any public benefit, as required by the NPPF. As such, the proposal is considered to accord with policy HQD1 of the ACPNP, policy GP59 of AVDLP and the advice within the NPPF.

- **Supporting high quality communication**

8.96 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

8.97 The proposed development is to be located near to existing residential properties and the erection of 7 dwellings would be relatively small scale, therefore it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development. This matter is considered to accord with the advice within the NPPF.

c) Impact on Residential Amenity

8.98 The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy HQD1 of the ACPNP states: *'all development in the Parish should be of high quality design and a good standard of amenity for all existing and future occupants and should reflect the attractive vernacular of Aston Clinton, and be in keeping with local character. To achieve this, development proposals will be supported, provided:*

ii) Landscape schemes for housing include the planting of trees and/or hedges and the provision of private amenity space to the front and/or rear'

8.99 AVDLP policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.

8.100 Policy BE3 of the emerging VALP sets out that Planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of existing residents and achieve a satisfactory level of amenity for future residents.

8.101 The proposed development seeks the erection of 7 dwellings, two detached, a pair of semi's and a row of three terraced properties. Plots 1 to 4 are to be located to the rear of the properties located on Pfullmann Street, to the south-west with Plots 5 to 7 being located to the rear of 93 Aylesbury Road and to the side of 93a Aylesbury Road. As part of this application amendments were received moving the proposed garages away from the rear boundaries with neighbouring properties. Plots 1 to 4 have back to back spacing and separation distance of between 20.1m to 23.2m with the properties located Pfullmann Street which is considered to be acceptable.

8.102 With regards to the relationship between plots 5 to 7 and No.93a, the rear elevation of the proposed properties face onto the flank elevation of No.93a with a separation distance of approximately 14m at its narrowest. These plots also indirectly face onto the rear elevation of

No.93 Aylesbury Road. Separating the proposed dwellings from these neighbouring properties are the rear garden of Plots 5 to 7 which all have garden depths of at least 10m. The spacing and separation distances between the proposed dwellings and surrounding neighbouring properties are considered to be acceptable and in keeping with other relationships in the area. To further mitigate concerns of overlooking to the immediate, rear private amenity space No.96a, amendments were received removing a window at first floor from both plot 5 and 6. Whilst a window at first floor would remain on each of these plots, which would face onto No.96a, these windows have been located off-centre, with the first floor window of plot 5 looking onto the end part of this neighbouring properties rear garden and the first floor window of plot 6 looking onto the flank of No.93a. Consequently the immediate rear garden of No.93a will be preserved with regard to overlooking. Furthermore, similar arrangements can be found elsewhere within the District and 14metres back to flank relationship is generally accepted as an adequate distance to preserve the amenity of neighbouring properties in respect of privacy.

- 8.103 In addition, the common boundary between these properties will be demarked with appropriate boundary treatment. Furthermore, it is considered that due to the layout of the proposed development and its relationship with neighbouring properties there would not be any adverse impacts with regard loss of sunlight, daylight nor would the development appear overbearing when viewed from nearby residential properties, thus resulting in an acceptable relationship with the proposed development.
- 8.104 The garages shown are to be single storey only and therefore only a small proportion of these structures would be visible above existing boundary treatment. Each property has been provided with an adequately sized rear garden in order to afford adequate amenity to the occupiers of the proposed development.
- 8.105 In summary, given the positioning of the proposal and its relationship relative to the neighbouring properties in terms of scale, position of windows and orientation it is considered that the proposal would not result in an unacceptable adverse impact upon residential amenity. Therefore the proposal accords with policy HQD1 of the ACPNP, policy GP8 of the AVDLP, policy BE3 of the emerging VALP or with the NPPF.

d) CIL/ S106

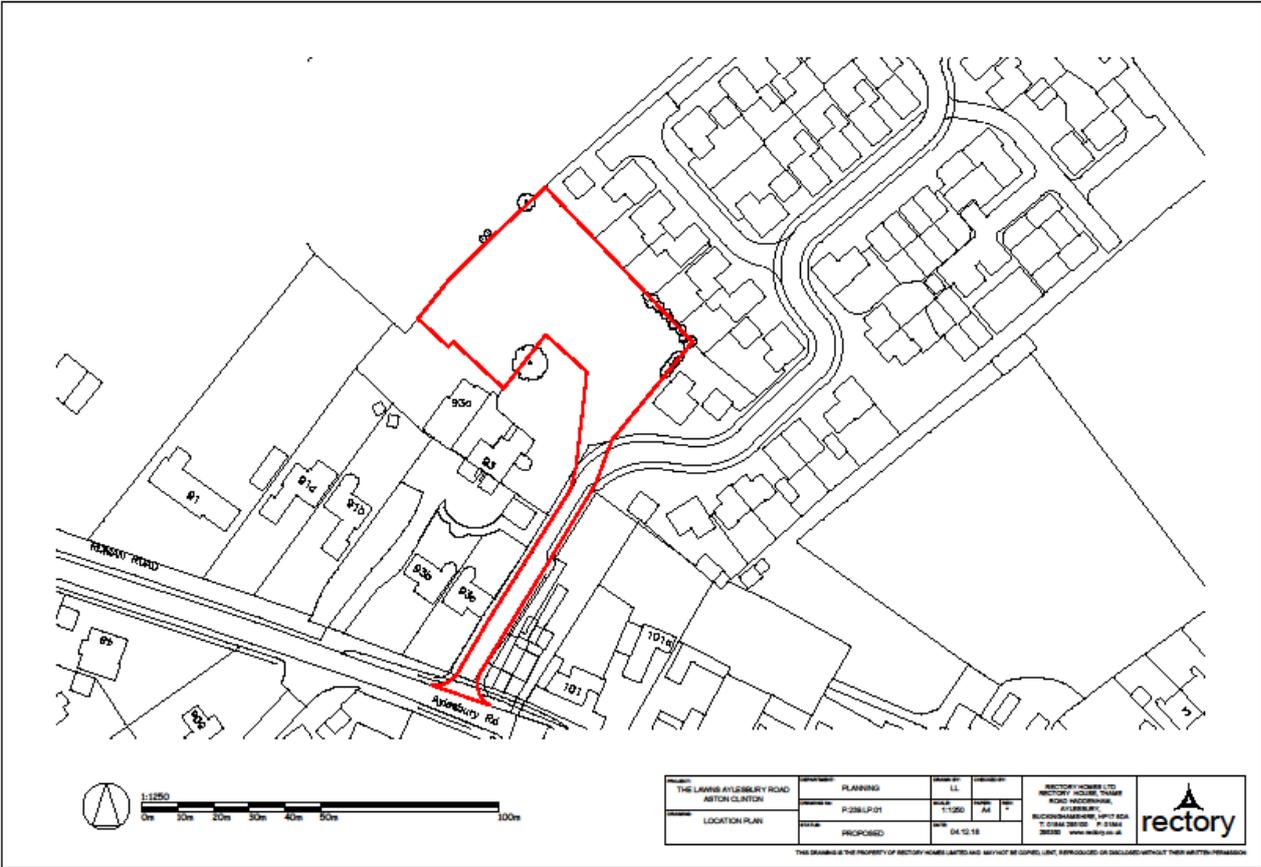
- 8.106 As noted above, there are a number of requirements arising from this proposal that need to be secured through a S106 Planning Obligation Agreement. These obligations include:
- . Provision of Affordable Housing (2 x two bedroom shared ownership properties)
 - . A financial contribution towards off-site sport and leisure provision
 - . A financial contribution towards education
- 8.107 It is considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 sets out the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be considered as a reason for granting planning permission if the obligation does not meet all of the following tests; necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 8.108 In the context of this application the development is in a category to which the regulations apply. The requirement for all of the above named measures, if the proposals were to be supported, would need to be secured through a Planning Obligations Agreement. These are necessary and proportionate obligations that are considered to comply with the tests set by Regulation 122 for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related to the scale and kind of

development. Specific projects are to be identified within the Section 106 in accordance with the pooling limitations set out in Cil Regulation 123.

8.109 The Council's Solicitors have been instructed in respect of the drafting of a S106 Agreement to secure the relevant obligations should Members be minded to grant planning permission. With the obligations being secured through a legal agreement the development is considered to accord with the NPPF and AVDLP policies GP2, GP86-88 and GP94.

Case Officer: Danika Hird

dhird@aylesburyvaledc.gov.uk



Consultee Comments for Planning Application 19/00668/APP

Application Summary

Application Number: 19/00668/APP

Address: Land To The Rear Of The Lawn 93 Aylesbury Road Aston Clinton Buckinghamshire HP22 5AJ

Proposal: Erection of 7 two storey dwelling houses and associated garaging, together with the construction of a new access off Hyde Street, parking, landscaping and all enabling works.

Case Officer: Danika Hird

Consultee Details

Name: Parish AstonClinton PC

Address: 37 London Road, Aston Clinton, Buckinghamshire HP22 5HL

Email: parishcouncilassistant@astonclinton.org

On Behalf Of: Aston Clinton Parish Council

Comments

Aston Clinton Parish Council objects to this application on the following grounds:

With the VALP in its final stages and the adopted Aston Clinton Neighbourhood plan being part of the local statutory development plan which forms the basis for determining planning applications, the proposed development would be contrary to both plans in terms of sustainability. Further, given the fact that the Local Planning Authority can demonstrate a 5 year housing land supply paragraph 11d of the NPPF is not engaged.

