



## Report to West Area Planning Committee

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<b>Application Number:</b>	19/08031/FUL
<b>Proposal:</b>	Erection of 63 dwellings with vehicular access from Clappins Lane, parking, landscaping, sustainable drainage, public open space provision and associated infrastructure
<b>Site Location:</b>	OS Parcel 1789 Clappins Lane Naphill Buckinghamshire
<b>Applicant:</b>	Dandara Ltd
<b>Case Officer:</b>	Lucy Bellinger
<b>Ward(s) affected:</b>	Previous Greater Hughenden Ward
<b>Parish-Town Council:</b>	Hughenden Parish Council
<b>Date valid application received:</b>	3rd January 2020
<b>Statutory determination date:</b>	3rd April 2020
<b>Recommendation</b>	Minded to grant - defer for planning obligation

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

- 1.1 Full planning permission is sought for 63 new homes.
- 1.2 The development would accord with the development plan and planning guidance. The development is acceptable because:-
  - The site is allocated for new housing,
  - There would be no adverse impact on highway safety, or the operation of the local highway network,
  - It would provide sufficient car parking to serve the needs of the development,
  - It would encourage the use of sustainable modes of travel,
  - The design and layout would be good design and positively respond to the local context and conserve the natural beauty of the surrounding Chilterns AONB,
  - It would deliver a net gain in biodiversity and achieve acceptable future tree canopy cover,
  - It would enhance and provide green infrastructure features and linkages,

- It would not have an adverse impact on the Chilterns Beechwoods Special Area of Conservation or harm protected species,
- It would safeguard the amenity of neighbouring occupiers,
- It would provide an acceptable living environment for future residents,
- The development would not increase the risk of flooding and would incorporate sustainable drainage,
- It would mitigate for climate change and manage carbon emissions,
- It would provide and contribute towards infrastructure requirements including affordable housing, public open space and sustainable modes of transport.

1.3 Cllrs Broadbent and Carroll have request that the application be considered at the Wycombe Area Planning Committee.

1.4 The application is recommended for approval subject to the completion of a legal agreement. A number of planning conditions are recommended which are necessary to ensure the scheme accords with development plan policy and that a high quality development is implemented on the ground.

## 2.0 Description of Proposed Development

2.1 Planning permission is sought for 63 new homes. The mix of homes would be as follows:-

	1 bedroom flat	2 bedroom flat	2 bedroom house	3 bedroom house	4 bedroom house	<b>TOTAL</b>
Market housing	0	0	8	18	7	<b>33</b>
Affordable housing	4	6	7	10	3	<b>30</b>
<b>TOTAL</b>	<b>4</b>	<b>6</b>	<b>15</b>	<b>28</b>	<b>10</b>	<b>63</b>

2.2 The site would be accessed via a new junction onto Clappins Lane with new homes fronting onto a loop road that would provide a main route round the centre of the site. An area of public open space is proposed to the eastern end of the site along with sustainable drainage features.

2.3 The site is located on the north side of Clappins Lane, relatively square in shape and has a gentle slope which falls from the north-west corner down to the south east corner. Forming the northern and western boundaries is a run of residential back gardens to houses in Woodcock Avenue and Allen Drive. There are also houses to the opposite side of Clappins Lane. The eastern boundary consists of a hedgerow tree line beyond which is open countryside.

2.4 The application is accompanied by:

- a) Planning Statement
- b) Design and Access Statement
- c) Transport Statement
- d) Affordable Housing Statement

- e) Statement of Community Involvement
- f) Landscape Visual Impact Assessment
- g) Flood Risk Assessment and Drainage Strategy
- h) Arboricultural Impact Assessment and Arboricultural Method Statement
- i) Canopy cover calculator
- j) Ecological Appraisal
- k) Biodiversity Calculation Report
- l) Archaeological Desk Based Assessment Statement
- m) Geophysical Survey Report
- n) Ground Investigation Report

2.5 Amended plans have been received during the application process.

### **3.0 Relevant Planning History, Environmental Impact Assessment and Habitat Regulations Assessment**

3.1 There is no relevant planning history for the application site.

3.2 The development has been screened under the Environmental Impact Assessment Regulations 2017. The local planning authority issued a screening opinion dated 16 January 2020 which concluded that an environmental impact assessment will not be required.

3.3 As competent authority, the Council has carried out a Habitat Regulations Assessment under the Conservation of Habitats and Species Regulations 2017. This has concluded that the development would not result in any adverse effect on the Chilterns Beechwoods Special Area of Conservation.

### **4.0 Policy Considerations and Evaluation**

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

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP2 (Overall Spatial Strategy) CP3 (Settlement Strategy), CP4 (Delivering Homes), RUR7 (Land off Clappins Lane, Naphill), DM21 (The Location of New Housing)  
 DSA: DM1 (Presumption in favour of sustainable development)

4.1 The site is allocated for residential use in the local plan. Therefore the principle of residential development on the site has been established by the allocation. Numerous representations have been received objecting to the principle of housing on the site and its removal from the Green Belt. However the process and adoption of the Local Plan has confirmed the principle of new housing on this site.

