



Report to Strategic Sites Planning Committee

Site location: Land Off Walnut Drive And Foscote Road, Maids Moreton, Buckinghamshire, MK18 1QQ

Proposal: Outline application with all matters reserved except access for up to 170 dwellings, public open space and associated infrastructure

Application Number: 16/00151/AOP

Applicant: David Wilson Homes

Case Officer: Sue Pilcher

Ward affected: Buckingham East (previously Luffield Abbey Ward)

Parish-Town Council: Maids Moreton Parish Council

Valid Date: 20.01.16

Determination date:

Recommendation:

The recommendation is that permission be deferred and delegated for **APPROVAL** subject to the satisfactory completion of a legal agreement to secure on site affordable housing provision, on site provision of public open space, monitor and manage impact of development traffic and provide appropriate mitigation for A422/College Farm Road and Foscote Road and Foscote Lane, highways delivery plan, financial contributions towards off site highway improvements, towards the Buckingham Transport Strategy, improved public transport, traffic regulation order, towards open space and recreation, education and to secure an acceptable SuDS scheme and its maintenance, subject to securing a District Licence to address protected species and subject to conditions as considered appropriate by Officers, or if these are not achieved for the application to be refused.

1. Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1. This application was previously heard at the Strategic Development Control Committee of the former Aylesbury Vale District Council on 20th February 2019 when it was resolved that permission be deferred and delegated for APPROVAL subject to the completion of a legal agreement to secure on site affordable housing provision, on site provision of public open space, financial contributions towards off site highway improvements, towards open space and recreation, education and to secure an acceptable SuDS scheme and its maintenance and to include a monitor and manage highway strategy and a highways

delivery plan and subject to conditions as considered appropriate by Officers, or if these are not achieved for the application to be refused. Since the resolution work has been progressing on the S106 legal agreement and importantly work has also progressed on the VALP such that a number of policies within this plan can now be given weight in decision making. In addition further representations have been received. In this context it is considered appropriate for the application to be returned to committee for determination and provide an up to date position, including the evolving policy framework.

- 1.2. The application seeks outline permission with all matters reserved except for access for up to 170 dwellings, public open space and associated infrastructure. There would be two access points into the site, one via Foscoote Road and one via Walnut Drive. The application is accompanied by an illustrative masterplan and parameter plans which show how the development could be achieved on the site.
- 1.3. It is acknowledged that there would be significant benefits in terms of both the contribution to housing supply and affordable housing, as a result of population growth and also considerable benefits from investment in construction and the local economy.
- 1.4. Special regard has been given to the statutory test of preserving the conservation area and listed buildings under sections 72 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. The report recognises the proposed development will have a minor negative effect on the significance of the heritage assets arising from the proposed mini roundabout and associated highway works which would amount to be less than substantial harm and at the lowest end of the scale in terms of the NPPF, to which great weight is attached. This has been weighed against the public benefits of the scheme and it is concluded that these would outweigh the harm arising. Having regard to this it is considered there is no clear reason for refusal on this ground.
- 1.5. There would be harm to the character of the landscape and on the settlement character which would be a moderate negative weight and the development would result in loss of BMV agricultural land which would be of limited negative weight.
- 1.6. The application is considered to be acceptable on highway grounds subject to a number of mitigation works to be secured as part of a S106 and subject to conditions. On this basis the Highway Authority are satisfied that the development would not have a severe impact on the safety and convenience of the highway network and as such whilst it is recognised that there would be some minor/moderate adverse impact from the development, with the mitigation proposed in the S106 this harm would be addressed

such that overall the highway impact should be afforded neutral weight in the planning balance.

- 1.7. With an increase in dwellings there is the potential for more people to visit the Foxcote Nature Reserve, however there would be a significant amount of new open space and planting which would provide additional habitats that would be undertaken as a result of the development and recreational open space . The report identifies the potential to require a District Licence to address Great Crested Newts (European protected species). On this basis whilst it is recognised there could be some minor adverse impact on the great crested newt population this would be addressed through mitigation such that overall this matter should be afforded neutral weight in the planning balance.
- 1.8. Compliance with some of the other objectives of the NPPF have been demonstrated or could be achieved in terms of the impact on trees, archaeology, trees, public rights of way, healthy and safe communities, design and contamination and residential amenities. In terms of biodiversity this development would provide a net gain. These matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight is attributed neutrally.
- 1.9. The benefits of the proposal are identified in paragraph of 1.3 above and considered in the planning balance.
- 1.10. This assessment identifies that various S106 planning obligations would need to be secured to make the scheme acceptable and mitigate its impact in accordance with relevant Development Plan policy and guidance as well as the NPPF if the council was minded to approve the application. These are set out in section 6 below.
- 1.11. Under Part D section 4.4 of the constitution, the Strategic Sites Committee have responsibility for wider strategic development; sites which have a significant impact beyond the specific local area; and sites fundamental to the implementation of an adopted or emerging Local Plan. This will include amongst other criteria large scale major development comprising housing (approx. 400 dwellings or more).
- 1.12. The application is for 170 dwellings, which is less than 400 houses. However, the site forms part of the strategic delivery of sites as a proposed allocation in the emerging VALP under policy MMO006 for 170 homes. It is included in the trajectory for deliverable housing sites and therefore in the calculation of the 5 years housing supply against local housing need. It is therefore considered that this application would fall within the terms of reference to be considered by the Strategic Sites Committee as a strategic site which forms part of the overall strategy fundamental to the implementation of the emerging VALP.

- 1.13. Cllr Warren Whyte has made comments on the application. He has raised concerns over the principle of the development, impact on the highway, parking, character of the area and heritage and the S106 agreement. He also endorses the questions raised by the Maids Moreton and Foscoote Action Group regarding the relevance of the application being seen by the Strategic Committee rather than the more sensible North Area Planning Committee.
- 1.14. In considering the overall planning balance it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. It is therefore recommended that the application be approved subject to the completion of a S106 legal agreement securing the matters outlined in section 6 below and subject to conditions as appropriate.

2.0 Description of Proposed Development

Application site:

- 2.1 The application site comprises three fields at the northern edge of Maids Moreton and has a site area of 8.649ha. The western field is a gently sloping area of grassland (3m drop in levels from the south-west corner to the north-east corner of this field) adjacent to existing housing on Walnut Drive and with the business park to the north-west corner of the field and access running to this to the western side of the site. The business park hosts a number of different businesses.
- 2.2 There is a group of protected trees (TPO 11/1999) along the southern edge of this field with the rear of the Pightle cul-de-sac and these comprise black pines, sycamore and larch with an understorey of holly and elder. There are also further individually protected trees forming part of this Order within the northern area of the field. The central field is also grassed and gently slopes down to the east and similarly the eastern field adjacent to the rear of Manor Park and Foscoote Road slopes gently down to the east. The application site includes the farm buildings in the east part of the site adjacent to the dwelling of Church Farm which would be demolished.
- 2.3 A public footpath (MM/2/1) runs up from Main Street between the rear gardens of Manor Park and the Pightle, enters the fields of the application site and then heads to the east to join Foscoote Road. The application site is not covered by any special landscape designations. There are no listed buildings within the application site but there are several within the village itself, including Scotts Farm House on Towcester Road (Grade II), Corner Cottage on Main Street (Grade II) and the Wheatsheaf PH on Main Street (Grade II). The conservation area is located to the south-east of the site within the village centre and further to the south-west.
- 2.4 The site is located within Flood Zone 1 and the majority of the land has an agricultural land grading of 3a.

Proposed development:

- 2.5 Outline permission with all matters reserved except for access is proposed on the application site for up to 170 dwellings, public open space and associated infrastructure. There would be two access points into the site, one via Fosscote Road and one via Walnut Drive. The application is accompanied by an illustrative masterplan which shows how the development could be achieved on the site.
- 2.6 Revised feasibility and illustrative landscape masterplans were received during the course of the application to remove a significant proportion of development to the south of the Maids Moreton House industrial site and increased landscape buffering has been indicated to the northern boundary in this area. More recently a revised red edge application site plan has been received to remove a portion of the highway comprising Fosscote Road which the applicant considers does not need to be included in the red edge. Consultations have been undertaken on these revised details.
- 2.7 The development proposes a mix of dwelling sizes, two to five bedroom dwellings, and the provision of 30% affordable housing (include a proportion of wheelchair accessible housing) which would be evenly dispersed across the site. A variety of dwelling sizes including detached, semi-detached and terraced properties are indicated on the illustrative layout masterplan. The Landscape and Visual Assessment indicates that the dwellings would have a maximum height of two and a half storeys.
- 2.8 A landscape buffer, incorporating swales and an attenuation pond, are shown to the northern boundary of the site. Existing hedgerows at the existing field boundaries are shown to be retained, except where the access road makes its way through the site. Along the southern edge of the site adjacent to Manor Park, proposed gardens are shown backing onto existing gardens.
- 2.9 The application has been accompanied by a Planning Statement, Design and Access Statement, Transport Assessment, Landscape Visual Impact Assessment, Extended Phase 1 Habitat Survey, Biodiversity Net Gain Assessment and Biodiversity Metric Calculation, Arboricultural Impact Assessment, Archaeological Desk based Assessment, Desk Study and Ground Investigation Report, Tree Constraints Plan and Schedule and a Flood Risk Assessment.

3.0 Relevant Planning History

The application site:

- 3.1 15/03562/SO - Screening Opinion for proposed development – Environmental Impact Assessment not required.