Due to the village having high existing completions/commitments and no additional school capacity (as stated in the VALP) and no further capacity to accommodate housing growth, the VALP identifies a provision for 627 dwellings in Aston Clinton which have already been met by approved completions/commitments. There is no unmet housing need in Aston Clinton.

However, the Aston Clinton Neighbourhood Plan (ACNP) supports growth for appropriate developments of 5 or less dwellings on infill and/or redevelopment sites located within the settlement boundary Policy H2. The proposed development, although falling within the settlement boundary, is for more than the 5 dwellings and therefore contrary to the ACNP.

If the application is considered by Committee, the Parish Council wishes to speak.

RICHARD BUXTON SOLICITORS

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Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury HP19 8FF

Attn. Danika Hird, Case Officer

By email and post

Your ref: 19/00668/APP

Our ref: ACP1-001/LF

Email: lfoster@richardbuxton.co.uk; hnorman@richardbuxton.co.uk

18 February 2020

URGENT LETTER RELATES TO COMMITTEE MEETING 19 FEB 2020

Dear Sirs

Land to the rear of The Lawn, 93 Aylesbury Road, Aston Clinton HP22 5AJ (“the Site”)

We are instructed by Aston Clinton Parish Council in relation to the above. We have instructed Counsel, Andrew Parkinson of Landmark Chambers.

The application proposes infill development of 7 dwellings on the Site. The relevant planning policy for development in the village includes the Aston Clinton Parish Neighbourhood Plan (“the NP”), in particular NP policy H2.

We have reviewed the officer’s delegated report (“the OR”) and consider there are significant errors in how the officer dealt with the issue of the quantum of housing proposed for the site. Our clients have raised this issue in an objection dated March 2019. NP policy H2 which provides:

POLICY H2 - Housing Development To provide for sustainable housing growth, developments of 5 or less dwellings on infill and/or redevelopment sites will be supported if they are located within the settlement boundary. All proposals must accord with the design and development management policies of the ACNP.

The OR provides “*whilst it is acknowledged that policy H2 of the ACPNP states that for schemes of five or less dwellings within the defined settlement boundary will be supported, this policy does not preclude schemes which result in excess of five dwellings.*”

This is a fatal misreading of H2 which plainly sets 5 dwellings as a *limit*. Firstly, following Tesco Stores v Dundee City Council [2012] UKSC 13, the officer’s interpretation that H2 does not preclude 7 dwellings attributes an impermissible meaning to the words “*five or less*”.

Secondly, even if H2 could be said to be expressed in permissive terms (e.g. the officer's reference to "*preclude*"), recent caselaw makes clear the H2 policy wording does not exclude the obvious corollary that proposals of more than 5 dwellings is not in accordance with the policy and the NP's strategy for housing development within the parish. "*The inference, therefore, is not neutral or positive towards development without specific support in the policies, but negative*" (*Gladman Developments Ltd. V Canterbury City Council* [2019] EWCA Civ 669, para 35). Therefore, the OR suggestion that the policy does not preclude schemes which result in excess of five dwellings is fatal to the OR reasoning.

In relation to the other aspects of the discussion in the OR to policies in the emerging Local Plan ("eLP"), unfortunately in the time available we have not had an opportunity to consider these issues and reserve our position to make further submissions in the event the application is approved and the case proceeds to judicial review. However, we note that full weight should be attributed to the adopted NP.

For the reasons set out above the correct course of action is for the matter to be refused since the NP policy H2 is clear that the development of 7 houses is contrary to the policy planning framework for the Site.

Yours faithfully

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Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury HP19 8FF

Attn. Danika Hird, Case Officer

By email and post

Your ref: 19/00668/APP

Our ref: ACP1-001/LF

Email: ifoster@richardbuxton.co.uk; hnorman@richardbuxton.co.uk

3 March 2020

Dear Sirs

Land to the rear of The Lawn, 93 Aylesbury Road, Aston Clinton HP22 5AJ ("the Site")

We write further to our letter of 18 February 2020, which raised issues concerning the officer's interpretation of relevant neighbourhood plan policies, as set out in the officer's report for the February meeting ("the OR"), and we do not repeat those concerns here.

In relation to proposed policy D3, the OR recognises that the application conflicts with criterion (b), because it is partial development of a larger site. However, there is no consideration of the Council's monitoring of delivery rates, which is an essential trigger for policy D3 to operate in the first place (see supporting text at 4.157).

The OR then records that it does not rely on D3 to justify the application - referring to the fact that it only has moderate weight and relying on the policies in the Neighbourhood Plan (see OR/9.15). However, in the conclusion the OR says that the development complies with emerging Policy D3 (OR/9.16).

We have discussed the conclusion with Counsel and his view is that this analysis is materially misleading to committee members because it is plainly wrong and contrary to the officer's earlier findings to conclude that the development complies with emerging Policy D3.

If the Council proceeds to determine the application on the basis set out in the February 2020 OR, any grant of permission on the reasons given would be vulnerable to a Judicial Review challenge and our clients would seek costs against the Council on a successful outcome.

Yours faithfully


Richard Buxton Solicitors

Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury HP19 8FF

Attn. Danika Hird, Case Officer

By email and post

Your ref: 19/00668/APP

Our ref: ACP1-001/LF

Email: lfoster@richardbuxton.co.uk; hnorman@richardbuxton.co.uk

23 March 2020

Dear Sirs

Land to the rear of The Lawn, 93 Aylesbury Road, Aston Clinton HP22 5AJ (“the Site”)

We write further to our letters dated 18 February 2020 and 3 March 2020.

We note that this matter was, until last Friday 20 March 2020, scheduled to come before the Council’s Strategic Management Committee (“the Committee”) on 25 March 2020. We understand that the Council has since announced it will postpone this meeting. This is of course the right position to take as our client’s representative is unable to attend the meeting in person, and therefore is materially prejudiced by the meeting taking place had it not been postponed.

Despite the postponement, we also have reviewed the latest iteration of the Officer’s Report to the Committee (“the Updated OR”).

Our comments on the interpretation of Policy H2 in our letter dated 18 February 2020 are maintained. The Officer has repeated the erroneous advice to the Committee in this Updated OR (see, for example, at paragraph 9.13: “*Officers do not consider policy does not H2 to expressly preclude schemes which result in excess of five dwellings*”).

The report now seeks to justify this interpretation by reference to other Neighbourhood Plans made in the district (see Updated OR/9.14-9.17). The Officer’s advice is summarised at paragraph 9.18:

“Thus, there are a number of examples across the District where Parish/ Town Councils have sought to restrict development and modifications were required to allow for greater flexibility. Officers therefore consider that their approach to the interpretation of policy H2 of the ACPNP is consistent with Examiner’s assessment of other, similar neighbourhood plan policies and a presumption in favour of sustainable development as required by the NPPF.”

The approach taken is fundamentally flawed. It is well established that a development plan document (such as the Ashton Clinton Neighbourhood Plan ("the ACNP")) is a standalone document which must be interpreted and understood as such, without reference to extrinsic material which are neither incorporated into nor referred to in the ACNP: see Phides v SSCLG [2015] EWHC 827 (Admin) at para. 56.

The other neighbourhood plans referred to in the Updated OR (and the comments made in the accompanying examiners reports) would all fall into this category. Interpreting Policy H2 with regard to these documents is unlawful.

In any event, the Examiner for the ACNP did not consider it necessary to propose any modification to Policy H2 as submitted. Notably, unlike in the other examinations referred to, the Examiner did not propose adding reference to five dwellings being an "approximate figure". This in fact underlines that the policy should not be interpreted as permitting more than five dwellings within the settlement boundary. In short, the Examiner into the ACNP was satisfied that the plan met the basic conditions even though Policy H2 limited housing development within the settlement boundary to a maximum of five dwellings.

In short, the Updated OR seeks to re-write Policy H2 by reference to other plans in other areas in the district. This is unlawful (see Phides) and seriously misleading. Should the Committee accept this advice, our client should have no option but to judicially review the decision.

The Officer also suggests that his interpretation is required to ensure that Policy H2 is consistent with the presumption in favour of sustainable development in the NPPF (see Updated OR/9.18). Again, this is seriously misleading. There is nothing inconsistent with national planning policy in imposing a cap on the number of units on development sites inside the settlement boundary (and nor does the Officer identify the nature of this conflict). In any event, one of the basic conditions which must be satisfied for the ACNP to be made is that it is consistent with national planning policy. In finding that the ACNP met the basic conditions, the Examiner must have concluded that Policy H2 was consistent with the presumption in favour of sustainable development.

In light of the above, we ask that the matter is referred to your legal officers before any further officer updated report is drafted to consider these concerns and to this end have copied this letter to the Council's solicitor. It would be a manifest waste of public funds to proceed to determine the application on the basis of the continuing erroneous officer advice that would inevitably lead to a judicial review. Should judicial review proceedings be necessary, our clients would seek recovery of their costs in full given, inter alia, we are telling you now that the officers are acting unlawfully and the Council has the opportunity to avoid legal proceedings.