4.2 Policy DM21 of the new local plan states that housing will be supported at sites that are allocated for housing. The indicative capacity of the site is 64 dwellings. This number is not a target or a ceiling to the amount of development that can be accommodated on the site – it is simply a monitoring number. A total of 63 dwellings are proposed and the acceptability of this in design and layout terms is assessed later within this report.

#### **Chilterns Area of Outstanding Natural Beauty**

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP2 (Overall Spatial Strategy), CP10 (Green Infrastructure and the Natural Environment), RUR7 (Land off Clappins Lane, Naphill), DM30 (Chilterns Area of Outstanding Natural Beauty)

- 4.3 The site is located within the Chilterns AONB. The proposal would not constitute “major development” within an AONB. This conclusion has taken into account the nature, scale and setting of the development proposal and whether it could have a significant adverse impact on AONB purposes.
- 4.4 The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Paragraph 172 highlights that the scale of development within AONBs should be limited and that planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that development is in the public interest. The definition of whether a proposal is “major development” is a matter for the decision maker, taking into account its nature, scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated.
- 4.5 As part of the local plan evidence base an Area of Outstanding Natural Beauty Site Assessment Report was produced (September 2017). This assessed whether there were any opportunities to meet the former Wycombe district housing and economic development needs in villages that are located within the Chilterns AONB. In relation to the application site, it was concluded that the allocation would not be likely to result in major development in the AONB. It is considered that the conclusions within the AONB Site Assessment Report can be adopted for this planning proposal. This is because the nature, scale and setting of the application reflect what was expected at the time of the 2017 AONB report.
- 4.6 The number of homes proposed is in scale and proportionate to the existing settlement, amounting to approximately a 5% increase to the village in dwelling numbers. Development of the site would be in keeping with the historic settlement form and pattern and the layout would provide a soft landscape edge to adjoining farmland and retain & bolster key on-site landscape features, such as boundary hedging & trees which are also features within the wider landscape setting.
- 4.7 The scheme has taken a landscape led approach to design and layout and new homes would be of traditional appearance. All of these aspects would ensure that the development would conserve and respect the natural beauty of the Chilterns AONB.

#### **Affordable Housing and Housing Mix**

Wycombe District Local Plan (August 2019): DM22 (Housing Mix), DM24 (Affordable Housing) Planning Obligations Supplementary Planning Document (POSPD)

- 4.8 The development would provide affordable housing in accordance with planning policy. 48% of the new homes would be affordable equating to 30 units and these would be provided at the required affordable housing mix and tenure set out within policy DM24.
- 4.9 The scheme would provide an appropriate housing mix for the site, with the majority of homes being 3 bedroom units which would reflect current evidence on housing need.
- 4.10 A legal agreement is necessary to ensure that the affordable homes are delivered and the applicant is willing to enter into this.

#### **Transport matters and parking**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), CP12 (Climate Change), RUR7 (Land off Clappins Lane, Naphill), DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM35 (Placemaking and Design Quality)

DSA: DM2 (Transport requirements of development sites)

4.11 The development is acceptable in transport terms, subject to a number of planning conditions and both off-site highway works and monies towards public transport improvements being secured within a Section 106 agreement.

Local road capacity

4.12 The Highway Authority have not raised any concern that the local highway network will not be able to accommodate traffic associated with the development. There is sufficient capacity on local roads to absorb the new development which would not result in any highway safety issues.

Access and layout

4.13 The site would be accessed via a new junction onto Clappins Lane. The position of the new access point would be acceptable in relation to existing junctions and would be provided with adequate visibility splays.

4.14 Within the site, homes would be accessed via an estate road of appropriate width flanked by footways. The Highway Authority is satisfied with the internal road layout.

4.15 The scheme would create a new footpath along the Clappins Lane frontage. This would be located within the site boundary thereby minimising the urbanising effect on the appearance of Clappins lane.

4.16 A number of planning conditions are necessary to ensure that the new junction and road is properly implemented.

Car and cycle parking

4.17 The scheme would be provided with adequate car parking to serve the needs of the development.

4.18 The county parking standards would require the following amount of car parking. In this instance it is proposed that the majority of parking spaces would be allocated to individual properties, hence the optimum amount of parking provision for the scheme would be 143 parking spaces.

4.19 The application drawings illustrate 156 car parking spaces across the site, which will be arranged between on plot parking and garaging and unallocated on-street provision. This equates to an average of 2.5 spaces per property, which would be sufficient to serve the needs of the development. The Highway Authority is satisfied that the amount of parking provision is acceptable to ensure that it would not result in overspill parking. The amount and arrangement of parking provision would accord with policy DM33 and the Buckinghamshire Countywide Parking Guidance.