4.0 **Representations**

4.1 Maids Moreton Parish Council, Foscombe Parish Meeting and Buckingham Town Council have objected. Greg Smith MP has drawn attention to the objections raised. A significant number of representations have been received. Whilst these objections have been clearly set out in detail below in Appendix A, the key concerns are development outside settlement boundaries, impact on landscape, impact on traffic and congestion, impact on heritage assets, on residential amenities and infrastructure.

5.0 **Policy Considerations and Evaluation**

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

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

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

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

There is currently no made neighbourhood plan in existence which would include the village of Maids Moreton. Only a neighbourhood plan area has been identified at this stage.

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

Maids Moreton Conservation Area document 2009

5.2 Principle and location of development

Aylesbury Vale District Local Plan: GP35 (Design of new development proposals); RA14 (Development at the edge of built up areas of settlements); RA2 (Loss of open gaps and consolidation of settlements).

Emerging Vale of Aylesbury District Local Plan (VALP): S1 (Sustainable development for Aylesbury Vale) (*s considerable weight*); S2 (Spatial strategy for growth), S3 (Settlement hierarchy and cohesive development) (*moderate weight*), D-MMO006 Land east of Walnut Drive and west of Foscombe Road (*moderate weight*), BE2 (Design of new development) (*moderate weight*).

- 5.3 AVDLP Policy RA.14 seeks to restrict development to small-scale rounding off of up to 5 dwellings on sites not exceeding 0.2ha at Appendix 4 settlements which includes Maids Moreton. However policy RA14 forms part of the overall housing strategy which identified housing targets for the plan period up to 2011 and the evidence relating to the Aylesbury Vale's area's need has changed significantly since these policies were adopted. Policy RA14 is not consistent with the NPPF which seeks to significantly boost the supply of housing based on up to date evidence and in particular paragraphs 59, 60 and 67. Furthermore policy RA14 sought to take a protective approach to development and as such it can only be given very limited weight when considering proposals at the edge of settlements identified in Appendix 4.
- 5.4 The site does not represent small scale development in that it is 170 dwellings on a site of 8.649ha and therefore conflicts with RA14.
- 5.5 The site is proposed to be allocated in the emerging VALP for development as part of MMO006 and this supports the development of the site for 170 dwellings subject to a number of criteria. MMO006 (as proposed to be modified) anticipates delivery of the following:
- Provision of at least 170 dwellings at a density that takes account of the adjacent settlement character and identity and the edge of countryside location.
 - The site will be designed using a landscape-led approach. The development design and layout will be informed by a full detailed landscape and visual impact assessment (LVIA) and a landscape scheme with green infrastructure to be approved by the council.
 - A new means of access to Foscombe Road and Walnut Drive, including satisfactory visibility splays to Foscombe Road, a scheme for parking, garaging, manoeuvring and a cycling and walking strategy must be agreed by the council setting out necessary highways improvements including triggers associated with the progress of the development.
 - Ensure the public footpath (MMT/2/1) connecting the development with Maids Moreton's school, village hall, pub, bus stops and other services is in a suitable condition

to safely and conveniently accommodate increased pedestrian and cycle traffic within a residential setting.

e. An updated assessment of wastewater treatment works capacity needs to be carried out, working with Anglian Water, to identify the need for infrastructure upgrades and how and when these will be carried out to inform site delivery. Furthermore, 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.

f. An ecological management plan shall be submitted to the council and approved as part of a planning application setting out the biodiversity value on the site and a mitigation strategy with the aim of the scheme delivering a net biodiversity gain for the loss of any value on the site.

g. No development shall take place until an applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

h. Outdoor playing space (OPS) and equipped play facilities should be provided on site. Both Appendix 2 of the AVDC Supplementary Planning Guidance for Sport & Leisure Facilities and Appendix 1 of its companion document the Ready Reckoner detail the level of provision required per settlement size. As the 2017 'Open Space, Sports and Recreation Needs for Aylesbury Vale' audit shows there is a lack of a suitably sized central public open space as well as no neighbourhood equipped area of play (NEAP) in Maids Moreton, meaning there is a requirement to provide such facilities (in addition to a local equipped area of play (LEAP)) on site in order to make this proposal acceptable in recreation terms. This open green space will also provide an alternative to Foxcote Reservoir and Wood SSSI and help avoid recreational impacts on the designated site.

i. A good mix of affordable property types and sizes reflective of the overall housing mix whilst taking in to account the local needs of the district. There is currently a greater need for two bedroom 4 person and three bedroom five of six person houses, slightly less for one-bed two person and four-bed seven or eight person. Houses are generally preferred over flats.

j. A tenure mix of 75% rented and 25% shared ownership for the affordable dwellings would be required and two or three bed houses are preferred over flats for shared ownership.

k. Clusters of affordable housing must not exceed our 15 unit maximum for houses and 18 maximum for flats.

l. Affordable units should be built to National Affordable Housing Programme requirements and should not be distinguishable from market housing in terms of overall design details, build quality and materials. No more than 50% of the private units are to be completed until the affordable units have been completed.

m. The council works in partnership with registered providers in the district and can supply details of these to support the delivery of the affordable homes.

n. A financial contribution will be required towards funding appropriate elements of the

Buckingham Transport Strategy.

- 5.6 Comments have been received from the Maids Moreton and Foscote Action Group regarding allocated site D-MMO006 and the weight to be afforded to this policy. The modifications to Policy D-MMO006 are regarded as minor alterations to ensure the policy and allocation was consistent/matched the planning application and are not changes required to make the plan sound. These do not affect the weight that officers have given to the policy. There are policy requirements which need to be met as set out above.
- 5.7 Maids Moreton is identified in the Settlement Hierarchy Assessment for the submission Plan (September 2017) as a 'medium village'. In developing a criteria for medium villages, the settlements were defined as typically having a population of between around 600 and 2,000 and have between 6 – 7 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) making them moderately sustainable locations for development. Maids Moreton has a population of 847 and meets 6 of the key criteria. The proposed development of 170 dwellings (noting that the development is for up to 170 dwellings) would increase the population of the village by approximately 50%. This site is identified within the HELAA (Jan 2017) as being suitable for housing development for 170 dwellings subject to achieving a satisfactory landscaping scheme sensitive to the wider countryside, protecting TPO trees and public rights of way and achieving a suitable highway access arrangement. Whilst the HELAA can be seen as a starting point for assessing whether a site may be suitable for development, it does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted.
- 5.8 The Maids Moreton and Foscote Action Group (MMFAG) have referred in their objections to the accessibility of the site for walking, cycling and public transport. Officers have fully considered the links to the site via walking, cycling and public transport and a number of improvements are being proposed to the footway network within the village, which include the upgrading of the PRoW between the site and Main Street and a new footway provision that links the proposed Foscote Road access to the existing footway provision that currently terminates at Manor Park. A public transport contribution has been agreed with the applicant in order to ensure an adequate bus service is maintained following the withdrawal of an existing service. This is to the satisfaction of the Council's passenger transport experts. A crossing on the A422 Stratford Road has also been secured to link to the cycleway improvements at the Lower Wharf junction with the A422 to the east of the football club. It is also important to note that the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision-making. When taking into account the location of the development in the village of Maids Moreton, the existing opportunities to travel by sustainable forms of transport, the proposed improvements to sustainable forms of transport that are to be secured as part of this application along with the sites allocation

in the draft VALP, it is considered that there is no reasons to justify the refusal of the application on these grounds.

5.9 Having regard to the above matters, it is considered that the site is sustainably located and furthermore the site is recognised in the emerging VALP as being a sustainable location for development. As set out later in the report the Highway Authority are requesting that the S106 includes a package of off site mitigation measures. It is considered that these measures would reinforce the existing locational sustainability of the site further.

5.10 Housing supply, Affordable housing and housing mix

AVDLP – Policy GP2

SPD – Affordable Housing

Affordable Housing Interim Position Statement (November 2019)

Emerging Policies D-MMO006 Land east of Walnut Drive and west of Foscode Road (*moderate weight*), H1 Affordable Housing (*moderate weight*), H6a Housing Mix (*moderate weight*), H6c Accessibility (*moderate weight*), H5 Custom/self build (*moderate weight*)

5.11 The 2020 Five Year Housing Land Supply Position Statement for the Aylesbury Vale area shows that the Council can demonstrate 5.52 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.

5.12 This site is included in the trajectory for deliverable housing sites and calculation for the 5 years worth of deliverable housing supply against its local housing need. The proposal would therefore contribute to housing land supply and would ensure an on going supply and there is no reason that the site could not be delivered within the next five-year period which would be a significant benefit.

5.13 It is considered that there would also be economic benefits in terms of the construction of the dwellings themselves as well as the resultant increase in population which would contribute to the local economy, and this matter is afforded considerable weight.

5.14 In respect of affordable housing the scheme does meet the thresholds for securing such provision on site as outlined in AVDLP policy GP.2 which requires a minimum of 20% and up to 30%; with the latest position statement on affordable housing requiring 30%. It is acknowledged that this policy relies on evidence in the 1999 Housing Needs Survey for the plan period up to 2011 and the evidence relating to the Aylesbury Vale area's need has changed significantly since this policy was adopted. Furthermore, the policy does

not reflect the updated definition, requirements or exemptions as set out in the NPPF (paragraphs 60-66) and can only be given very limited weight.