Please confirm receipt of this letter and we look forward to your response.

Yours faithfully

Richard Buxton Solicitors



Buckinghamshire Council

www.buckinghamshire.gov.uk

Report to Central Area Planning Committee

Application Number:	19/02754/APP
Proposal:	Residential development for 6 no. dwellinghouses with associated access and landscaping
Site Location:	Land Adjacent to Raven Crescent And Linnet Drive Westcott
Applicant:	Unknown (only agents provided)
Case Officer:	Danika Hird
Ward(s) affected:	Former Waddesdon Ward
Parish-Town Council:	Westcott
Date valid application received:	24/07/2019
Statutory determination date:	20/09/2019
Recommendation	Permission be DEFERRED AND DELEGATED to officers for Approval subject to the satisfactory completion of a S106 Agreement to secure financial contributions towards off-site sports and leisure facilities and subject to those conditions as considered appropriate by officers, or if this is not achieved for the application to be refused for reasons as considered appropriate by officers.

Summary & Recommendation/ Reason for Planning Committee Consideration

The application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the planning principles of the NPPF and whether the proposals deliver sustainable development. Paragraph 11 of the NPPF advises that for decision taking; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant plan policies, or the policies which are most important for determining the application are out-of-date, granting planning 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 where 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.

As part of the above assessment it is acknowledged that there would be economic benefits in terms of the construction of the development and those associated with the resultant increase in local population. Furthermore, the development of 6 dwellings would make a contribution to the housing land supply which would be a significant benefit. Whilst these benefits have been identified, given the small number of dwellings proposed these benefits are tempered to limited positive weight in the overall planning balance.

The proposed development would result in the permanent loss of a greenfield site, the unnatural division of a parcel of land and would increase the level of built development on the edge of the settlement, all of which would result in adverse impacts on the landscape, however it is considered that the scheme has been sympathetically designed to respond to its surroundings. Consequently, it is inevitable that a scheme of this nature would undoubtedly have some harm on the landscape, however it is considered that the level harm could be mitigated and therefore this matter is afforded moderate negative weight in the overall planning balance. Limited negative weight is also given to the impact on the users of the public right of way due to the development of a greenfield site which would have an impact on the views experienced.

Compliance with some of the other objectives of the NPPF have been demonstrated or could be achieved in terms of making effective use of land, trees and hedgerows, biodiversity, transport, parking, healthy and safe communities, well designed places, meeting climate change and flooding, historic environment, high quality communications and residential amenity. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally. Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying the tilted balance of paragraph 11d) of the NPPF, the adverse impacts outlined above, caused by the proposal are considered not to significantly and demonstrably outweigh the benefits of the scheme.

Recommendation is that permission be d **DEFERRED AND DELEGATED** to officers for Approval subject to the satisfactory completion of a S106 Agreement to secure financial contributions towards off-site sports and leisure facilities and subject to those conditions as considered appropriate by officers, or if this is not achieved for the application to be refused for reasons as considered appropriate by officers.

WORKING WITH THE APPLICANT/ AGENT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal. The council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case as part of this application, amendments were received and following the receipt of such details the application was found to be acceptable and approval is recommended subject to relevant planning conditions and the satisfactory completions of a legal agreement.

1.0 INTRODUCTION

- 1.1 The application needs to be determined by committee as the Councillor Paul Irwin has raised material planning objections and has “called” this application into Committee. The material planning considerations of concern broadly relate to the lack of facilities within Westcott, the proposed dwellings not being in keeping with the surrounding dwellings, parking and a poor bus service. In addition to this, concern was raised in regards to Raven Crescent and Linnet Drive being private roads, in poor condition, however this would be a civil matter falling outside of the planning process.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site extends to circa 0.39ha and lies to the south-eastern edge of Westcott village. The application site is situated off Raven Crescent and Linnet Drive, forming a greenfield site which comprises of mainly grassland with a large central Willow Tree (which has a Tree Protection Order) and a number of other mature trees to the boundaries. The site is open and exposed, appearing flat however there is a deceptive subtle rising topography to the east. The site is bound by a block of private residential garages to the north, a mature hedgerow to the south and eastern boundaries and private roads to the west (Raven Crescent and Linnet Drive).
- 2.2 Within the surrounding area, residential properties are located to the north and western boundaries of the site with open countryside to the south and east. Along the southern boundary of the application site is a private access track serving a residential property to the north east of the site. To the south, beyond the access track is Westcott Cricket Club. Grade I Listed Waddesdon Manor Historic Park and Garden is located approximately 250m east of the site and Waddesdon Conservation Area is located further east at approximately 400m. There are a number of listed buildings/ structures with varying designations within the Waddesdon Manor Historic Park and Garden, including the Grade I Listed Manor itself. The site also falls within the Brill-Winchendon Hills Area of Attractive Landscape.

3.0 PROPOSAL

- 3.1 This application seeks full planning permission for erection of 6 two-storey dwellings comprising of two detached, four bedroom dwellings and four, three bedroom semi-detached dwellings (two pairs). Each property will be served via its own individual access of Raven Crescent and Linnet Drive with on-plot parking being provided to the front of each of the dwellings. The proposed site layout shows the dwellings to be sited in a frontage arrangement along Linnet Drive and Raven Crescent with gardens extending to the rear.
- 3.2 The front elevations of the buildings are shown to relatively simple in form with either a small canopy over the front door or a small front projection with a canopy. Each of the properties have two-storey projecting features to the rear and the proposed dwellings are to be constructed with facing brick, a small amount of vertical timber boarding for detailing and plain clay tiles.

4.0 RELEVANT PLANNING HISTORY

- 4.1 85/00839/AV - RESIDENTIAL DEVELOPMENT – Refused

- 4.2 17/04798/APP - Erection of 10 detached dwellings with vehicular access from Raven Crescent and Linnet Drive, and all associated engineering and landscape works. – Withdrawn

5.0 PARISH/TOWN COUNCIL COMMENTS

- 5.1 Westcott Parish Council: Objects on the following grounds:

- Residential Amenity
- Traffic & Highways
- The type of houses proposed are not in keeping with the adjoining properties which are all semi-detached.
- There are no clear means of access to the site as the adjoining roads are all privately owned.
- There is not sufficient parking being provided for these types of large houses.
- The development will change the appearance of the local area which is currently open space.
- There are no community facilities or public transport to support additional development.
- There are concerns about the disposal of both surface water and sewage from the proposed development.

6.0 COUNCILLOR COMMENTS

- 6.1 Cllr Paul Irwin: Request for application to go to Committee if the Officer is minded to approve the application. Objecting on the following grounds:

- The roads on the estate are private and in a poor condition.
- The village has no amenities at all, no shop, no pub, no village hall
- The houses are not in keeping with the ones already there.
- There is only a very poor bus service
- Parking is an issue.

7.0 CONSULTATION RESPONSES

- 7.1 SUDs: Objects due to insufficient information regarding the proposed surface water drainage scheme. The application site falls within Flood Zone 1 and is shown on the Environment Agency maps as being within an area of very low risk of surface water drainage, however the access to the site lies in an area of medium surface water risk. The Infiltration SuDS map indicates that the water table is anticipated to be at depths less than 3m from the ground surface, suggesting a risk of groundwater flood risk. In order to identify any risk of flotation to the storage tanks, the groundwater level must be investigated. The proposed surface water drainage strategy seeks to discharge to Thames Water's foul sewer, where it was confirmed in the previous drainage assessment that Thames Water will permit the properties discharge subject to an agreed rate. As some time has passed since this correspondence with Thames Water, the applicant is required to demonstrate that there is still sufficient capacity in the system of Thames Water.

- 7.2 As part of a large development on this site, a drainage assessment was carried out taking into account the drainage hierarchy, part from active rainwater harvesting. After investigation, infiltration techniques were found to be unfeasible, nor are there any nearby

watercourses or surface water sewers, hence discharging into a combined system was decided upon. Further work is required to assess the suitability of active rainwater harvesting before deciding on the tanked storage discharge to Thames Water's foul sewer. Further clarity is also needed regarding the proposed discharging rates within the drainage layout. The LLFA would also need to see storage calculation of the proposed tanked systems and require calculations for storm events with a maintenance schedule provided for the surface water drainage system.