4.20 The flats would be provided with covered and secure cycle storage provision which is acceptable. Parking bay and garage sizes would accord with guidance.

4.21 To accord with planning policy CP12 and DM33 and the Air Quality SPD, the development will need to make provision for electric vehicle charging points. Each house would need to be provided with one electric charging point, while unallocated communal parking requires one charging point per 10 parking spaces. A planning condition is recommended which is necessary to ensure that this aspect is implemented.

Footpaths

4.22 To ensure that the site is safely & appropriately connected to the surrounding neighbourhood, off-site highway works are necessary to create new footpaths. The development will provide a connection to the existing pavement on the north side of Clappins Lane. Unfortunately to necessitate this link, an existing Oak tree (covered by a TPO) in the verge would have to be removed.

4.23 The loss of the tree is unfortunate but all alternative options to create a footpath link have been pursued and ruled out because they would have greater impact. These include:-

- Creating a footway around the tree which would narrow the road width of Clappins Lane. The Highway Authority has confirmed that this would be unacceptable to highway safety.
- Creating a footway to the opposite (south) side of Clappins Lane to link with Main Road. This would not follow the desire line from the site and necessitate the removal of existing banked verge, levelling and retaining features which would erode the appearance and character of Clappins Lane.
- Not create a pedestrian link to the existing footway on Clappins Lane. Although this would retain the tree it would not be acceptable in place making terms, nor would it encourage walking and be contrary to policy RUR7.

4.24 The scheme would also provide a new footpath through the site which would link up with the existing public footpath just beyond the south east corner of the site.

4.25 The two new pedestrian links would necessitate off-site highway works, the detail of which would need to be secured by a planning condition. The proposed footpaths would satisfy the requirement of part 2 and 4 of policy RUR7.

#### Servicing

4.26 Appropriate provision is made for waste and recycling for each home, with communal provision flats and the development would be appropriately accessed by service vehicles.

#### Sustainable transport modes

4.27 The development would be within an acceptable walking distance to bus services. There are bus stops on the Main Road which is used by the 300 MAX service that runs between High Wycombe and Aylesbury providing the local area with a bus every 15-30 minutes in either direction.

4.28 In order to encourage the use of sustainable modes of transport, the Highway Authority seek a financial contribution towards the upgrading of the closest bus stops on Main Road. This would ensure that the development accords with planning policies CP7, DM33. The financial contribution would be proportionate and directly related to the development thereby satisfying the CIL Regulations. The financial contribution would need to be secured within a Section 106 agreement.

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

Wycombe District Local Plan (August 2019): CP7 (Delivering the Infrastructure to Support Growth), CP9 (Sense of place), RUR7 (Land off Clappins Lane, Naphill), DM32 (Landscape character and Settlement Patterns), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development)

## Residential Design Guide

4.29 The scheme would be good design and accord with development plan policy and guidance relating to place making and design quality.

4.30 The layout would follow a perimeter block structure which is the most robust and successful way to arrange residential layouts. The layout would:-

- Clearly distinguish between public and private space, creating active streets and private backs, and protect existing adjacent rear gardens.
- The layout would be legible and connect with the surrounding neighbourhood.
- Be people friendly in that new streets would incorporate trees and be attractive to pedestrians.
- Include new public open space that is useful, integrated and overlooked.
- Include parking that has been designed & arranged so that it would be afforded good surveillance, support activity in the street and not visually dominate the scheme.

4.31 The design of the new homes and site layout would respond to local character and enhance a sense of place. The building design would be high quality and incorporate features such as pitched roofs, chimneys, traditional materials & proportioned elevations which are advocated in the Chilterns Building Design Guide.

4.32 The materials palette would be predominately red brick with clay or slate roofing tiles which would be appropriate in this context. There would be elements of black wooden feather boarding to outbuildings which is characteristic of the Chilterns AONB. A planning condition is necessary to ensure that the development achieves a high quality built finish in accordance with the proposed palette of materials.

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

Wycombe District Local Plan (August 2019): CP9 (Sense of Place), DM35 (Placemaking and Design Quality), DM40 (Internal space standards)

## Residential Design Guide

4.33 The development would safeguard the amenity of neighbouring properties and provide an appropriate living environment for new occupiers in accordance with development plan policy and guidance.

4.34 The development would provide private, attractive, usable and conveniently located private amenity space of an appropriate size for each new home. Houses would be provided with private garden space, while flat units would be provided with either a patio area or balcony.