- 5.15 Emerging VALP policy H1 requires a minimum of 25% provision. The Design and Access Statement confirms that 30% provision would be provided, evenly dispersed across the site and tenure blind and this would ensure that it also meets the council's requirements on pepper-potting and clustering. A tenure mix of 75% rented and 25% shared ownership would also be required. All of the dwellings will be required to meet the appropriate Building Regulations and this will ensure that suitably accessible housing is achieved.
- 5.16 In addition and in order to further address policy H6c of the emerging VALP which requires that all development will meet and maintain high standards of accessibility so all users can use them safely and easily, 15% of the affordable units will be wheelchair accessible. A S106 would need to secure these matters and is being progressed on this basis. This matter should be afforded significant positive weight.
- 5.17 This is an outline scheme and therefore the exact mix of housing has not yet been determined. However, the application indicates that a mix of dwelling types are proposed ranging from two to five bedroom dwellings and that these would be distributed across the site so that particular sized dwellings would not be unduly clustered. To ensure that the final mix which would come forward as part of the reserved matters scheme is secured a condition can be recommended to ensure that regard is had to emerging policy H6a of VALP and the HEDNA. At this time no self/custom build plots have been identified, however, following discussions with the applicant it is considered appropriate to include the provision of such plots within the scheme to address this emerging policy and as such this matter will be included in the S106 which is being progressed. This site is not one of the identified sites in emerging policy H6b relating to housing for older people. Having regard to this and taking into account the mix of housing to be secured it is considered that emerging policy H6b is adequately addressed.
- 5.18 Having regard to the above matters it is considered that overall the development would make a significant contribution to housing supply, and the provision of a policy compliant level of affordable housing at 30% and that a good mix of housing could be provided, including the provision of some self/custom build plots. On this basis the development would accord with the Development Plan policy, the NPPF and emerging policies H1, H5, H6a, H6b, H6c and MMO006 and as such significant weight should be given to the development in respect of both the contribution to housing supply and affordable housing and neutral weight in respect of self/custom build housing, housing mix, housing for older people and accessibility, and considerable weight to the economic benefits in this regard.
- 5.19 **Transport matters and parking**

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

Emerging VALP policies Emerging Policy D- MMO006 Land east of Walnut Drive and west of Foscoote Road (*moderate weight*), T1 (Delivering the Sustainable transport vision), T5 (Delivering transport in new development) and T6 (Vehicle parking), Appendix B (Parking Standards), T7 (Footpaths and cycle routes), T8 (Electric vehicle parking) (all preceding have *moderate weight*) and T4 (Capacity of the transport network to deliver development – *limited weight*)

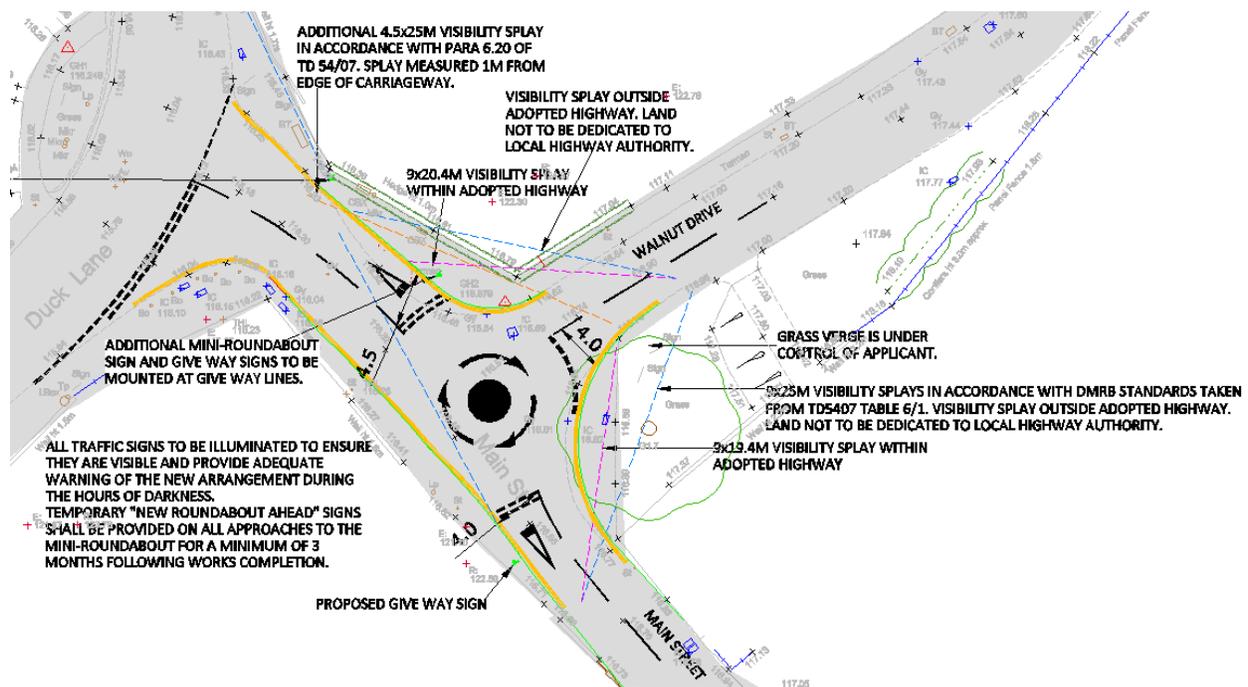
Site Access

5.20 Access into the development site would be via Walnut Drive to the east of the site and also via Foscoote Road to the west of the site. As part of the development proposals a number of off-site highway works to mitigate the development are proposed as follows:

- Alterations to the junction of Walnut Drive with Main Street to form a mini roundabout junction.
- Alterations to Foscoote Road between the proposed site access on Foscoote Road and the existing footway provision at Manor Park to provide a new 2m footway.
- A traffic calming scheme in the vicinity of the College Farm Road junction with Church Street.
- Alterations to the carriageway surfacing and signage on the A422 Stratford Road in the vicinity of the College Farm Road junction.
- A traffic calming scheme including works to the carriageway surfacing and signage on Towcester Road/Duck Lake in the vicinity of the junction with Main Street on entry to the village.
- A crossing on the A422 Stratford Road, type and exact location to be agreed with the Highway Authority, to link to the cycleway improvements at the Lower Wharf junction with the A422 to the east of the football club.
- Junction improvements to the Moreton Road junction with the High Street (Old Gaol roundabout) to include lane markings along Moreton Road at the approach to the existing mini roundabout at the 'Old Gaol' junction to identify two separate approach lanes.
- A pedestrian refuge on Moreton Road in the vicinity of the 'Old Gaol' roundabout, to provide safe crossing facilities to town centre services.
- Keep Clear markings across the junction of the public car park on Stratford Road in the vicinity of the 'Old Gaol' junction, to assist the bus exiting the High Street and facilitate movements on the network.

- 5.21 The modification required to Policy D-MMO006 by the VALP Inspector was to provide more detail on the highway improvements proposed. If the Inspector requires further detail than that provided he will no doubt address this in his report.
- 5.22 Highway Officers have considered the comments made in representations including the Maids Moreton and Foscoate Action Group (MMFAG) in respect of the access. The issues mainly relate to the footway connections to the site, the improvements to the Main Street/Walnut Drive junction, the design of the Foscoate Road access and the upgrading of the PROW link running between the site and Main Street. The Highway Authority considered that all of these issues have been considered in detail in the consultation responses to this application and addressed to the satisfaction of the Highway Authority and as such no further action is considered necessary relating to these matters. Other points have been addressed in the report below.
- 5.23 With regard to highway impact and access arrangements, there have been extensive meetings and discussions with the applicant to set out the areas of concern and to ensure that the appropriate information and level of detail has been submitted in order to carry out a robust assessment of the highway impacts. There are a number of areas that have been taken into account in this regard:

Mini roundabout at Walnut Drive





- 5.24 Revised details have been received indicating acceptable location of signage. It is acknowledged that the recommended visibility splays cannot be achieved within the adopted highway but given the low traffic flows from the minor arm (Walnut Drive) the distances can be relaxed and acceptable visibility splays can be achieved on land which forms part of the public highway or is under the control of the applicant. Larger vehicles will be able to carry out their manoeuvres with greater safety than they currently do due to increased geometry available and visibility. Previous concerns about the mini roundabout junction have been addressed and the design is acceptable for the purposes of the planning application with any further points of detail being dealt with through detailed design.
- 5.25 Concerns in representations and by the MMFAG have been made stating that the impact on the properties opposite Walnut Drive has not been considered and that vehicles accessing these properties would most likely drive in forward and reverse out onto the roundabout. This issue has been considered in detail and a site meeting held with the owners of the property opposite the junction and with Highway Officers, which was also attended by a Traffic Management Officer from Thames Valley Police. The specific issues were discussed and a response to these concerns was provided. There has also been written correspondence between the property owners and the Council responding to specific concerns that were raised. Both the Traffic Management Officer and the Highway Authority are satisfied that the matters relating to the proposed junction improvements are adequately addressed.
- 5.26 With regard to the comments made relating to the assumption that vehicles accessing the properties would most likely drive in forwards and would reverse out, it should be noted that the Highway Code advises that vehicles should reverse off of the highway so that the reversing manoeuvre is visible to other highway users, rather than emerging from a driveway in reverse, where the vehicle may not be as visible to others on the highway. The impact on the properties opposite the Walnut Drive/Main Street junction has therefore been fully considered throughout the process.