- 7.3 Buckingham & River Ouzel Internal Drainage Board: The site is outside the Boards district, in this instance the Board has no comment to make.
- 7.4 Thames Water: has no objections with regards to foul water sewerage network capacity
- 7.5 Ecology: Raised no objection subject to a condition securing the mitigation measures within the submitted ecology assessment.
- 7.6 Arboricultural Officer: Raised no objection subject to conditions securing protection/mitigation measures and details of new planting.
- 7.7 Highway Authority: Raised no objection subject to a condition securing the site to be laid out for parking, loading and manoeuvring as shown on the approved plans.
- 7.8 Landscape: The proposal would lead to adverse landscape character and visual impact. The supporting LVIA underestimates the adverse impact on the landscape character of the site itself as well as the wider character of the valued landscape of the AAL.
- 7.9 The landscape around the site creates a dramatic rural backdrop for the village of Westcott. The proposed application would extend built form on to a greenfield site which would encroach upon the sensitive landscape of the Brill-Winchendon Area of Attractive Landscape (AAL). The Landscape Officer therefore believes the development would have an adverse impact on the AAL.
- 7.10 The Landscape Officer fails to see how the proposed scheme respects or complements the physical characteristics of the site and the surroundings, and as a consequence there remains to be conflict with saved policy GP.35 of the Aylesbury Vale District Local Plan (AVDLP).
- 7.8 Historic England: On the basis of the information available to date, Historic England do not wish to offer any comments. Suggest that the views are sought of the Council's specialist conservation and archaeological advisers, where relevant.
- 7.9 Heritage: Raise no objection subject to conditions securing details of materials, external lighting and landscape mitigation. Waddesdon Manor Historic Park and Garden is located approximately 250m east of the site and Waddesdon Conservation Area is located further east at approximately 400m. It is considered that upon completion there would be a small impact on the landscape setting of Waddesdon Manor Historic Park and Garden due to the change in site character from open grass to residential development. Subject to a number

of conditions it is considered that this development would integrate with the surrounding existing built form of the village and would read as part of the existing built form.

- 7.10 Nevertheless, this level of impact would be significantly reduced with the maturity of landscape mitigation and at this stage the impact of this proposed development would be negligible on the setting of Waddesdon Manor Historic Park and Garden or Waddesdon Conservation Area. The proposal would cause no harm to the significance of the heritage assets.
- 7.11 Gardens Trust: Is as Statutory Consultee on the above application which affects Waddesdon Manor, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade I. The information provided has been considered in support of the application and have liaised with our colleagues in Buckinghamshire Gardens Trust. On the basis of this, the Gardens Trust confirm they do not wish to comment on the proposals at this stage and emphasise that this does not in any way signify either our approval or disapproval of the proposals.
- 7.12 Parks & Recreation: A financial contribution towards off-site sports and leisure facilities is required.

8.0 REPRESENTATIONS

8.1 47 Representations were received raising the following objections:

Traffic:

- Lack of public transport in Westcott
- Increase in traffic volumes and traffic congestion
- Existing difficulties accessing the A41
- Increased likelihood of accidents
- Existing parking issues
- Insufficient parking being envisaged
- Damage and congestion from lorries
- Narrow roads
- No more access to turning points
- Access roads are privately owned
- Further deterioration of private roads
- Financial pressures on the residents
- No plans to adopt the roads

Westcott itself/facilities:

- Lack of village facilities/ amenities
- Village infrastructure and facilities are over-stretched
- Existing drainage issues
- Area is liable to flooding
- Additional pressure on services eg. the sewage system, mains water supply, electricity and broadband that are operating beyond capacity
- Disposal of surface water and sewage

- No gas pipeline in Westcott
- Significant growth of dwelling numbers
- Overcrowding
- Westcott is already in compliance with the Aylesbury Vale Plan

Environment:

- Loss of open space
- Impact on Tree Preservation Orders
- Disturbance to the local Red Kites
- Visual impact on the Brill Winchendon Hills Area of Attractive Landscape
- Visual impact on the Registered Parks and Gardens
- Loss of greenfield land
- Development into open countryside
- The proposed houses are out of character

Miscellaneous:

- Noise impact
- Loss of privacy
- Lack of footpaths
- Visual impact on the Grade I Waddesdon Manor
- Revised boundary plans crosses residents' boundaries
- No improved accommodation opportunities
- No benefits to current inhabitants
- Incorrect information within the statements made by JPCC consultants (Section 2.11 bus stop and Section 5.77 flooding)

Potential future development:

- Same issues still exist as on the previous application
- Piece of land between the housing and the boundary
- Sets a dangerous precedent for further development

In addition to the above representations, comments were also received from the Waddesdon Estate raising the following objections:

- Accompanying these comments was a detailed landscape rebuttal statement which was commissioned by Waddesdon Estate in response to the Landscape and Visual Appraisal submitted in support of this application.
- great concern that the LVA has underestimated the highly sensitive nature of the visual receptors in this location, in which the proposed development would have an adverse impact on the setting and outlook of this historic landscape. LVA considers incorrectly that the AAL does not constitute 'valued landscape' in planning policy terms and that the impact of the proposed development on Waddesdon Manor Registered Park and Gardens would reduce from Minor to Negligible post construction.
- Planning history for the site with an appeal for housing first being dismissed in 1986.

- any change in planning policy relating to the need to boost housing land supply does not override the position on the ground that the site would constitute an encroachment into the countryside.
- drainage documentation submitted with the current planning application documentation, it is evident that this material consideration has not been addressed – request a statement is produced by the applicant on the current state of affairs regarding the sewerage works before any decision is made on the planning application.
- The site was identified as unsuitable within the HELAA on the grounds that *'the site is separated from the rest of the village and a development would also be likely, sited behind a frontage, to have a harmful impact on settlement pattern. A development would also be likely to have a landscape and visual impact in an Area of Attractive Landscape'*.
- It is quite apparent from the Brill – Winchendon AAL designation that it has been drawn to encircle Lodge Hill / Waddesdon Manor on all sides to protect this area of historic landscape from the harmful effects of new development associated with the outward spread of Westcott Village. The application site acts as an important landscape buffer between existing built development and the setting of the *'panoramic rural landscape'* encircling Lodge Hill / Waddesdon Manor.
- It is noted from the applicant's supporting planning statement that Council Planning Officers have recently confirmed in its pre-application advice that there may be scope for development on the site subject to being able to demonstrate that the development does not cause any significantly adverse landscape character and visual harm.
- The setting of a historic park or garden may include land beyond its boundary with Waddesdon Estate rebuttal statement concluding that there would be harm to the significance of the Waddesdon Manor Registered Park and Gardens and Waddesdon Conservation Area and that due weight should be given in the decision making process.
- AVDC is comfortably meeting its 5 Year Housing Land Supply.
- Westcott constitutes a smaller village in which emerging policy D4 confirms that development will only be supported (normally five dwellings or fewer) where it is sustainable; complies with adopted policy; and meets a number of specific development control criteria which the scheme does not meet (not substantially enclosed, site represents a quasi-village green with surrounding frontage development with views to the countryside beyond & detrimental impact on tree with a Tree Preservation Order).
- The benefits of the scheme are not significantly outweighed by the impact on the AAL and the historic environment.

9.0 EVALUATION

9.1 a) The planning policy position and the approach to be taken in the determination of the application

9.2 Members are referred to the Overview Report before them in respect of providing the background information to the Policy. The starting point for decision making is the

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

9.3 **Development Plan**

Aylesbury Vale District Local Plan (AVDLP)

- 9.4 A number of saved policies within the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP2, GP8, GP24, GP35, GP38 - GP40, GP45, GP53, GP60, GP84, GP86-GP88, GP94 and RA8.

Emerging policy position in Vale of Aylesbury District Local Plan (draft VALP)

- 9.5 A number of policies within the VALP (as modified October 2019 – all references to VALP hereafter refer to this edition) following the main modification consultation which started on the 5th November 2019, are now afforded some weight in the decision making process. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of particular relevance are S1 Sustainable development for Aylesbury Vale, S2 Spatial Strategy for Growth, S3 Settlement Hierarchy and Cohesive development, S5 Infrastructure, D4 Housing development at smaller villages, H1 Affordable Housing, H6a Housing Mix, H6c Accessibility, T1 Delivering the Sustainable Transport Vision, T4 Capacity of the transport network to deliver development, T5 Delivering Transport in New Development, T6 Vehicle Parking, T7 Footpaths and Cycle Routes, T8 Electric Vehicle Parking, BE1 Heritage Assets, BE2 Design of New Development, BE3 Protection of the amenity of residents, BE4 Density of New Development, NE1 Biodiversity and Geodiversity, NE4 Landscape Character and Locally Important Landscape, NE7 Best and Most Versatile Agricultural Land, NE8 Trees, Hedgerows and Woodlands, C4 Protection of Public Rights of Way, I2 Sports and Recreation, I3 Community Facilities, Infrastructure and Assets of Community Value, I4 Flooding. Policies S1 Sustainable Development for Aylesbury Vale and BE3 Protection of the Amenity of Residents have been the subject of objections and the Inspector has not requested main modifications so these can be regarded as resolved and these policies can be given considerable weight. The remainder of these policies have been the subject of objections and the Inspector requested main modifications and confirmed that he is satisfied they remedy the objection, so these can be given moderate weight. Finally, policy T4 Capacity of the Transport Network to Deliver Development can only be given limited weight as it is a new and untested policy which was introduced by a modification and therefore subject to consultation.

- 9.6 Neighbourhood Plans:

9.7 There is currently no “made” neighbourhood plan for Westcott.

9.8 **b) Whether the proposal would constitute a sustainable form of development**

- **Sustainable Location**

9.9 The Government’s view of what “sustainable development” means in practice is to be found in paragraphs 7 to 211 of the NPPF. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

9.10 Policy S1 of the emerging VALP (currently afforded considerable weight) sets out the spatial strategy for the Buckinghamshire Council’s Aylesbury Vale Area and seeks to ensure development proposals comply with the principles of sustainable development. With emerging policy S2 of VALP (currently afforded moderate weight) stating that strategic growth and investment will be concentrated in sustainable locations (strategic and larger settlements). Development within ‘medium villages’ will be limited to a scale which is in keeping with the local character and setting, with developments in ‘smaller villages’ coming forward through either ‘windfall’ applications or neighbourhood plan allocations.