4.35 The scheme would not result in adverse impacts on the amenities of neighbouring properties because:-

- A 25m back to back distance would be achieved with existing homes
- The retention and enhancement of existing boundary landscaping would also provide a degree of screening
- The perimeter block layout would ensure that existing gardens back onto new gardens thereby defending garden boundaries
- The new development would be 2 storey in height thereby not overshadowing existing homes

- 4.36 Some representations have commented that the proposal will result in the loss of views and devalue property prices. These are not aspects that can be taken into account in planning decisions.

### **Environmental issues**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF)

- 4.37 The Environmental Health Officer has not identified any concerns other than the inclusion of electric vehicle charging points in order to reduce the impact on air quality; although the site is not located within an Air Quality Management Area. This aspect can be adequately addressed by planning condition.
- 4.38 A planning condition is recommended to control any lighting associated with the development. This is necessary in order to limit the impact on the appearance and character of the AONB and upon ecology.

### **Flooding and drainage**

Wycombe District Local Plan (August 2019): CP7 (Delivering the Infrastructure to Support Growth), CP12 (Climate Change), DM39 (Managing Flood Risk and Sustainable Drainage Systems), RUR7 (Land of Clappins Lane, Naphill)

- 4.39 The development is acceptable in respect of managing flood risk and the incorporation of sustainable drainage systems (SuDS). As such it would accord with policy DM39 and part 7 of RUR7.
- 4.40 The Lead Local Flood Authority (LLFA) has no objection to the development subject to planning conditions which would secure the final detail and future maintenance of the surface water drainage scheme. Such conditions are necessary to ensure that the development does not increase the risk of flooding.
- 4.41 The site is not at risk of fluvial or groundwater flooding. The majority of the site is at very low risk of surface water flooding, however there is a surface water flow route through the site from west to east. The applicant has proposed measures that will appropriately deal with flood risk and proposes a SuDS scheme, which would accord with policy DM39. SuDS features including permeable paving and an infiltration basin are proposed which will manage surface water run-off from the site and ensure no increased risk off-site.
- 4.42 Thames Water have confirmed that there is sufficient foul water capacity within the sewerage network to serve the development. There is an existing sewerage pumping station to the south east of the application boundary. Thames Water have recommended that no homes should be located within 15m of the water sewerage pumping station to avoid impact from odour, vibration and noise. The layout would not place any new homes within this distance from the pumping station.

### **Archaeology**

Wycombe District Local Plan (August 2019): CP9 (Sense of place), CP11 (Historic Environment), DM31 (Development Affecting the Historic Environment)

- 4.43 Subject to imposing a planning condition the development would not affect the significance of heritage assets.



- 4.44 The application is supported by an archaeology desk based assessment and geophysical report. The Archaeology Officer has noted the contents of those reports and highlighted that relatively little field work has been undertaken in the vicinity and as such there is the potential that archaeological remains could be present.
- 4.45 As such to firmly establish the extent of archaeological interest trial trenching would be needed. As such a planning condition is necessary and recommended in order to ensure that the significance of heritage assets is not harmed.

#### **Green networks and infrastructure, biodiversity and ecology**

Wycombe District Local Plan (August 2019): CP7 (Delivering the Infrastructure to Support Growth), CP9 (Sense of Place), CP10 (Green infrastructure and the Natural Environment), DM34 (Delivering Green Infrastructure and Biodiversity in Development), RUR7 (Land off Clappins Lane, Naphill)

DSA: DM11 (Green networks and infrastructure), DM13 (Conservation and enhancements of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in Development)

- 4.46 Subject to the imposition of planning conditions, the development would achieve appropriate tree canopy cover, enhance biodiversity and green infrastructure, deliver a net gain in biodiversity and not harm protected species or designated nature conservation sites.

#### Designated nature conservation sites

- 4.47 Naphill Common SSSI, Bradenham Woods, Park Wood and the Coppice SSSI are within 2km of the site. These areas form part of the Chilterns Beechwoods Special Area of Conservation (SAC). There are also a number of non-statutory sites nearby of which Seer Lane and Little Stocking Woods Local Wildlife Site and Coursns Wood Biological Notification Site are closest to the site being within 400m.
- 4.48 The Ecological Appraisal which accompanies the planning application takes account of these designated sites of nature conservation. Given the modest scale of the development and existence of a network of established footpaths and bridleways the new homes & residents would not result in an adverse impact on local designated nature conservation sites. In this respect the development would accord with development plan policies DM13, RUR7, CP10.

#### Biodiversity

- 4.49 A biodiversity impact assessment has been undertaken which demonstrates that the development will retain and enhance features of the highest ecological value (notably habitat connectivity provided by boundary hedgerows & retention of trees) and will create new habitats of ecological value (species rich grassland areas, marginal planting around drainage features & new tree planting). However, the development will not achieve a biodiversity net gain on site.
- 4.50 Instead off-site enhancement via the payment of a biodiversity offsetting financial contribution is proposed, which will ensure that overall the development delivers a net gain in biodiversity. This approach is acceptable and would accord with the mitigation hierarchy set out within policy DM34. The biodiversity offset financial contribution would need to be secured within a legal agreement
- 4.51 A number of planning conditions are necessary to ensure that proposed on-site biodiversity enhancements are appropriately created and managed in the future.