- 5.27 Objections have also been raised in respect of the availability of on street parking in this area and that it would be displaced as a result of the mini roundabout leading to harm to residents and local businesses. The amount of displaced parking in the vicinity of the roundabout would be minimal and the applicant has previously carried out a parking survey along Main street in order to demonstrate that there would be capacity to accommodate the displaced parking. The highway works would not hinder access to properties and the position of where parking restrictions may go in the vicinity of the roundabout has been considered and while the exact position of the parking restrictions would be subject to detailed design, it is not likely that they would need to stretch back along Main Street to materially impact on the existing businesses located to the south east of the roundabout.
- 5.28 Representations have also been made on the visibility at the proposed mini roundabout junction, along with comments relating to entry lane widths. In terms of the visibility, the applicant has provided drawing number 1158-01 Rev M, which shows visibility splays passing within either highway land or land under control of the applicant, and clear of third party land. The Highway Authority is satisfied that these splays can be secured. It is also important to note that the mini roundabout still has to go through the detailed design process as part of a S278 Off Site Highway Works Agreement, where any outstanding details can be addressed.
- 5.29 Concerns have been raised in respect of the impact of highway changes on the character and appearance of the conservation area. These are assessed below in the historic section of the report, however, for the purposes of the highway impact, the applicants have been advised that the detailed design of the S278 works in this area should be informed by Aylesbury Vale's document 'Highway Protocol for Conservation Areas' and that furthermore the S278 works will require a Quality Audit by the Highway Authority.

College Farm Road/Stratford Road junction

- 5.30 Several discussions have taken place regarding the impact on this junction and the application has looked at various solutions to the increased traffic generation that would have to be accommodated and to address queuing such as a signalised junction, widenings and right turn islands into College Farm Road. The applicant has re-surveyed the College Farm Road junction with the A422 Stratford Road in order to obtain up to date vehicle flows. The applicant has then used these flows to carry out further junction capacity assessments. The assessments include two scenarios, one where 40% of development traffic uses the Foscoote Road access and another where 75% of development traffic uses the Foscoote Road access. It is noted that the applicant remains of the opinion that the 40% scenario is the most realistic scenario and they say that this has been derived by reference to Census data, which is a recognised method of determining traffic distribution. The Highway Authority agree that deriving distribution from Census data is appropriate, however no evidence has been put forward by the applicant to demonstrate that only 40% of development traffic would use the Foscoote Road access and that if the Census data is looked at it clearly shows that more than 40% of development traffic would use Foscoote Road and in turn College Farm Road.

- 5.31 BCC have reviewed the junction assessments and the queue length survey data submitted as part of the transport note with the applicant having now validated the junction model correctly. The results suggest that even in the future year (2021) base line scenario, which does not contain any development traffic, the junction will suffer from operational issues. There is however some concern with regards to the accuracy of the results of the junction model. The junction has been modelled using the PICADY junction modelling software and once the ratio of flow to capacity (RFC) value increases to beyond 1 (100%) then the results of the assessment become unreliable. In this instance, the junction model is showing an RFC value of 9999, which suggests that the PICADY programme is not able to accurately reflect how the junction would perform in the future year base line scenario. The queue of vehicles shown in the 2021 scenario in the AM peak is 125 vehicles, and in reality, it is unlikely that a queue would ever reach this level given the relatively low levels of traffic that use College Farm Road. The results for the scenarios with 40% and 75% of development traffic using Foscoote Road and College Farm Road show that vehicle queues increase to 151 vehicles and 174 vehicles respectively. This level of queueing is not considered realistic given the low traffic volumes and is a function of the junction model being over capacity.
- 5.32 As detailed above, the applicant has been looking at assessing two distribution scenarios to determine the level of development traffic using College Farm Road. The first scenario, which assessed 40% of development traffic using College Farm Road, resulted in an additional 40 two-way movements in the AM peak hour. When compared to the predicted 2021 baseline flows along the same road, which total 388 two-way movements in the AM peak hour, the increase is in the region of 10%. The second scenario, which assessed 75% of development traffic using College Farm Road, resulted in an additional 75 two-way movements in the AM peak hour. When compared to the predicted 2021 baseline flows along the same road, which totals 388 two-way movements in the AM peak hour, the increase is in the region of 19%. While on face value these increases may seem material, in reality the baseline flows on College Farm Road are relatively low and when the development flows are added the total flows on College Farm Road remain relatively low. It however remains evident that the impact of the development traffic on College Farm Road and its junction with the A422 Stratford Road needs to be mitigated.
- 5.33 A number of objections, including from the MMFAG have been received in respect of the impact on this junction and mitigation required. The Council's view is to consider whether improvements to the junction to increase its capacity would actually be the best option as they are likely to increase the attractiveness of using College Farm Road. It is also considered that any meaningful increases in junction capacity to accommodate additional demand on College Farm Road would also have a negative impact on the A422, all to accommodate a relatively small increase in traffic demand. A mitigation package that looks at improvements on the A422 in the vicinity of the junction with College Farm Road to improve safety at the junction and also looks at traffic calming works to the north

western end of College Farm Road at its junction with Church Street to make College Farm Road a less attractive route have been secured.

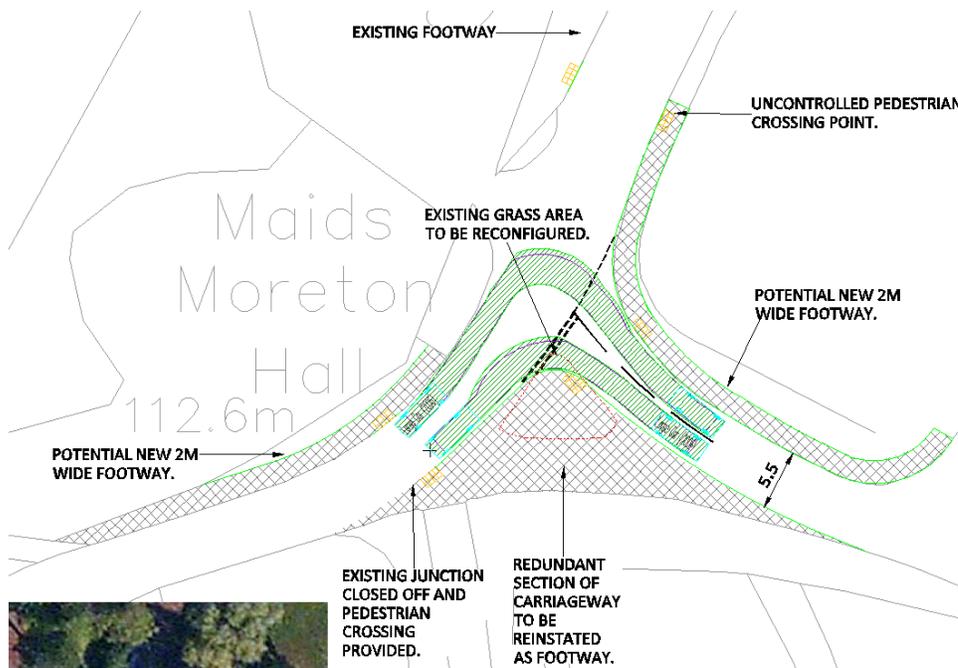
- 5.34 A Monitor and Manage Strategy is also to be agreed that monitors the impact of the development over a period of time and provides the Council with the ability to secure works to mitigate the development impact if required. A mitigation scheme has been agreed in principle for improvement works to the College Farm Road junction which has been shown to mitigate the impact of the development if required. At the previous Committee Meeting it was a request from Members that the Monitor and Manage Strategy also monitored the development impact through Foscoote, and this will also therefore be built into the Strategy, with the aim being to provide mitigation measures to deter development traffic from using the route through Foscoote to access the A422 should they be deemed necessary. Suggestions from objectors that the route along Foscoote Road to access the A422 to the north of the site was not considered within the assessment is not the case and the route was considered, however it was not considered that development traffic would have a material impact on this route as there are other, more convenient and attractive routes available.
- 5.35 The objections by the MMFAG also state that they have reviewed the operational effect of the proposed mitigation at the College Farm Road junction with the A422 and have concluded that it offers little benefit in terms of capacity and would not satisfactorily mitigate the impacts of development. However, no detail has been provided as to how this conclusion has been reached and no assessment has been provided to demonstrate this to be the case. It has been rightly stated that if the traffic calming has the desired effect of deterring traffic from using College Farm Road, meaning that the mitigation to the junction with the A422 was not required, then the funds that would have gone towards the mitigation measures will instead go towards the Buckingham Transport Strategy. The MMFAG consider that these funds are not expected to be substantial given the scale of improvements proposed and that the benefits in comparison to the impact are likely to be minor. It must be pointed out that no evidence has been submitted to substantiate this view and it has failed to be acknowledged that this funding would be in addition to the main contribution towards the Buckingham Transport Strategy that is also being secured.
- 5.36 The MMFAG comments also state that the Buckingham Transport Strategy is focussed on reducing traffic within the town centre to address congestion issues, which contradicts the approach being taken in regard to this application, which they say will see an increase in traffic through the town centre as a result of the traffic calming on College Farm Road. There is a bigger picture which must also be borne in mind and whilst it is correct that the Buckingham Transport Strategy does seek to remove traffic from the town centre and this is focused on removing those trips that do not need to be there such as traffic with an origin and destination through or around Buckingham, removing through or around Buckingham trips would improve town centre conditions and allow the impact from local trips such as those from Local Plan development sites including this site to be offset.