9.11 It is acknowledged that the NPPF promotes sustainable development and encourages consolidation of smaller rural settlements where it will enhance or maintain the vitality of rural communities. In terms of its broader location, Westcott is identified in AVDLP as an Appendix 4 settlement implying that this is considered to be appropriate to allow “limited small scale development” within the settlement.

9.12 In the Settlement Hierarchy Assessment 2017, Westcott is identified as a ‘smaller village’. Westcott has exceptionally high levels of employment when compared to other smaller villages. Westcott itself has been defined as having a small population and very poorly connected to a large service centre (Aylesbury over 8 miles away). Very good employment nearby at Westcott Venture Park, which is a strategic employment site. Some provision of key services (a food store, village hall, two recreation grounds/ playing fields and an infant school) but relatively infrequent public transport. On this basis, it is therefore accepted that Westcott being a smaller village, is one of the less sustainable village within the Aylesbury Vale Area due to its poor access to services and facilities. Whilst this is noted, it is expected that small development could be accommodated without causing any environmental harm. This level of development is also likely to help maintain existing communities.

9.13 RA13 and RA14 of AVDLP give some encouragement to small scale infilling or round off of a settlement, The overview report addresses the status of these policies. The application site has not been allocated for development and therefore emerging policy D4 of VALP is applicable as it relates to housing development in smaller villages. Emerging policy D4 of VALP states *‘where there is no neighbourhood plan in place, new housing development at smaller villages will be supported where it contributes to the sustainability of that village*

and is in accordance with all applicable policies in the Local Plan, provided that the proposed development fulfils all of the following criteria:

- a) Is located within the existing developed footprint of the village* or is substantially enclosed by existing built development
- b) Would not lead to coalescence with any neighbouring settlement
- c) Is of a small scale (normally five dwellings or fewer) (net) and in a location that is in keeping with the existing form of the settlement and would not adversely affect its character and appearance
- d) Respects and retains natural boundaries and features such as trees, hedgerows, embankments and drainage ditches
- e) Would not have any significant adverse impact on environmental assets such as landscape, historic environment, biodiversity, waterways, open space and green infrastructure, and
- f) Can be served by existing infrastructure

**the existing development footprint is defined as the continuous built form of the village, and excludes individual buildings and groups of dispersed buildings. This includes former agricultural barns that have been converted, agricultural buildings and associated land on the edge of the village and gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the village.*

9.14 The application site is located on a parcel of land adjacent to residential development on Raven Crescent and Linnet Drive. These properties form a large cluster of dwellings with a strong settlement pattern and appearance. Raven Crescent is located predominately to the north, with Linnet Crescent to the west. To the east of the site is an agricultural field with a dwelling beyond with the southern boundary of the site being demarked by the access serving this property. Beyond the access is Westcott Cricket Club to the south surrounded by agricultural land. There are instances where settlements are divided into more than one area. As such, given the density and urban form of the dwellings, it is considered that Westcott's settlement is split into two, with the application site being located within one area of Westcott's settlement and the remaining larger area being located to the north.

9.15 The proposed development is shown to be frontage development which continues on from the existing dwellings located on Raven Crescent, contained by the existing access to the south and not protruding beyond the last house on Linnet Drive. Due to the extensive countryside beyond, the proposed development would not result in a coalescence with any neighbouring settlement. This application seeks the erection of 6 dwellings, the policy does allow for some flexibility stating that the figure provided is what "normally" constitutes small scale development. Consequently, emerging policy D4 of VALP does not necessarily preclude the provision of six dwellings (one above the figure provided) subject to further consideration against the scheme's compliance with other design and development management policies which will be considered below in the remainder of the report. In addition to this, consideration into points e) and f) of this emerging policy will also be considered in greater detail below. Officers considered that the proposal for 6

dwelling itself does not in principle conflict with emerging policy D4 of VALP subject to further consideration of the proposals specifics within the remainder of the report.

9.16 With regards to the HELAA, this is an important evidence source to inform plan-making but does not in itself determine whether a site should be allocated for housing or whether planning permission should be granted. The site was identified within the HELAA (WSC004) as unsuitable for housing or employment development as *"the site is separated from the rest of the village and a development would also be likely, sited behind a frontage, to have a harmful impact on settlement pattern. A development would also be likely to have an landscape visual impact in an Area of Attractive Landscape"*. The impact on the landscape will be considered in more detail below.

- **Promoting sustainable transport**

9.17 The overview report sets out the aims of the NPPF for the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF.

9.18 From a transport sustainability perspective, there is a bus stop located on Ashenden Road within close proximity to the application site providing a limited service to and from the site, to the surrounding area. Raven Crescent, Linnet Drive and Ashenden Road benefit from continuous footways which allow pedestrians to safely access the bus stop and amenities within Westcott Village.

9.19 The proposed development would be accessed off Raven Crescent and Linnet Drive, both of which are private roads, adjoining the public highway at Ashenden Road. Ashenden Road is a C Class road subject to 30mph speed limit within the vicinity of the site. Given proposed development is to be located off two private roads, the council would focus on the impact of the proposed development on the public highway. Subsequently, the junctions from both Raven Crescent and Linnet Drive onto Ashenden Road must comply with the Manual for Streets visibility requirements (2.4m X 43m in both directions to the near side carriageway). The Highway Authority has advised that sufficient visibility can be achieved from both junctions onto Ashenden Road.

9.20 The proposed development seeks frontage development off Raven Crescent and Linnet Drive, with each of the proposed dwellings, independently taking access off these private roads a the Highway officers have raised no objections to development being off private roads nor in respect of visibility and therefore it is considered a reason for refusal could no longer be sustained on these grounds.

9.21 Overall, the site's sustainability, highway safety, access or manoeuvrability is considered satisfactory. The proposed development is therefore considered to accord with the emerging transport policies within VALP and the advice within the NPPF. This matter is therefore afforded neutral weight in the overall planning balance.

Parking:

- 9.22 AVDLP policy GP24 requires that new development accords with published parking guidelines. SPG 1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development. Also of relevance is policy T6 of the emerging VALP sets out optimum standards for parking. Furthermore emerging policy T8 of VALP requires one dedicated electric charging vehicle point house with a garage or a driveway.
- 9.23 The proposal comprises of two four bedroom and four three bedroom homes. The current parking guidelines therefore require two on-plot parking spaces to be provided per three bedroom property and three on-plot spaces for each of the four bedroom properties. The parking standards within the emerging VALP are slightly more generous, requiring an extra half a space per dwelling, however until this policy is given greater weight, proposals are required to comply with the current standards in AVDLP as this is a saved policy. The proposed site layout shows that each of the proposed dwellings are to be served by private driveways with Plots 1 and 2 (4 bedroom) also being served by an attached single garage. The garages are shown to internally measure 3m by 6m with 2.5m opening, which is considered to be of a sufficient size to accommodate a vehicle. The proposed layout is therefore shown to provide at least the required parking provisions for each of the dwellings. It is also noted that the layout shown has been carefully designed to limit the impact on trees within the site and for the proposed development to respond to the area's prominent building pattern. It is therefore considered on balance, that the layout shown would be acceptable in this instance and could be secured via a condition.
- 9.24 If the proposed development were to be approved, a condition could be imposed securing a dedicated electric charging point for each of the properties.
- 9.25 Overall the parking scheme shown is considered to comply with the aims of policy GP24 of AVDLP and the advice within the NPPF. This matter is afforded neutral weight in the overall planning balance.

- **Building a strong, competitive economy**

- 9.26 The Government is committed to securing and supporting sustainable economic growth and productivity, but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 9.27 There would be economic benefits derived from this development in terms of the construction of the development itself and the resultant increase in population contributing to the local economy. These benefits include the creation of jobs during construction, extra demand for goods and services and increased local spending from the resultant increase in population, which would be positive and long lasting to the local economy.

9.28 It is therefore considered that the proposal would give rise to future economic benefits and therefore would accord with the advice within the NPPF, which should be afforded limited positive weight in the overall planning balance, given the scale of the development proposed.

- **Delivering a sufficient supply of homes**

9.29 Based on the findings of the HEDNA, the housing land supply document shows Aylesbury Vale Area to have a 5.64 year supply this year. Work is ongoing towards revising this calculation in accordance with the new NPPF and early indications are that the council still maintains over 5 years supply.

9.30 As a result of the proposed development, the scheme would provide a contribution of 6 dwellings to the housing supply for Aylesbury Vale Area, a significant benefit which is tempered by the relatively small scale nature of this development and would assist in boosting the housing supply for the Aylesbury Vale Area. It is considered that the scheme could be delivered within a reasonable time, subject to approval due to the scale of the development being sought.

9.31 The proposed development falls below the threshold for requiring affordable housing under policy G2 of AVDLP and emerging policy I1..

9.32 With regard to housing mix, the proposal seeks the erection of 6 market dwellings comprising of two four bedroom properties and four three bedroom properties. The HEDNA, identifies that within the Aylesbury Vale Area, 3 and 4 bedroom market houses are most in need and therefore the mix provided is reflective of this and therefore considered to comply with emerging policy H6a of VALP.