4.52 To ensure that there is no net loss it is necessary to ensure that the retained habitats are protected, the proposed habitats are created and managed properly and that an appropriate payment is made to the council to ensure that offsetting can be provided elsewhere.

#### Ecology

4.53 Appropriate ecology and protected species surveying and reporting has been undertaken as part of the planning application. The surveying has demonstrated that the majority of habitat on the site is not particularly special but has some biodiversity value. The hedges and larger oak trees around the edge of the site are of the greatest value and are associated with the majority of species interest. These features will be retained and bolstered with new planting as part of the landscaping scheme.

4.54 Protected species surveys have concluded that the development would not be harmful to badgers, reptiles, bats, hazel dormice and great crested newts. A number of planning conditions are necessary to ensure the retention, enhancement and management of ecological features as part of the development to accord with development plan policy.

#### Trees and canopy cover

4.55 The development would accord with policy DM34 because it would achieve a future canopy cover of 25% of the site area. This would be achieved by the retention of existing boundary trees and new tree planting both to boundaries and within the site itself. The site has a number of protected trees all of which would be retained except group G1 which is to be removed to necessitate vehicle access onto Clappins Lane.

4.56 The layout would result in the loss of some unprotected trees to the north boundary backing onto Woodcock Avenue, eastern and southern boundary. The trees to be removed are not significant in amenity value and the landscaping scheme mitigates for their loss. The locations, quantum and species of new tree planting is acceptable and would ensure a landscape led development.

4.57 The Tree Officer is satisfied that the development would protect the long term health of protected trees. A number of planning conditions are recommended relating to tree protection during construction and the implementation and future management of the landscaping scheme. These are necessary to ensure compliance with development plan policy.

#### **Building sustainability and climate change**

Wycombe District Local Plan (August 2019): DM33 (Managing Carbon Emissions: Transport and Energy Generation), DM41 (Optional Technical Standards for Building Regulations Approval).  
Air Quality SPD

4.58 The development would accord with the relevant technical standards subject to the imposition of planning conditions.

4.59 It is necessary to condition water efficiency in accordance with Policy DM41 and that the dwellings are built to achieve the standards in Building Regulations Approved Document M4(2) regarding accessible dwellings.

4.60 As the scheme includes provision of affordable housing, policy DM41 requires that a proportion of the homes are built to achieve category M4(3) wheelchair user dwellings. The applicant has identified which these units are and they have been designed to

achieve this standard. Therefore a planning condition is necessary to ensure that these homes are built as such in order to accord with policy DM41.

- 4.61 Development is required by policy DM33 and CP12 to mitigate for climate change by the incorporation of renewable technologies into development. The application does not set out which renewable features would be incorporated into the development but there will be opportunities for the use of PV panels, solar thermal collectors and air or ground source heat pumps within the scheme. To ensure that appropriate renewable technologies are included a planning condition is necessary to secure the detail of a renewable technologies scheme.

### **Public open space**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth)

DSA: DM16 (Open space in new development), DM19 (Infrastructure and delivery)

- 4.62 The development would make provision for local public open space, including a play area, in accordance with policy DM16. The implementation and future management of the open space and the play area need to be secured within a legal agreement.

- 4.63 Informal public open space is proposed to the eastern site boundary which will include an equipped play area. Natural play equipment would be integrated into the open space through a series of “play pockets” along the route of a walking path within the eastern landscaped corridor. The use of natural materials, forms and surfacing would ensure that the play area is sensitively integrated into both the site and wider landscape.

- 4.64 In accordance with DM16, strategic open space will be funded through CIL.

### **Infrastructure and Developer Contributions**

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth)

DSA: DM19 (Infrastructure and delivery)

- 4.65 The development is a type of development where CIL would be chargeable.
- 4.66 It is considered that there would not be other types of infrastructure, other than those previously highlighted that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.
- 4.67 The Buckinghamshire Healthcare NHS Trust has commented that the development should make a financial contribution towards health care provision in order to fill a funding gap created by the current NHS’s funding mechanism.
- 4.68 The National Planning Practice Guidance (NPPG) confirms that planning obligations should not be sought where they are clearly not necessary to make development acceptable in planning terms. Therefore, a planning judgment needs to be made whether the contributions sought by the NHS Trust are necessary to make the development acceptable in planning terms and are fully justified and evidenced.
- 4.69 The reasoning provided and contribution sought by the NHS Trust would not satisfy Regulation 122 of the CIL Regulations. The request is not necessary to make the development acceptable in planning terms and is not fully justified and evidenced. The pressures identified do not demonstrably arise from the development in question and they are not evidenced as being directly related to, or fairly and reasonably related in

scale and kind to the development. As such, securing the requested financial contribution towards health infrastructure cannot be secured via a Section 106 Agreement.