5.37 The Council remains of the view that the proposed measures to monitor and if necessary, manage the impact of the development on the College Farm Road junction with the A422 and on Foscoate Road to the north of the site, remains the most appropriate means of ensuring that the development has an acceptable impact on the surrounding highway network.

Proposed Mitigation Package

5.38 The applicant will carry out lining and signing works on the A422 Stratford Road, which will include the installation of advanced junction warning signs and red carriageway surfacing for a length of 215m on each approach to the junction. These works will contribute to alerting drivers on the A422 that they are approaching a junction and to drive more cautiously. These works are consistent with other safety schemes implemented by the Council elsewhere in the County.

5.39 The applicant will also carry out traffic calming works to the north western end of College Farm Road at its junction with Church Street. These works include narrowing College Farm Road at the junction, a localised narrowing adjacent to the junction with Church Close, along with a gateway feature with additional road markings where the 30mph speed limit begins. These works are aimed at making College Farm Road a less attractive route from the beginning and will aim to deter development traffic from using it. The traffic calming scheme is shown in principle on drawing number 1158-F07 Rev D and will be subject to statutory public consultation. The public consultation will need to be led on by the applicant as part of the S278 process, including engagement with Local Members, the Parish Council and residents in accordance with legislation.





- 5.40 Concerns have been raised in representations with regards to the design of the traffic calming work on the basis that the current proposals are not in keeping with the nature of the area. Also, the current design of the works does not take into account the access to the Church car park and the excessive area of additional footway surfacing currently shown would have an urbanising effect. The Council as the Highway Authority is satisfied that these are matters of detailed design that do not affect the principle of the traffic calming in this location. As mentioned above, the applicant has been advised that the Council have a 'Highway Protocol for Conservation Areas' document which should be used to inform the detailed design of the S278 works in Maids Moreton and a Quality Audit will also be required.
- 5.41 In addition to the works detailed above, the applicant will also adopt a monitor and manage strategy for a one-year period after the full occupation of the development. This strategy will review conditions at Foscode Road, Foscode Lane and the junction of College Farm Road with the A422 Stratford Road to determine whether conditions at the junction deteriorate significantly over that period. This strategy will involve the use of ANPR cameras which will be able to determine whether vehicles using College Farm Road are associated with the development or not. This information can be used to ascertain whether the development traffic is having a severe adverse impact on conditions at the junction and whether any further mitigation is necessary.
- 5.42 In order to come up with a scheme to further mitigate the development traffic impact at the junction, the Council have looked at ways of physically improving the junction. It has been determined that a second exit lane can be incorporated at the junction, which is achieved by carrying out widening works within existing highway limits. The Council have

then used the improved junction layout to carry out a further capacity assessment at the junction. While the Council acknowledge the model limitations in this case, they do suggest that the improvement works to the junction will be adequate to further mitigate the impact of the development.

- 5.43 It should be noted that the applicant previously proposed a short right turn facility on Stratford Road, however this was not shown to benefit the junction performance in terms of capacity. The proposed widening of the A422 in the vicinity of the junction in order to accommodate the right turn facility would also reduce the available visibility from the junction onto the A422 to an unacceptable level. It has therefore been decided to remove this element from the proposals.
- 5.44 The applicant will be required to cost up the further junction works to the College Farm Road junction with the A422 Stratford Road and the money for these works will then be secured within a S106 Agreement with the ability for the Council to draw upon that money to carry out the junction improvements should they be deemed necessary. It should be noted that if the traffic calming scheme is successful in deterring the development traffic from using College Farm Road, this will result in additional development traffic travelling into Buckingham, which will also need to be mitigated. If this is the case, then the Council will draw upon the secured funding and use it as an additional contribution towards the Buckingham Transport Strategy.
- 5.45 With regard to Foscoote Road, a number of site visits were carried out by Officers and the applicant carried out two topographical surveys to demonstrate that proposed improvements to Foscoote Road could be provided within the highway, as well as providing detailed vehicle tracking and addressing issues that were raised in a Stage 1 Road Safety Audit. Together this information allowed the Highway Authority to conclude that the proposed improvements would allow for an acceptable footway connection along Foscoote Road while also maintaining an appropriate carriageway width.
- 5.46 The objections raised in representations suggest that the swept path analysis that has been provided shows vehicles having to pass within centimetres of the footway kerb line to carry out turns and states that it is highly likely that the vehicle body will conflict with neighbouring walls. As stated above, the submitted vehicle tracking was subject to significant review by the Highway Authority, and the fact remains that it is shown to work. The footway and carriageway works will be subject to detailed design as part of the required S278 Off Site Highway Works Agreement, where the design can be progressed and refined as appropriate.

5.47 The TTC report also stated that no consideration has been afforded to the actual deliverability of the footway given its proximity to the neighbouring properties and the level differences between the bottom and top of the existing embankment. The Highway Authority considers that the information submitted, in the form of plans based on two topographical surveys shows that, in principle, the footway and carriageway improvements can be accommodated. As stated above, these improvements will be subject to detailed design as part of the S278 Agreement, and it is at this stage that the detail of exactly how the works will be accommodated will be agreed. The Council therefore remains of the view that the proposed footway and carriageway improvements are acceptable in principle.

Moreton Road junction with the High Street (Old Gaol)

5.48 Concerns have been raised in representations with the level of traffic that is likely to use Moreton Road directly to the Old Gaol junction. It is noted that a contribution will be secured as part of any planning permission towards the adopted Buckingham Transport Strategy, which has an over-arching aim to reduce traffic as a means of improving town centre congestion. Highway Officers agree that the development will increase traffic through this junction and as such the following measures to directly mitigate the impact of the development traffic at this junction have therefore been agreed:

1. Lane markings along Moreton Road at the approach to the existing mini roundabout at the 'Old Gaol' junction to identify two separate approach lanes. All lines and signs are to be in accordance with the Department for Transport's current 'Traffic Signs Regulations and General Direction'.
2. A pedestrian refuge on Moreton Road within the vicinity of the roundabout, to provide safe crossing facilities to town centre services.
3. Keep Clear markings across the junction of the public car park on Stratford Road, to assist the bus exiting the High Street and facilitate movements on the network.

5.49 The applicant has confirmed that the delivery of these improvements as part of the proposed development is acceptable and will be provided in addition to the financial contribution towards the Buckingham Transport Strategy. The objections in this matter are noted, however it is important to remember that the impact of the development on Buckingham town centre, in terms of traffic, is to be dealt with via the contribution that is to be secured towards the Buckingham Transport Strategy and the proposed measures listed above are to be in addition to this contribution. The proposed improvements will not only offer improvement to the capacity at the junction but will aid the safe and convenient passage of pedestrians across the junction and assist in the movement of busses on the network. The Highway Authority considers that this package of measures will adequately mitigate the impact of the development at this junction.

Speeds on Towcester Road

- 5.50 The Council is aware of concerns with regards to the locally perceived speeding issue on Towcester Road/Duck Lake in the vicinity of the junction with Main Street. While it is recognised that vehicles speeding above the posted speed limit is an enforcement issue, this road will be used by occupiers of the proposed development and as such, it has been agreed with the applicant that a traffic calming scheme in the form of improvements to the lining, additional signage and gateway features along with different surface treatment in order to change the environment when entering the village will be secured. Again the 'Highway Protocol for Conservation Areas' document will be used to inform the detailed design of the S278 works in Maids Moreton along with the Quality Audit.

Crossing on the A422 Stratford Road

- 5.51 Cycleway improvements are currently underway that will link the Buckingham School to the A422 at the junction with Lower Wharf to the east of the football club. This is a school that children from the proposed development are likely to need to access. In order to provide an attractive and convenient link to the cycleway, to encourage cycling, consistent with the aims of the NPPF, it has been agreed with the applicant that a crossing point on the A422 is required as part of the off-site highway works associated with this development. This crossing point will help to meet the aims of the NPPF by improving safety and promoting sustainable forms of transport. The exact type of crossing will be agreed as part of the Highway Works Delivery Plan.
- 5.52 Objections received state that it is difficult to see how this crossing would benefit the site but these have been set out above. It is recognised that Buckingham School will be attended by children from the development and at present they would have no safe and convenient means of crossing the A422 to access the cycleway improvements leading to the school. It is therefore appropriate that the development provides a safe and convenient crossing point on the A422 in the vicinity of these cycleway improvements in order to encourage cycling, which is consistent with the aims of the NPPF. This improvement can only be of benefit to the site and will increase the safety and attractiveness of a cycle route from the site to the school.
- 5.53 Given the complexity of the off-site highway works associated with this site, excluding the construction of the access points from Foscode Road and Walnut Drive, they will need to be secured as part of a S106 Agreement. These are set out in the developer contributions.
- 5.54 Having regard to the above matters the Council is satisfied that the development would not have a severe impact on the safety and convenience of the highway network. Whilst there would be an increase in traffic generation, it is considered that the mitigation measures proposed would ensure that the use of more rural roads to access the site are adequately addressed and such use is not encouraged and that more suitable alternative roads would be the preferred option for users. All routes to and from the site have been considered in terms of the likely impact resulting from the development traffic. Suitable mitigation measures are being secured to mitigate the development traffic through Buckingham Town Centre, suitable calming measures are proposed to reduce impacts on sensitive junctions on primary routes and the impact on the more rural routes to the north of the site will be monitored as part of the Monitor and Manage Strategy, which will also

allow appropriate mitigation to be secured if necessary. It is also important to note that all junctions on the local highway network that have been deemed to have a material impact as a result of the development have been the subject of detailed assessment and are shown to be adequate in order to accommodate the additional development traffic. The application is considered to be acceptable on highway grounds referred to above subject to matters to be secured as part of a S106 and subject to conditions.