9.33 Overall, the proposed development would make a positive contribution towards the supply of deliverable housing land in the Aylesbury Vale Area and is considered to be compliant with policy GP2 of AVDLP, emerging policies H1 and H6a of VALP and the advice within the NPPF. Whilst this is of significant benefit, this is tempered to limited positive weight in the overall planning balance given the small scale nature of the development and the Council can demonstrate a 5 year housing land supply.

- **Making effective use of land**

9.34 The overview report sets out the approach in the NPPF to ensure efficient use of land.

9.35 Policy BE4, Density of new development, of the emerging VALP states that *proposed densities of developments should generally constitute effective use of the land and reflect the densities of their surroundings , and will be appraised on a site-by-site basis to ensure satisfactory residential amenity.*

9.36 The site area measures 0.38 hectares and therefore the proposal would provide a density of approximately 16 dwellings per hectare. Whilst it is acknowledged that the proposed density is relatively low, this is considered to be acceptable in this instance as only frontage development can be achieved in this location given the prevailing character and appearance of the area. The need to consider the prevailing character and setting, promoting sustainable transport, conserving and enhancing the natural and historic environment, securing well designed, attractive and healthy places, adequate amenity and meeting climate change is dealt with in the following section(s) of the report.

9.37 As such, the proposal is considered to represent an effective use of land which accords with emerging policy BE4 of VALP and the advice within the NPPF. This matter is therefore afforded neutral weight in the overall planning balance.

- **Conserving and enhancing the natural environment**

Landscape:

9.38 In terms of consideration of impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Regard must be had as to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. The following sections of the report consider the proposal in terms of impact on landscape, agricultural land, trees and hedgerows and biodiversity.

9.39 Section 15 of the NPPF states planning policies and decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services—including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

9.40 Policy GP.35 of the AVDLP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. This policy is considered to be consistent with the NPPF.

9.41 Policy GP.38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible. RA8 of the AVDLP states that "development proposals in these areas should respect their landscape character. Development that adversely affects this character will not be permitted, unless appropriate mitigation measures can be secured".

9.42 Also of relevance is Policy BE2 – Design of new development, of the emerging VALP which sets out that all new proposals shall respect and complement:

- a) The physical characteristics of the site and its surroundings including the scale and context of the site and its setting
- b) The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials
- c) The natural qualities and features of the area, and
- d) The effect on importance public views and skylines

9.43 In addition policy NE4 – Landscape character and local important landscape, states development must recognise the individual character and distinctiveness of particular landscape character areas set out in the Landscape Character Assessment (LCA), their sensitivity to change and contribution to a sense of place. The policy goes on to set out a number of criteria that development should consider, this includes (but not limited to)

- a) Minimise impact on visual amenity
- b) Be located to avoid the loss of important on-site views and views towards important landscape features
- c) Respect local character and distinctiveness in terms of settlement form and field pattern, topography and ecological value
- d) Ensure that the development is not visually prominent in the landscape

9.44 The application site is located in the southern part of Westcott’s village. Located to the north and western boundaries of the site are existing residential properties situated along Raven Crescent and Linnet Drive with open countryside to the south and east. Along the southern boundary of the application site is a private access track serving a residential property to the north east of the site. To the south, beyond the access track is Westcott Cricket Club.

9.45 The site lies within the ‘Westcott Claylands’ Landscape Character Area (LCA), within the ‘Shallow Valleys’ Landscape Character Type. The Landscape Character Area Assessment of the ‘Westcott Claylands’ concludes that the condition of the LCA as a whole is ‘very good’ with ‘moderate’ sensitivity. The character area is defined as being sparsely settled and remains a rural agricultural landscape. Near to the application site, the LCA transitions to the Waddesdon – Eythrope Parkland which is characterised as intrinsically rural with extensive mature woodland interspersed with areas of parkland agricultural that is locally intensive with predominately large arable fields on the upper slopes and smaller pastoral fields on the lower slopes.

9.46 The site itself extends to circa 0.39ha and lies to the south-eastern edge of Westcott village. The application site is situated off Raven Crescent and Linnet Drive, forming a greenfield site which comprises of mainly grassland with a large central Willow Tree (which has a Tree Protection Order) and a number of other mature trees to the boundaries. The site is open and exposed, appearing flat however there is a deceptive subtle rising topography to the east. The site is bound by a block of private residential garages to the north, a mature hedgerow to the south and eastern boundaries and private roads to the west (Raven Crescent and Linnet Drive). The site is located within the panoramic rural landscape of the Brill-Winchendon Hills Area of Attractive Landscape (AAL). The AAL as a whole is considered to be of a high scenic quality with spectacular views across fields of pasture with hedgerows and mature trees, woodland in the background and of distinctive

hills. From the site direct views east focus on a localised wooded hilltop- Lodge Hill, located within the Waddesdon Manor registered parks and gardens designation area, also within the Waddesdon Conservation Area (CA). This site does make a contribution to the special distinctive rural character at the edge of the settlement as clearly experienced from this site, due to the lack of development and exposed nature of the landscape that makes up the site. However, given that it is a small parcel, it is considered that it would be difficult to justify a harmful impact on the wider AAL as a whole.

- 9.47 The application site is a small parcel of land demarked by residential properties on two sides with the remaining boundaries formed by native hedgerows which lead into the open countryside. It is likely that the land would have once formed part of a parcel of agricultural land with the land where the existing development lies on Raven Crescent and Linnet Drive. However given the size of the parcel of land, its clearly defined boundaries and context to the existing residential properties on Raven Crescent and Linnet Drive, it would be difficult to argue that the land remains suitable for the purposes of agriculture. The site does not retain the typical appearance of agricultural land within the open countryside like the parcels of agricultural land to the east and south of the site, within the open countryside. Furthermore, due to the obvious difference in appearance this site has to the adjacent agricultural fields within the open countryside, the level of existing built development and uniformity along Raven Crescent and Linnet Drive, it is considered that the application site does not fall within open countryside, but rather lies on the edge of one of Westcott's settlement areas. For the reasons expressed, Officers consider that Westcott has two settlement areas, the larger one being to the north of this existing, relatively large clusters of residential properties (the second and final settlement area of Westcott).
- 9.48 The Landscape Architect as part of their previous comments on application 17/04798/APP, advised that "development on this site would ultimately lead to an extension of the settlement further into the open countryside" and were not "convinced that that building proposed would be seen as part of the settlement". Whilst this is noted, the layout of the development has been amended significantly, removing the previous in-depth layout which was at odds with the prevailing frontage character of Raven Crescent and Linnet Drive. In addition, to reducing the quantum of development proposed. As such, although the Landscape Architect is no longer arguing that the development would lead to an extension of the settlement further into the open countryside, there is some concern with the loss of a greenfield site which would encroach upon the sensitive landscape of the Brill-Winchendon AAL. There will inevitably be the permanent loss of a greenfield site as a consequence of development on this site which would have some adverse impact on landscape, by virtue of the increased levels of built form at the edge of the settlement. Consequently these identified adverse impacts would need to be weighed in the overall planning balance.
- 9.49 The proposed layout would result in the unnatural division of a parcel of land and therefore if permission were to be granted, careful consideration would need to be given the boundary treatment along the eastern boundary of the site, which would be the most sensitive boundary. The properties seek to extend in a linear formation continuing on from the existing properties on Raven Crescent, with the development finishing in line with the

last property on Linnet Drive. The existing boundaries of the site are to be retained, preventing the development from extending into the adjacent open countryside, allowing the development to appear as a logical and natural development within the locality. The rear gardens of the proposed dwellings are not shown to extend beyond the existing boundary of the rear gardens located on the same side of Ravens Crescent. As such, whilst not supported by the Landscape Architect, it is considered that the revised layout responds to the prevailing character of Ravens Crescent and Linnet Drive.. To further mitigate against the impact of the proposed development, if the application were to be approved a landscaping scheme will be required and secured via a condition.

- 9.50 As part of this application concerns were also raised in regard to the loss of open space. Officers have reviewed the Council's historic records relating to the existing development on Ravens Crescent and Linnet Drive and was unable to ascertain whether this land was retained for the purposes of amenity land. Furthermore, this land is within private ownership, therefore is not public open space and could be enclosed at any point preventing the use of the land. As such, although this land is currently open and for this reason has lent itself to being informally used by the community, the Council it would therefore be difficult for the Council to resist the loss of this land purely on this basis..
- 9.51 Overall, whilst it is acknowledged that the proposed development would result in the permanent loss of a greenfield site, the unnatural division of a parcel of land and would increase the level of built development on the edge of the settlement, all of which would result in adverse impacts on the landscape, the scheme has been sympathetically designed to respond to its surroundings. Consequently, it is inevitable that a scheme of this nature would undoubtedly have some harm on the landscape, however it is considered that the level harm could be mitigated and therefore the proposal is considered not to conflict with the overall aims of policy GP35, GP38 and RA8 of AVDLP, emerging policies BE2 and NE4 of VALP and the advice within the NPPF. This matter is therefore afforded moderate negative weight in the overall planning balance.