4.70 Having regard to the statutory tests in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that the following planning obligation(s) are required to be secured within a section 106 agreement:

- Affordable housing – at least 48% of dwellings to be provided as affordable housing.
- Provision of on-site public local open space, including play equipment and its future management and maintenance.
- Future management and maintenance of on-site sustainable drainage system
- Financial contribution towards biodiversity off-setting.
- Financial contribution towards improvement of local bus stops.

4.71 The applicant has confirmed willingness to enter into a legal agreement to secure all of the above aspects.

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

5.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

5.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

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

5.3 As set out above it is considered that the proposed development would accord with the development plan policies.

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

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

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

6.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

6.3 In this instance:

- The applicant was provided with pre-application advice.

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

**Recommendation: Minded to grant permission subject to the completion of a planning obligation**

That the Service Director of Planning and Environment be given delegated authority to grant Conditional Permission provided that a Planning Obligation is made to secure the following matters:

- Affordable housing – at least 48% of dwellings to be provided as affordable housing.
- Provision of on-site public local open space, including play equipment and its future management and maintenance.
- Future management and maintenance of on-site sustainable drainage system
- Financial contribution towards biodiversity off-setting.
- Financial contribution towards improvement of local bus stops.

or to refuse planning permission if an Obligation cannot be secured

It is anticipated that any permission would be subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers LN42-PL-001 REV PL2, LN42-PL-002 REV PL6, LN42-PL-003 REV PL7, LN42-PL-004 REV PL2, LN42-PL-005 REV PL2, LN42-PL-006 REV PL2, LN42-PL-007 REV PL2, LN42-PL-008 REV PL2, LN42-PL-009 REV PL1, LN42-PL-010 REV PL2, LN42-PL-101 REV PL2, LN42-PL-102 REV PL2, LN42-PL-103 REV PL3, LN42-PL-104 REV PL3, LN42-PL-105 REV PL2, LN42-PL-106 REV PL3, LN42-PL-107 REV PL2, LN42-PL-108 REV PL2, LN42-PL-109 REV PL2, LN42-PL-110 REV PL2, LN42-PL-201 REV PL2, LN42-PL-202 REV PL2, LN42-PL-205 REV PL2, LN42-PL-211 REV PL3, LN42-PL-213 REV PL2, LN42-PL-214 REV PL2, LN42-PL-215 REV PL2, LN42-PL-216 REV PL2, LN42-PL-217 REV PL1, LN42-PL-218, REV PL1, LN42-PL-219 REV PL1, LN42-PL-220 REV PL2, LN42-PL-221 REV PL2, LN42-PL-301 REV PL2, LN42-PL-302 REV PL2, LN42-PL-303 REV PL2, LN42-PL-304 REV PL2, LN42-PL-305 REV PL3, LN42-PL-306 REV PL2, LN42-PL-307 REV PL3, LN42-PL-308 REV PL3, LN42-PL-310 REV PL1 unless the Local Planning Authority otherwise first agrees in writing.  
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 3 No development shall take place until the applicant, or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.  
Reason: This is a pre-commencement condition to ensure that the development does not harm heritage assets.

- 4 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- Additional details of the proposed trench drain including:
    - Cross sections
    - Discharge point
    - Calculations of capacity
    - Full construction details of all SuDS and drainage components
    - Detailed drainage layout showing all components with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
    - Calculations to demonstrate that the proposed drainage system does not surcharge for the 1 in 1 year storm event and can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
    - Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
      - Flow depth
      - Flow volume
      - Flow velocity
      - Flow direction

Reason: This is a pre-commencement condition to ensure that a sustainable drainage strategy has been agreed in accordance with Paragraph 163 of the National Planning Policy Framework and so that there is a satisfactory solution to managing flood risk.

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

Reason: To ensure that arrangements have been made and agreed for the long term maintenance of the drainage system as required by Paragraph 165 of the NPPF.

- 6 The development shall not begin until details of the disposal of surface water from the highway have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

Reason: This is a pre-commencement condition as development cannot be allowed to take place which could cause danger, obstruction and inconvenience to users of the highway and of the development should the discharge of surface water enter or interfere with the adjacent highway network.

7 The development shall not begin until details of the private estate road have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No dwelling shall be occupied until the private estate road has been laid out and constructed in accordance with the approved details.

Reason: This is a pre-commencement condition as development cannot be allowed to take place, which could cause danger, obstruction and inconvenience to users of the adjacent highway and of the development in terms of poor or insufficient design.

8 Prior to the commencement of development, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of a banksman, on-site loading/unloading arrangements and parking of site operatives vehicles) shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with the approved construction traffic management plan.