Refuse Collection

- 5.55 In respect of the collection of refuse, further detail on this matter would be assessed at the reserved matters stage. However, it is likely that bins would be provided for in external areas in a convenient location within the garden for the dwellings and communal bin collection areas will also be provided as appropriate.

Parking

- 5.56 The Design and Access Statement indicates that car parking provision would be in the form of garaging, driveways or parking bays in close proximity to the front doors. Private parking courts are referred to but Officers will look to ensure that these do not form part of the detailed scheme. No rear, enclosed parking courts are indicated on the illustrative plans.

Response to Parish Council Traffic Survey

- 5.57 In their consideration of the planning application Maids Moreton Parish Council undertook their own traffic survey and analysis of the traffic that could potentially be generated by the development and the impact it would have. The key findings were that traffic flows recorded were very different from and, apart from along Foscombe Road, much heavier than those summarised by Croft (the agent's Highways Consultants). The Parish comment that as a consequence, the traffic management measures proposed to facilitate the development of site MMO006 seem to be based on unrepresentative data and they question the case for an independent and comprehensive traffic survey of Maids Moreton.
- 5.58 The agent's Highway Consultants took on board the comments of the Parish Council and submitted a further Technical Note to address the points made. The Note responds in relation to the traffic flows and subsequent capacity assessments contained within the submitted TA. It has provided additional assessments based on the 2018 traffic data, collected by the Parish factored up to a future year of 2021. The Note has also looked at the results for the 2021 'without development' to show the junctions will operate with reserve capacity in the AM and PM peaks and the 2021 'With Development' assessments to show that the junctions will continue to operate satisfactorily in a similar manner to the baseline situation. The consultants are of the opinion that based on the technical assessments carried out that it has been demonstrated that the traffic can be accommodated onto the local highway network and will not have a material impact on the operation of the junctions within the village and on this basis, in their view, the proposals are acceptable in highways terms.

- 5.59 The Council has also considered the information provided by the Parish Council and also the response of the Highway Consultants. The Council note that the surveys contained within the Parish Council's report appear to show traffic flows recorded along the central village routes, along Main Street and Avenue Road, which are greater than those cited by Croft in their Transport Assessment. They also note that the flows on the main routes around the village, along the A413 and Foscombe Road, recorded by the Parish Council were less than those cited by Croft in their TA.
- 5.60 The flows used by Croft in their TA were obtained from the Buckingham Traffic Model, which is a strategic model that Jacobs have developed for the Council. The model focuses mainly on the strategic routes and not necessarily routes through the centre of villages which do not form part of the strategic route network. Highways colleagues have confirmed that the flows along the strategic routes included in the strategic model validated well against Automatic Traffic Count (ATC) surveys that were carried out.
- 5.61 In relation to the use of the flows from the strategic model, it should be noted that as the Council's main concerns in capacity terms is the impact of development on roads with the highest flows that provide a local, district or strategic function. In all cases included in the Parish Council's report, the flows from the strategic model on the principal road network exceed, without exception, the flows recorded by the Parish Council. The capacity assessments for the junctions along the principal routes (along the A413) show that the junctions will continue to operate with spare capacity.
- 5.62 In looking at the information provided by the Parish Council, the Council requested that the applicant look again at the four junctions - Main Street/Foscombe Road/Church Street; A413 Moreton Road/Avenue Road/A413 Duck Lake; Main Street/A413 Towcester Road and Walnut Drive/Main Street (new roundabout). The results of the revised assessments that take into account the revised traffic flow figures provided by the Parish Council show that the junctions within the village will continue to operate with significant spare capacity and that there is not a queueing issue. On this basis the Council are satisfied that the information contained within the report provided by the Parish Council does not alter previous recommendations.
- 5.63 A Full Travel Plan will be required to be submitted and agreed by the Local Planning Authority to be in general accordance with "Buckinghamshire Council Sustainable Travel Plans Guidelines for Developers" and it will be required to be implemented prior to occupation of the proposed development. This is to be secured as part of the S106 legal agreement matters.

Cycle parking and Electric vehicle parking

- 5.64 The details for the provision of electric vehicle and cycle parking will be set out at the reserved matters stage and a condition is to be recommended requiring provision in accordance with the Council's standards.

Other highway matters

- 5.65 Representations received have raised the matter that the parking survey was belatedly displayed publically on the Council's website (after the February 2019 committee meeting). This information had been available to the Highway Authority (Bucks County Council at the time) who took the results into account when their consultation response was provided. They were also satisfied with the scope of the survey. Members also visited the site prior to the previous Committee meeting and were therefore aware of the parking situation in the locality at that time. It is acknowledged that there is a difference of opinion in terms of the availability of parking and the impact that the mitigation proposed as a result of the development would have on the locality, residents and local businesses. However, Officers are satisfied that relevant matters have been taken into account, including representations made, such that a different response from the Council's Highway Officer would not have resulted in this regard.
- 5.66 Comments from Maids Moreton Parish Council, Foscote Parish Council meeting and the Maids Moreton and Foscote Action Group have been received in respect of the S106 as reported below. In response to these comments Members are advised that the initial draft of the S106 that was published was not the final document, this has since been revised to pick up all necessary matters and to correct certain elements. The S106 includes reference to 'monitor and manage' and Foscote Road and Lane are also included as appropriate. In addition, the strategy will be submitted to and approved in writing by the Council prior to the commencement of development so appropriate details can be secured by the Council. The requirements set out in the S106 in respect of highway matters are considered to reflect the requirements of the Council and as considered by Committee. In addition a 10% reduction in travel in reference to the Travel Plan is a standard reduction sought and is considered to be consistent with how the Council have approached other developments and reasonable in the context of the CIL regulations.
- 5.67 The title of the 'Monitor and Review Strategy' has been amended to reflect a 'Monitor and Manage Strategy'. The comment relating to the inclusion of Mill Lane (referred to in the S106 and elsewhere as College Farm Road), Avenue Road and Main Street in the Monitor and Manage Strategy is noted. The exact scope of the Strategy will be considered by and agreed with the Council before commencement of the development and the exact requirements of the specific roads to be included will be considered at that point.
- 5.68 Arriva's route 60/60X service from Maids Moreton was withdrawn in July 2019. Following this, discussions were held with the Applicant and an additional financial contribution, in addition to that which was previously agreed, has been secured to provide hourly services during peak hours and maintain the locational sustainability of the site. This will allow for the level of provision that the Council was originally targeting in order to serve the development with adequate access to public transport facilities. Traffic flows used by the Applicant were originally obtained from the Buckingham Traffic Model which is a Strategic Model developed by Jacobs for the Council. The 2011 Strategic Model flows were growthed to 2016 and used by the Applicant in the original traffic impact assessments submitted with the application in 2016. A report by the Maids Moreton Parish Council

submitted in 2018 contained data from traffic surveys carried out by the Parish Council and subsequently concerns were raised regarding the flows used by the Applicant. The Parish Council's flows recorded along the central village routes, along Main Street and Avenue Road, were greater than those used by the Applicant. However, in all cases included in the Parish Council's report, the flows from the Strategic model on the principal road network exceed, without exception, the flows recorded by the Parish Council. In order to assist in addressing the Parish Council's concerns, the flows recorded by the Parish Council have been used for the purposes of further capacity assessments on the following junctions:

- Main Street/Foscote Road/Church Street
- A413 Moreton Road/Avenue Road/A413 Duck Lake
- Main Street/A413 Towcester Road
- Walnut Drive/Main Street (new roundabout)

The results of the additional junction assessments using the flows provided by the Parish Council show that the junctions within the village will continue to operate with significant spare capacity. A CTMP is recommended to be secured by way of a condition.

Transport conclusions

- 5.69 In acknowledging the significant local objection to the development of the site, the Council have spent considerable time in assessing the details of the access to the site and the level of traffic generation that would result and its impact on highway safety and convenience. In addition consideration has been given to refuse collection and provision of car and cycle parking. Overall, subject to the extensive mitigation measures proposed as required by the S106 legal agreement and conditions, it is considered that the development would accord with the aims of Policies RA36 and GP24 of the AVDLP, the SPG on car parking and with the NPPF and Policies D-MMO006, T1, T4, T5, T6, T7 and T8 of the emerging VALP and that it could be implemented without harm to highway safety and convenience and that sufficient parking, cycle parking and electric vehicle parking can be provided. On this basis transport matters should be afforded neutral weight.