Public Right of Way:

- 9.52 Policy GP84 states that development affecting a public right of way the Council will have regard to the convenience, amenity and public enjoyment of the route and the desirability of its retention or improvement for users, including people with disabilities. Planning conditions will be imposed on planning permissions, or planning obligations sought, to enhance public rights of way retained within development schemes. Furthermore, emerging policy C4 of VALP seeks to enhance and protect public rights of way to ensure the integrity and connectivity of this resource is maintained.
- 9.53 Located approximately 450m to the north-east of the application site is footpath WES/23/1 with the bridleway WES/26/1 being located 50m to the south-west of the site.
- 9.54 Due to the open nature of the surrounding area, whilst the footpath is located some distance from the application site, there is likely to be views obtained from this vantage point. In addition, the views to and from the bridleway would be limited until the users pass the existing intervening buildings (Westcott Cricket Club and existing properties on

Linnet Drive). The proposed development of this site to residential would result in an irreversible change to the baseline greenfield character of the site which in turn would alter views to and from the identified public right of way. It is considered that the scheme has been carefully designed to respond the existing prevailing residential character which it would sit within and would be seen in context of the existing development and thus would not have a significantly harmful impact on the nearby public rights of way.

- 9.55 Overall it is considered that the proposed development would have a limited impact on the users of the nearby public rights of way. Whilst there would be an impact this is considered not to be significantly harmful nor would the proposed development result in a conflict with policy GP84 of AVDLP, emerging policy C4 of VALP and the advice within the NPPF. This matter is therefore afforded limited negative weight in the overall planning balance.

Trees and Hedgerows:

- 9.56 Policies GP.39 and GP.40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value. With emerging policy NE8 of VALP states “development that would result in the unacceptable loss of, or damage to, or threaten the continued well-being of any trees, hedgerows, community orchards, veteran trees or woodland which make an important contribution to the character and amenities of the area will be resisted”.
- 9.57 The application was accompanied by a Arboricultural Impact Assessment in which the tree survey identified that four of the nine trees and two hedges have sufficient merit to warrant a category B (moderate grading) with three trees of low arboricultural value (category C) and the remaining two trees of poor quality, falling within grading category U. As a result of the proposed development, only two trees with a C category or above grading are to be removed (1x Ash Tree: Category B & 1x Norway Maple: Category C) with the remainder of the trees shown to be retained. Pruning works are also advised for a number of trees. Furthermore, the proposed dwellings are to be situation entirely outside of the root protection areas (RPAs) of all the trees to be retained. Some hard surfacing and landscaping works required in connection with the proposed development are shown to take place within the RPAs, however the supporting information advises that work within these areas will be managed with great care in order to not undermine the wellbeing of the retained trees.
- 9.58 Within the application site there are two trees protected by a tree preservation order (TPO) (T1 Cherry and T2 Willow). Whilst maintaining the prevailing frontage character of the area, the scheme has been carefully designed around these protected trees to ensure they are preserved and that the proposed dwelling are to be located outside of the root protection zone of these trees.
- 9.59 Consequently, whilst a number of trees are shown to be removed within the site, sufficient information has been provided as part of this application to demonstrate that commensurate new planting is feasible and can be secured via a condition. The residual impact to the trees which are shown to be retained are considered to be minor and

therefore the Council's Arboricultural Officer raises no objections to the proposed development subject to conditions securing appropriate mitigation (tree protection and new planting). The proposed development is therefore considered to comply with saved policies GP39 and GP40 of AVDLP, emerging policy NE8 of VALP and the advice within the NPPF. This matter is afforded neutral weight in the overall planning balance.

Biodiversity:

9.60 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity. This is also required within policy NE1 of the emerging VALP.

9.61 This application was accompanied by a Preliminary Ecological Appraisal containing a survey, recommendations and enhancement measures for the site. Within the Appraisal there was not identified to be any impact on protected species or habitats, however ecological enhancement measures were set out in accordance with the requirements of the NPPF and considered to be acceptable by the Council's Ecologist. The proposed enhancement measures include:

- Planting plans will include a wide variety of native plants
- Cut vegetation will be used to create small, stacked piles of wood along the north-eastern site boundary to provide refuge for reptiles and hedgehogs
- Insect hotel to be installed on the south side of one of the retained trees
- Three bat tubes will be installed on the houses closest to the retained hedges and trees, mounted at least four metres above the ground on south or south-western elevations.
- Three sparrow terrace nest boxes will be mounted at least three metres above the ground on the proposed houses and will be positioned on north or eastern elevations.

9.62 Given the survey findings, no further surveys are necessary nor is a European Protected Species licence required. Overall the proposed development is considered to accord with emerging policy NE1 of VALP and the advice within the NPPF subject to a condition securing recommendations and mitigation strategy set out within the submitted Appraisal which can be secured via a condition. This matter is therefore afforded neutral weight in the overall planning balance.

- **Promoting healthy and safe communities**

9.63 Policies GP86-88 and GP94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development.

9.64 As the proposal seeks the erection of 6 dwellings, a financial contribution towards off-site sports and leisure provisions are required as the proposed development results in a net gain of four or more dwellings.

9.65 Subject to the satisfactory completion of a S106 securing this provision the proposed development would accord with policies GP86-88 and GP94 of AVDLP and the advice within the NPPF and therefore this matter is attributed neutral weight.

- **Achieving well-designed places**

9.66 The overview report sets out the NPPF requirements for good design.

9.67 Policy GP.35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP.45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site. In addition, emerging policy BE2 of VALP also sets out how development proposals should respect and complement a number the site and its surroundings.

9.68 Raven Crescent and Linnet Drive are characterised by a relatively small group of dwellings in a frontage arrangement. This group of dwellings provides a strong character due to there being limited variance in the form, appearance and positioning of the properties. The existing properties are predominately simple and linear in form, with a number of the properties having canopies over the entrance to the property or a small single storey front projection.

9.69 Whilst it is acknowledged that the dwellings sought as part of this application do not entirely replicate the existing properties on Raven Crescent and Linnet Drive, all of which appear to largely be the same in appearance, a number of the key characteristics of these properties have been incorporated in to design of the proposed buildings. Like the existing properties on Raven Crescent and Linnet Drive, the front elevations of the proposed buildings are shown to relatively simple in form with either a small canopy over the front door or a small front projection with a canopy. Although each of the properties are also shown to have two-storey projecting features to the rear, these would not be highly visible when viewed from the public realm. Consequently, careful consideration has been given to the appearance of the buildings when viewed from the local streetscene to ensure they would integrate satisfactorily within the locality.

9.70 Within the local area, the dwellings have been predominately constructed out of red facing brick and plain clay tiles which the proposal seeks to replicate. The application form also suggests vertical timber boarding is to be used on the development, however it is not clear from the submitted plans on the extent this will be used. Vertical timber cladding is not a feature commonly found within the area. Some of the existing properties in the vicinity do have small sections of render on the front elevation to provide additional detailing and therefore small amounts of vertical timber boarding to provide interest is considered not to be overly harmful. Conditions would need to be imposed securing details/samples of the proposed materials and a plan to clearly indicate the location of materials to be used

to ensure the use of vertical timber is limited and the remainder of the materials are reflective of the surrounding area.

9.71 Overall, the general layout, design and appearance is considered to respond to the pattern of development within this part of Westcott. The design of the proposed dwellings is considered to be reflective and integrate satisfactorily with the character and appearance of the surrounding properties and therefore the proposal considered to accord with policies GP35 and GP45 of AVDLP, emerging policy BE2 and the advice within the NPPF. This matter is afforded neutral weight in the overall planning balance.

- **Meeting climate change, flooding and coastal change**

9.72 The NPPF at Section 14, 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 163 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.

9.73 Emerging policy I4 of VALP also seeks the provision of flood risk assessments, where appropriate, the management of flood risk and the provision of sustainable drainage systems (SuDS).

9.74 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 site to lie within an area of very low risk of surface water flooding with the access lying in an area of medium risk. The Infiltration SuDS Map anticipates the water table to be within close proximity of the ground surface, suggesting a risk of groundwater flood risk. Due to this risk, the groundwater must be investigated to identify any risk of flotation to the storage tanks.

9.75 The proposed surface water drainage strategy is to utilise individual tanked cellular storage systems, containing runoff from roofs and impermeable access road areas before discharging at a restricted rate into a combined drainage system, this will then be discharged into Thames Water's foul sewer. Thames Water have advised that as there are no surface water sewers serving Westcott, connection of surface water to a foul sewer will only be considered when all other methods of disposing have been proven impracticable in accordance with the drainage hierarchy. Although rainwater harvesting systems still need to be considered before connection to the foul sewer can be considered, despite this particular method, the drainage assessment submitted as part of the earlier, withdrawn scheme (ref: 17/04798/APP) explored all other methods in accordance with the drainage hierarchy, demonstrating other methods were impracticable. Thames Water have confirmed that with regard to the water network and water treatment infrastructure capacity, they would not have any objection to the application.