Reason: This is a pre-commencement condition as development cannot be allowed to take place, which could cause danger, obstruction and inconvenience to users of the highway and of the development.

9 The development shall take place in accordance with the Arboricultural Method Statement (AMS) by FPCR dated July 2020 and Tree Protection Plan, ref 7725-T-03 Rev D submitted as part of the planning application, and any permitted works Construction Exclusion Zone and other works which are specified in the AMS will take place under the supervision of a retained arboricultural specialist.

Reason: To ensure that the retained trees, shrubs and hedgerows are not damaged during the construction process and in the long term interests of local amenity value, ecology and biodiversity.

10 Upon completion of arboricultural supervision, documentation and photographic evidence of all of the key stages of arboricultural supervision from pre-commencement through to completion shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure protection of retained trees, shrubs and hedgerows in accordance with the approved Arboricultural Method Statement.

11 The permitted tree works shall be carried out in accordance with the recommendations contained in British Standard 3998:2010 Tree Work- Recommendations. Climbing irons or 'spikes' shall not be used other than for felling operations.

Reason: In the interests of good arboricultural practice and tree health.

12 No development including ground works and vegetation clearance shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- \* Risk assessment of potentially damaging construction activities
- \* Identification of "biodiversity protection zones"
- \* Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- \* The location and timing of sensitive works to avoid harm to biodiversity features
- \* The times during construction when specialist ecologists need to be present on site to oversee works

- \* Responsible persons and lines of communication
- \* The role and responsibilities on site of an ecological clerk of works or similarly competent person
- \* Use of protective fences, exclusion barriers and warning signs

Thereafter the development shall be implemented and constructed in accordance with the approved CEMP unless otherwise first agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure that the development is undertaken in a manner which protects wildlife.

- 13 Prior to above ground construction an ecological enhancement scheme, including a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

The ecological enhancement scheme shall include:-

- \* Detail for the creation of habitats (as referenced within the submitted Biodiversity Offsetting Report Rev B (dated September 2020) including:
  - Specification and source of soil and plants to be used.
  - Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
  - Persons responsible for implementing the works.
- \* Location and specification of bird and bat boxes which shall be provided on or integrated into at least half of the properties on the site perimeters.
- \* Location and specification for hedgehog holes in all fence lines, to ensure free and easy movement of hedgehogs throughout the site.
- \* Proposed management of areas of retained habitat.
- \* Details of any other ecological enhancement measures.

The development shall be implemented in accordance with the approved scheme unless otherwise first agreed in writing by the Local Planning Authority. The approved scheme and measures shall thereafter be retained as such, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure a net gain in biodiversity as required by policy DM34.

- 14 Prior to first occupation a landscape and ecological management plan (LEMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:-

- \* Description of the features to be managed;
- \* Ecological trends and constraints on site that might influence management
- \* Lifespan of the management plan:
- \* Aims and objectives of management;
- \* Appropriate management options for achieving aims and objectives;
- \* Prescriptions for management actions;
- \* Preparation of a work schedule (an annual work plan and the means by which the plan will be rolled forward annually);
- \* Details of the body or organisation responsible for implementation of the plan.
- \* Ongoing monitoring and remedial measures.

Thereafter the development shall only be carried out in accordance with the approved landscape and ecology management plan unless otherwise first agreed in writing by the Local Planning Authority.



Reason: In the interests of amenity, biodiversity and to ensure a satisfactory standard of landscaping.

- 15 If the development hereby approved is not commenced within two years of September 2019 (the date of the original ecological survey), before development then commences a further ecological survey of the site shall be carried out to update the information on the species/habitats and the impact of development upon them. The further survey report together with a proposed mitigation/compensation/enhancement strategy (as appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the approved details including any agreed mitigation/compensation/enhancement measures.

Reason: To comply with the requirements of the Conservation of Habitats and Species Regulations 2017, and the Wildlife and Countryside Act 1981 (as amended)

- 16 The development shall be carried out in accordance with the approved landscaping scheme illustrated on approved drawings DE380-L-001 REV E, DE380-L-002 REV E, DE380-L-003 REV E, DE380-L-004 REV E, DE380-L-005 REV E, DE380-L-007 REV F, DE380-L-011 REV A, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity, biodiversity, to ensure a satisfactory standard of landscaping and compliance with Local Plan policy DM34.

- 17 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.

- 18 No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior written consent of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: In the interest of residential and visual amenity and ecology.

- 19 The development shall be carried out in accordance with the approved materials and finishes detailed within the External Materials Specification (ref LN42-EMS-Rev PL1), unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To secure a satisfactory external appearance.

- 20 The dwellings shall all achieve the higher water efficiency standard set out in the appendix to Building Regulations Approved Document Part G.

Reason: In order to meet the requirements of Local Plan policy CP12 and DM41 in the interests of water efficiency.