Natural environment

- 5.70 AVDLP Policies GP.35 (Design of new development proposals) and GP.38 (Landscaping of new development proposals)

Emerging VALP policies D-MMO006 Land east of Walnut Drive and west of Foscote Road (*moderate weight*), BE2 (Design of new development) and NE4 (Landscape character and locally important landscape) (*both moderate weight*)

Landscape and Settlement Character Impacts:

- 5.71 The site is located in a zone of transition straddling two landscape character areas (LCA) as defined by the Aylesbury Vale Landscape Character Assessment (2008) – the Maids Moreton Plateau and the Foxcote Valley. Whilst the site is mainly within the Maids Moreton Plateau LCA it lies at the extreme southern end of it and is somewhat divorced from the main part of the area by the settlement of Maids Moreton and the associated Maids Moreton House business park served by Walnut Drive. The Maids Moreton Plateau LCA is characterised by gently sloping agricultural fields, strong hedgerows and clear views toward the settlement edge with large woodland in the north. The condition of the landscape is considered to be generally good and of moderate sensitivity. The conservation area document refers to this land being characterised as being of a village edge character. The condition of the Foxcote Valley is assessed as being ‘very good’ and of moderate sensitivity.
- 5.72 The landscape guidelines for the Maids Moreton Plateau include the following;
- *‘encourage the restoration of the historic hedgerow pattern where it has been lost to enhance the landscape character and strengthen the ecological diversity’*
 - *‘conserve the small fields of pasture with good hedgerows close to the residential edge’*
 - To generally increase the level of woodland cover within the LCA and in particular to *‘encourage the establishment of small community woodlands within the field structure close to the edge of Maids Moreton’*
 - ensure that any *‘new housing ... should be designed to reflect the traditional character of the area and use locally traditional materials’*.
- 5.73 The landscape guidelines for the Foxcote Valley include the following;
- *‘Conserve the slightly remote hidden character of the valley’*
 - *‘Maintain and enhance the existing network of hedgerows and copses to benefit visual and ecological aspects of the LCA’*
 - *‘Conserve and enhance views from publically accessible land’*
- 5.74 It is acknowledged that there would be a major scale of adverse change to the agricultural fields that form the application site and to the open views across the site currently experienced from homes on the edge of the settlement. A more moderate impact would result to existing hedgerows and trees since these are largely to be retained and there would be a long term impact resulting from the additional planting proposed, including the landscape belt and supplementation of existing, retained hedgerows. In terms of the wider impact on the Maids Moreton Plateau character area, the proposed mitigation would result in a reduction in the level of harm to the extent that there would be an acceptable visual impact. Longer distance views of the development would be contained by existing buildings and vegetation and open views from the footpath towards Foxcote Reservoir would remain open and rural. On this basis the effect on the wider landscape will be less than significant due to the proposed mitigation which will be appropriate to the wider landscape character in line with the landscape guidelines set out in the LCA assessments.

- 5.75 AVDLP policy RA2 requires that new development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements and that regard is had to maintaining the individual identity of villages and avoiding extensions to built-up areas that might lead to coalescence between settlements. In terms of the settlement character, the proposed development would extend the built form further into the countryside. However, Foscombe to the east is approx. half a mile from the site on the other side of Foscombe Road, Akeley is approx. one mile to the north and Chackmore is approx. 1.1 miles to the west (all as the crow flies) and therefore the proposal could not be regarded as coalescence with a settlement. There is a group of buildings known as the Manor Park development which already extends out from the village centre to the north and the proposed development would be reflective of this character and pattern of development such that the scale of change to the settlement character for this part of the settlement as a result of the development would be more moderate. Amended plans comprising a revised illustrative landscape masterplan and a feasibility plan were received which adopted a landscape led approach as required in policy D-MMO006. The proposed landscape belt would provide a stop to any further development in this direction. With regard to the closing of this gap, Officers sought to reduce the extent of development between the main part of the development site and the Maids Moreton House industrial area and amended plans received reflected this such that it is considered that a sufficient gap would be retained to this nearby site. This ensures that the built development is drawn more tightly to Maids Moreton and less into the open countryside. In addition a significant landscape belt is indicated linking that originally proposed to the northern edge up to the boundary with Maids Moreton House.
- 5.76 In terms of the settlement character, the proposed development would extend the built form further into the countryside. However, the Manor Park development already extends out from the village centre to the north and the proposed development would be reflective of this character and pattern of development such that the scale of change to the settlement character for this part of the settlement as a result of the development would be more moderate. The proposed landscape belt would provide a stop to any further development in this direction.

Visual impact

- 5.77 With regard to the potential visual impacts of the proposed development, the LVIA concludes that 'only the users [sic] of the homes to the south of the site and the footpath which crosses the site would experience long term significant negative visual effects...', whilst 'users of the footpath to the north of the application site would experience some visual effects in the short term, but once the proposed woodland planting has established the effects on views towards the settlement edge would be positive. Open views from the footpath towards Foxcote Reservoir would remain open and rural. All other effects on viewers around the site would be less than significant.'
- 5.78 It is accepted that there will be significant adverse visual impacts from the development but these will be in the immediate vicinity of the site and there is scope for the existing

relationship between the settlement and the open countryside to be visually enhanced in line with the Landscape Character Assessment guidance.

Conclusions on landscape impact

- 5.79 Overall it is considered that acknowledging the scale of development proposed and the mitigation indicated, that the impact on the landscape character area, on the settlement character and the visual impact of the development itself should be afforded moderate negative weight in the planning balance

Agricultural land

Emerging policy NE7 Best and most versatile agricultural land (moderate weight)

- 5.80 Paragraph 170 of the NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land and, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. There is no definition as to what comprises 'significant development' in this context but the threshold above which Natural England are required to be consulted has been set at 20 hectares so the site falls below this threshold.
- 5.81 The applicants have submitted an agricultural land report which identifies that the soils comprise reasonably well drained, slightly stony, medium clay loam or heavy clay loam topsoils over slightly, to moderately stony heavy clay loam upper subsoils, sometimes passing to a clay lower subsoil. The land has been identified as Grade 3a agricultural land and 8.5ha would be lost to construction, the land is presently all arable and provides cereal cropping. Having regard to the findings of the report, it is accepted that the development would result in the loss of best and most versatile (bmv) agricultural land. Consideration has been given to the development of this agricultural land as required by the NPPF, however, having regard to the size of the site and the extent of bmv land lost, it is not considered that this would represent a significant development in the Aylesbury Vale area. As such, in considering that there would be some loss, it is considered that this matter should be afforded very limited negative weight in the planning balance.

Impact on Public Rights of Way

AVDLP – GP84 (Public rights of way)

Emerging policies D-MMO006 Land east of Walnut Drive and west of Foscode Road (moderate weight), T7 (Footpaths and cycle routes) (moderate weight)

- 5.82 The existing footpath is proposed to be upgraded, in terms of being surfaced and lit, along the section between The Pightle and Manor Park properties which would encourage the increased ease of movement for all users. The footpath through the application site would run through green spaces and would exit onto Foscode Road so whilst there would be a

change in the experience of users of the footpath from where the footpath currently runs through the agricultural fields, it is not considered that this would be unacceptable overall given the adjacent landscape/woodland belt proposed. As such it is considered that this complies with GP84 of AVDLP and emerging VALP policy D-MMO006 criteria d) and T7 and the NPPF and should be afforded neutral weight in the planning balance.

Trees and hedgerows

AVDLP GP39 (Existing trees and hedgerows) and GP40 (Retention of existing trees and hedgerows)

Emerging AVDLP NE8 (Trees, hedgerows and woodlands) (*moderate weight*)

- 5.83 There are a number of trees within the site that are protected by TPO 11/1999 and a walnut tree on the corner of Walnut Drive with Main Street (TPO 10/2010). The Council's Tree Officer is satisfied that the submitted Arboricultural Impact Assessment report is considered to be a true reflection of the trees existing on the site, indicative of their quality and value in accordance with the BS5837 criteria. Key constraints on the site appear to have been identified, therefore in principle the development appears to be fully achievable. However, there is some conflict on the plans where there is overlapping of the root protection areas with drainage channels/attenuations pool and roadways for example which will need to be addressed. As explained previously in this report, this is an outline scheme with only means of access into the site to be determined at this stage. It is considered that a suitable layout could come forward at the detailed stage to address these concerns and provide clarity that any areas of conflict are resolved through careful siting of the built form of the development. On this basis it is considered that there are no objections to the development on these grounds and that conditions could secure adequate tree protection and a landscape scheme such that the development would accord with policies GP38 and GP40 of the AVDLP, emerging policy NE8 of the VALP and with the NPPF and this matter should be afforded neutral weight in the planning balance.

Ecology

Emerging VALP policies D-MMO006 Land east of Walnut Drive and west of Foscoote Road (*moderate weight*), NE1 (Biodiversity and geodiversity) (*moderate weight*)

- 5.84 An Ecological Enhancement Plan was submitted by the applicants and further detail has been provided in the form of a Biodiversity Net Gain Assessment and biodiversity metrics. It has been identified that there is potential for bats and nesting birds within the broadleaved plantation woodland and scattered trees and there is also limited potential for amphibians within the semi-improved grassland and refugia piles on the site. The impacts have been considered below:

Local statutory and non statutory sites:

- 5.85 The Council's Ecologist considers there is insufficient evidence to state the development

will detrimentally impact the conservation features of the Wellmore Meadow Biological Notification Site and Foscoote Meadow BNS. It is noted that the development site is separated from these BNS by a main road and there is fencing around the majority of the BNS. Further to this the proposed development established extensive areas of accessible green space for residents to utilise. It is acknowledged that there is likely to be an increased use of the public right of way through Foscoote Meadow and Pit BNS but other rights of way surrounding the site offer options for extended walks within the area. This uplift in recreational pressure is not considered to be a significant impact on the conservation features of the BNS in question.