- 9.76 The Lead Local Flood Authority (LLFA) seek further clarity regarding the proposed discharging rates within the drainage layout as the proposed discharge rate is very slow and has a risk of leading to a blockage. Information is also required in respect of the storage calculations for the tanked systems and calculations relating to storm events. A maintenance schedule for the surface water drainage system is also required.
- 9.77 Consequently, the objection from the LLFA in regard to insufficient information being submitted for the proposed surface water drainage scheme is noted. Whilst this concern is acknowledged and some time has passed since the submission of the previous application, this is considered not to be significant and Thames Water have raised no objection and there is no information to suggest such a connection is not possible. Despite the objection from the LLFA, the Local Planning Authority consider there is sufficient information to indicate a reasonable likelihood that an adequate surface water drainage scheme could come forward, which can be secured via condition and therefore the LPA would be unable to sustain a reason for refusal on this matter alone.
- 9.78 Furthermore, concerns have been raised by representations in respect of foul sewage. Thames Water is the local governing water body for this area and has raised no objection to the foul water sewerage network infrastructure capacity.
- 9.79 For these reasons, although the applicant is currently unable to demonstrate that the proposed development would be resilient to climate change and flooding, a condition could be imposed to secure this. Subject to conditions, the proposal is considered to accord with emerging policy I4 of VALP and the advice within the NPPF guidance.

- **Conserving and enhancing the historic environment**

- 9.80 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving the Listed Building, its setting and any features of special architectural or historic interest in which it possesses. In addition to paying attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 9.81 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. With paragraph 194 stating any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Paragraph 196 states 'where a development will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal'.
- 9.82 Policy GP.53 of AVDLP requires new developments in and adjacent to conservation areas to preserve and enhance the character and appearance of the Conservation Areas. With policy GP60 stating "development proposals within or affecting a Park or Garden of Special

Historic Interest should take full account of the area's historic and landscape significance. The Council will resist proposals that do not protect the distinctive characteristics of such Parks and Gardens".

- 9.83 Policy BE1 Heritage Assets of the emerging VALP sets out that *The historic environment, unique in its character, quality and diversity across the Vale is important and will be preserved or enhanced. All development, including new buildings, alterations, extensions, changes of use and demolitions, should seek to conserve heritage assets in a manner appropriate to their significance, including their setting, and seek enhancement wherever possible.* The policy states that the Council will *require development proposals that cause less than substantial harm to a designated heritage asset to weigh the level of harm against the public benefits that may be gained by the proposal, including securing its optimum viable use.*
- 9.84 Grade I Listed Waddesdon Manor Historic Park and Garden is located approximately 250m east of the site and Waddesdon Conservation Area is located further east at approximately 400m. There are a number of listed buildings/ structures with varying designations within the Waddesdon Manor Historic Park and Garden, including the Grade I Listed Manor itself.
- 9.85 Due to the open nature of the application site, there are long distance views towards Waddesdon Manor Historic Park and Garden. Within the Historic England description of the Historic Park and Garden, reference is made to the setting being largely agricultural, with the ornamental parkland of Eythrope to the east. Although specific reference is made to Waddesdon Hill Lane and the northern boundary of the Park and Gardens, where it adjoins the A41, Waddesdon Manor is largely surrounded by a belt of trees. It is this tree belt which is visible in the distance, when viewed from the site, as the tree belt is situated on rising land up towards the Manor. The prominence of this rising land, planted with trees, is further emphasised by the notably lower, surrounding agricultural land and the openness of the area which allows for these long distance views.
- 9.86 Given the proposal seeks to respect the existing boundaries of the site, with the development continuing the existing line of development within the local area, the proposed development would be seen in the context of the existing properties on Raven Crescent and Linnet Drive. The Council's Heritage Officer notes there would be a small impact on the landscape setting of the Historic Park and Garden due to the loss of a greenfield site however, subject to adequate landscaping and appropriate choice of materials this would be negligible. Furthermore the proposal is considered to conserve and enhance the character and appearance of Waddesdon's Conservation Area, and the architectural and/or historic interest of the listed buildings. Conditions have been requested in terms of materials, and a landscaping scheme, all of which are considered to be reasonable and appropriate in order to protect the identified heritage assets.
- 9.87 Overall, the proposed development is considered to cause no harm to 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. The proposal therefore accords with policies GP53 and GP60 of AVDLP and policy BE1 of the emerging VALP and the advice within the NPPF. This matter is therefore afforded neutral weight in the overall planning balance.

- **Supporting high quality communication**

- 9.88 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
- 9.89 The proposed development is to be located near to existing residential properties and the erection of 6 dwellings would be relatively small scale, therefore it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development. This matter is considered to accord with the advice within the NPPF and should be afforded neutral weight in the overall planning balance.

c) Impact on Residential Amenity

- 9.90 The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.91 AVDLP policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal. In addition, Policy BE3 of the emerging VALP sets out that Planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of existing residents and achieve a satisfactory level of amenity for future residents.
- 9.92 The proposed development seeks residential development in an established residential area and therefore there are not considered to be any adverse noise impacts as a result of the proposed development.

Existing Occupiers:

- 9.93 The proposal seeks frontage development along Raven Crescent and Linnet Drive, resulting in the front elevations of the proposed development facing the front elevation of the properties on Linnet Drive with a separation distance of approximately 44m. With regard to the impact on the residential properties on Raven Crescent, the flank elevation of Plot 1 would be located approximately 21 metres from the flank elevation of No.27 Raven Crescent. Separating these properties is an existing single storey garage block and its access. There are openings on the flank elevation of No.27 Raven Crescent which would face onto the application site, however given the distance between the properties, this is considered not to result in any adverse impact with regard to overlooking. The spacing

and separation distances shown between the proposed development and the existing properties on Raven Crescent and Linnet Drive are considered to be sufficient to ensure there would not be a detrimental impact in terms of loss of privacy and light, overlooking, overshadowing and visual intrusion.

Future Occupiers:

- 9.94 The proposed dwellings would be served by private rear gardens which are in excess of 10m. Whilst this is noted, the submitted layout plan does not provide any indication of the proposed boundary treatment for the eastern, rear boundaries of the proposed dwellings. This boundary is considered to be one of the site's more sensitive boundaries and therefore there is an expectation that appropriate boundary treatment is provided along this boundary which may reduce the depth of the gardens slightly. Nevertheless, the rear gardens are shown to be of a sufficient size to provide adequate outdoor amenity. Adequate separation is shown between the proposed dwellings and no windows are shown at first floor on the flank elevation of any of the proposed dwelling to prevent overlooking. From the submitted plans it is not overly clear as to the intentions for the first floor, rear doors serving the master bedroom for Plots 3 to 6. If permission were to be granted, a condition would need to be imposed requiring these doors to be served by a Juliet balcony to prevent access onto the existing storey rear projection of the dwellings. Access onto these projections would allow for overlooking of the neighbouring plots which would be unacceptable. However, subject to a condition requiring Juliet balconies the proposed development would result in adequate amenity for the future occupiers of the proposed development.
- 9.95 In summary, given the positioning of the proposal and its relationship relative to the neighbouring properties in terms of scale, position of windows and orientation it is considered that the proposal would not result in an unacceptable adverse impact upon residential amenity. Therefore the proposal accords with policy GP8 of the AVDLP, policy BE3 of the emerging VALP or with the NPPF.

d) CIL/ S106

- 9.96 As noted above, there are a number of requirements arising from this proposal that need to be secured through a S106 Planning Obligation Agreement. These obligations include:
- . A financial contribution towards off-site sport and leisure provision
- 9.97 It is considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 sets out the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be considered as a reason for granting planning permission if the obligation does not meet all of the following tests; necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 9.98 In the context of this application the development is in a category to which the regulations apply. The requirement for all of the above named measures, if the proposals were to be

supported, would need to be secured through a Planning Obligations Agreement. These are necessary and proportionate obligations that are considered to comply with the tests set by Regulation 122 for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related to the scale and kind of development. Specific projects are to be identified within the Section 106 in accordance with the pooling limitations set out in CIL Regulation 123.

- 9.99 The Council's Solicitors have been instructed in respect of the drafting of a S106 Agreement to secure the relevant obligations should Members be minded to grant planning permission. With the obligations being secured through a legal agreement the development is considered to accord with the NPPF and AVDLP policies GP2, GP86-88 and GP94.

e) Other Matters

A number of representations received made reference to a historic application (85/00839/AV) which was refused for residential development on this site and subsequently dismissed at appeal. There has been significant change in the planning policy framework since that time and the current application must be considered against the most up to date development plan policy and government advice.

Case Officer: Danika Hird

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NOTE:
 ALL DIMENSIONS MUST BE CHECKED ON SITE AND NOT CALLED FROM
 THIS DRAWING.
 THE DIMENSIONS ARE APPROXIMATE LOCATIONS ONLY. CONSULT CONTRACT DOCUMENTS.

Version: 02/19 Description:
 Title:
LOCATION
 Project No:
**LAND AT RAVEN CRESCENT & LINNETT
 DRIVE, AYLESBURY, HP18 0PS**
 Location:
LOCATION PLAN
 Date:
 16/09/19 GC Scale:
 1:1250 @ A3
18147 - L0010 -
 The Studio, 10 Church Road, Whiteley, Cotswolds, OX3 1JZ
 01295 870794 | info@andersonorr.com | www.andersonorr.com

Anderson Orr
 Architects

**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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