- 21 Plots 1, 2, 4, 5, 8, 31, 32, 38, 39, 40 and 45 and units 22, 24, 26 and 28 shall be designed and built to achieve the standards in Building Regulations Approved Document M4(3) and the remaining dwellings shall be designed to achieve the standards in Building Regulations Approved Document M4(2), unless otherwise first agreed in writing by the Local Planning Authority.  
Reason: To meet the need for accessible, adaptable and wheelchair user dwellings as required by policy DM41.
- 22 A scheme to demonstrate how renewable technologies will be integrated into the development shall be submitted to and approved in writing by the Local Planning Authority prior to above ground construction. The scheme shall ensure at least 15% of the energy supply of the development comes from decentralised and renewable or low carbon energy sources. The development shall be implemented in accordance with the approved scheme and no unit shall be occupied until the measures within the scheme relating to that house or flat have been provided. The scheme shall remain operational for the lifetime of the development unless otherwise first agreed in writing by the Local Planning Authority.  
Reason: In the interests of managing carbon emissions and mitigating climate change as required by Local Plan policy CP12 and DM33.
- 22 The development shall only be carried out in accordance with the finished ground and floor levels illustrated on approved drawings 18772-NAPH-5-SK002 and 18772-NAPH-5-SK003 unless otherwise first agreed in writing by the Local Planning Authority.  
Reason: To ensure that the proposal is constructed at an acceptable level with regards to the surrounding area.
- 23 Prior to occupation of each respective unit, one electric charging point shall be installed for each house with allocated parking and one electric charging point shall be installed per 10 unallocated parking spaces. Thereafter the electric vehicle charging points shall be retained as such and maintained in full working order for the lifetime of the development unless otherwise first agreed in writing by the local planning authority.  
Reason: To manage carbon emission generation and mitigate for climate change in accordance with local plan policy CP12 and DM33.
- 24 No other part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway".  
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
- 25 There shall be no other means of vehicular access to the development other than from the main estate road.  
Reason: To minimise danger and inconvenience to highway users by channelling sole access/egress through the main access point and prevent the proliferation of direct private accesses on Clappins Lane.

- 26 No other part of the development shall be occupied until the off-site highway works shown in principle on drawing SK06 P7, which includes the creation of footways connecting the development with existing pedestrian infrastructure and public rights of way, have been laid out and constructed in accordance with details to be first submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority.  
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to provide appropriate pedestrian connections.
- 27 Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order) no gates shall be erected upon the development's estate road.  
Reason: To prevent vehicles reversing out onto Clappins Lane and enable vehicles to draw off clear of the highway, turn within the site and re-enter Clappins Lane for the safety and convenience of all highway users.
- 28 No wall, fence, hedge or other means of enclosure to be provided along the site frontage shall exceed a height of 0.6 metres above the level of the centre line of the access for a distance of 43 metres on both sides of the access.  
Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.
- 29 The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.  
Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.
- 30 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), the garage car parking spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. The garages shall be solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.  
Reason: To ensure that the development has adequate car parking provision.
- 31 The approved cycle and bin storage facilities illustrated on the approved drawings shall be provided prior to occupation of the respective dwelling that it serves and thereafter the facilities shall be permanently retained as such.  
Reason: To ensure the continued provision of cycle parking and waste storage and in the interests of the amenities of the occupiers.

#### INFORMATIVE(S)

- 1 In accordance with paragraph 38 of the NPPF2 Buckinghamshire Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. Buckinghamshire Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

- 2 You are advised that Planning Obligations have been entered into in connection with this permission.
- 3 The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health Section of the Environment Service on 01494 421737at the Council Offices.
- 4 The following British Standards should be referred to:
  - a) BS: 3882:2015 Specification for topsoil
  - b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
  - c) BS: 3998:2010 Tree work - Recommendations
  - d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
  - e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
  - f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
  - g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
  - h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
  - i) BS: 8601:2013 Specification for subsoil and requirements for use
- 5 In order to comply with conditions relating to surface water drainage, access creation and off-site highway works, the developer is required to submit to the Director for Planning Growth & Sustainability, Walton Street Offices, Aylesbury, drawings in triplicate detailing the layout plans at scale 1:500, longitudinal and cross sections, typical construction details and method of disposal of surface water.
- 6 It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
- 7 The applicant is advised that the off-site works will need to be constructed under a section 278 of the Highways Act legal agreement. This agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 8 weeks is required to draw up the agreement following the receipt by the Highway Authority of a completed Section 278 application form. Please contact the Transport Development Control Section at the following address for information:-
  - Development Management
  - Buckinghamshire Council
  - 9th Floor
  - County Hall
  - Walton Street

Aylesbury  
Buckinghamshire  
HP20 1UY  
Tel: 01296 395000

- 8 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 9 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
- 10 The applicant is advised to contact the Highways Development Management delivery team to determine the extent of pre-condition surveys.