Great Crested Newts:

- 5.86 There are no waterbodies present within the proposed development site and no ponds were identified within 500m of the northern boundary of the site. Four ponds were identified within 500m of the southern boundary of the site, one of these is within 250m and had historic GCN records, but is now separated by a residential development. The habitat of the proposed development site is considered to be sub optimum for terrestrial habitats for this species as the built element of the proposal is on the arable part of existing land use. The majority of the remaining habitat features present on site (grass perimeter to the arable field, hedgerow, scrub and mature trees) are being enhanced within the green spaces provision for the proposal. However, it is acknowledged that there is the potential for suitable habitat for GCN and that there is an increased likelihood of their presence within the surrounding landscape. Current Natural England interim guidance (January, 2020) for LPAs where District Licensing is available, stipulates that development projects that are located within 'Red' or 'Amber' impact risk zones must demonstrate proposals do not pose a risk to great crested newts, or, provide detail on the methods that will be used to safeguard against such risks, which may include licensing.
- 5.87 For a typical EPS licence from Natural England, The LPA (Buckinghamshire Council) must be satisfied that the impacts of the proposed development on European protected species (EPS) have been appropriately addressed and that a protected species licence can be obtained. The applicant would need to provide answers to the 'three licensing tests'. The answer to one of these tests (test 3: favourable conservation status of the species must be maintained) should come from the ecologist's report and is usually evidenced by way of further surveys that identify the presence/likely absence of a protected species on-site or within the local surroundings. The presence/ likely absence of GCN would need to be established in accordance with the Great Crested Newt Conservation Handbook (Froglife, 2001) – comprising a Habitat Suitability Index (HSI) assessment of nearby ponds (typically within 500m of the site unless demonstrated otherwise), eDNA survey and/or great crested newt pond surveys to determine presence/likely absence and population size, where necessary.
- 5.88 In terms of the District Licence route (Buckinghamshire Council District Licence), the three licensing tests would automatically have been met. By applying to use the District Licence through the LPAs delivery partner, NatureSpace, the applicant and the ecologist do not have to undertake further survey work (for great crested newts specifically) and can apply for the licence in the absence of survey information (however they can still use the District

Licence if further surveys have been already completed). In this instance, the evidence that should be provided to the Council would be a NatureSpace Report/Certificate, indicating that the development can be legally authorised under the District Licence scheme. However, this information is outstanding and the three-licensing tests will nonetheless be carried out below. Members will be updated at the meeting.

5.89 Given the potential for protected species to be found on the site which may require the applicant to obtain a NEPS Licence, Members were previously advised that the Local Planning Authority should have regard to the three tests that need to be satisfied before Natural England can issue such a licence if required; these tests are:

- 1) A licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social and economic nature and beneficial consequences of primary importance for the environment.
- 2) The appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
- 3) The appropriate authority shall not grant a licence unless they are satisfied ‘that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.’

5.90 Having regard to the three tests above, it is the opinion of the Local Planning Authority that there is an overriding public interest in this development due to the fact that there are significant social and economic benefits to the development scheme including: 1) the delivery of an emerging VALP allocation and related contribution to housing supply; 2) the provision of affordable housing; and also 3) the economic benefits that the scheme would bring, not only in terms of the construction of the development, but also the contribution that future occupiers of the houses would make to the local economy. The site has been assessed as being appropriate for residential development where the adverse impacts are outweighed by the benefits to deliver the requirements of housing need in the area. Given the level of growth required in VALP there is a need to release greenfield sites. Natural England recommend a proportionate approach is taken in considering the feasibility of alternative solutions relative to the likely harm. It is considered that the council has considered alternative sites through the local plan process and no satisfactory alternative has been identified. The council’s ecologist considers that a district license would provide for the satisfactory mitigation and through this process, the proposal would not be detrimental to the maintenance of the population of Great Crested Newts. The council’s ecologist also considers that the provision within these greenspaces proposed at the development would satisfy any licence requirements. Natural England have raised no objections. The agreement to the District License should be obtained prior to the issuing of any decision on this application. It is considered that the three tests can be satisfied, however as explained above pending the response of the applicants to the option of

pursuing the District Licencing approach, if a District Licence is sought then the three licensing tests will be satisfied.

Invertebrates:

- 5.91 The proposed development retains almost all of the habitats considered to be significant for invertebrate species namely the field perimeter, woodland hedgerows, scrub and trees as it is the existing arable element of the site that will be lost to the proposed dwellings. Further to this the retained existing features will be buffered with new areas of native grassland, trees and shrubs and the required SUDS area will provide further opportunities for this group of animals.

Nesting birds:

- 5.92 The retention of the hedge, scrub and tree species present on site and the uplift of these features with the inclusion of grass buffer strips and enhanced scrub, hedge and tree planting will provide continued opportunities for the bird species identified on site. There may be an impact due to the loss of the arable fields in respect of foraging but the species identified do not rely entirely on this habitat and adjacent fields are being retained. It is considered this impact is not significant to provide additional enhancements over those proposed. Its likely there will be an uplift in urban edge bird species as a result of the enhancements proposed.

Bats:

- 5.93 As with the impacts on birds and invertebrates the retention of the hedge, scrub and tree features on site as part of the development and the enhancements required the impact on bats is considered not to be significant. Lighting impacts to these areas have been addressed ensuring dark corridors are retained in the areas where green space provision is being established. The site is not considered to offer any bat roosting potential within the existing structures and the two trees proposed to be felled with low bat roost potential will be soft felled. Details of lighting for the development will be required by condition to ensure it is appropriate.

Ecological Enhancement Plan

- 5.94 This plan has not been established in its entirety and can be secured with a planning condition requiring the applicant to provide the document on determination of the actual site layout plan. This document will need to detail the ecological features identified in both the ecology assessment and the features detailed in the Biodiversity Net Gain Calculation. The plan will require long term management proposals to be set out in detail which will secure the features in perpetuity in line with local and national planning policy.

Biodiversity net gain calculation:

- 5.95 Habitat Units (spatial features) - The updated metrics submitted by the applicants in November 2020 show a unit gain of 2.40 habitat units which equates to an 11.51% net

gain. This net gain is in accordance to the requirement of Para 175 of the NPPF (Feb, 2019). This gain meets the requirement of the Environment Bill and the emerging Vale of Aylesbury Local Plan both of which are not currently mandated. Management of the proposed enhancements will require a long term management plan which will be conditioned in any planning approval as stated in the Ecological Enhancement Plan comment above. Questions have been posed in representations about the timescale element of the metric. The temporal multiplier for the various habitats types are set values with the metric and these values have been set to avoid such academic debates when planning permissions are being determined. These values (or temporal multipliers) were set by Natural England's Senior Advisors for the various habitat types, therefore these values should be given significant weight. The DEFRA metric 2.0 takes into account the losses and gains over each year accumulating these. The updated metric provided addresses the concerns raised over this matter.

- 5.96 Linear features – Hedgerows - The DEFRA metric does not take into account whether a hedgerow is 'important' under the Hedgerow Regulations or whether it is a Schedule 41 habitat (not protected). The metric is a tool which quantifies the net gain or net loss of a scheme when assessed against a variety of ecological criteria. The calculated net loss of hedgerows within the development can be mitigated for through native hedgerow planting elsewhere within the site, with details to be provided at the detailed stage and secured within the Ecological Enhancement Plan (to be secured by condition). There has been an updated review on the status of hedgerows present on site. Hedgerow H1, H3 and H4 are now considered to be in a good condition. The small losses to these hedgerows as a result of the proposed development are now included within the revised hedgerow metric calculation. These revisions show a slightly higher net loss of -0.96 hedgerow units. However, it is important to note that further mitigation for hedgerow loss can be provided at the detail designed stage through the provision of more hedgerow or native species planting in the green infrastructure package this scheme provides, which will be secured through the Ecological Enhancement Plan.
- 5.97 The updated FPCR metric dated November 2020 is therefore considered to demonstrate the proposed development can achieve a net gain in both habitat and hedgerow units. Consequently, the scheme is in accordance with current national and local guidance covering ecological and nature conservation.
- 5.98 Foxcote Reservoir is a SSSI and the impact of the proposed development on it must be carefully considered to ensure there are no adverse impacts. The reserve is designated a SSSI for overwintering waterfowl, specifically Shoveler, but has many additional bird species present that are of note. The BBOWT have raised objections to the development given concerns about the negative impact of increased recreational pressure on Foxcote Reservoir nature reserve and SSSI which they manage on behalf of Anglian Water. The proposed development brings the developed area of Maids Moreton within 500m of the SSSI.
- 5.99 The concerns of the BBOWT are acknowledged. There is no on site staff presence at the

current time and whilst there is no PROW directly to the side of the reserve from the application site, there would be an increase in visitors to the reserve, and there may be some negative effects from unauthorised access. However, the site is not adjacent to the SSSI and furthermore as pointed out by BBOWT, there may also be benefits in households living near the reserve and learning more about the nearby wildlife. In addition the provision of the open space on site and the LEAP/NEAP would ensure that alternative recreation areas are available not only to occupiers of the development but also the wider community which may reduce pressure on the nature reserve. To mitigate the potential harm to the notified features of the SSSI and the other wildlife that inhabit the nature reserve, BBOWT is requesting funding be provided to install a secure fence along the southern reserve boundary (approx. 800m) where informal access is most likely to occur and for new signage at the reserve entrance informing visitors of why dogs are not permitted and the importance of the site for wildlife. They have also commented that they would welcome each new household being provided with gift family membership of BBOWT. Having regard to the scale of the development and the potential impact on the reserve, the council's ecologist does not consider this a significant impact and thus the financial contribution for fencing requested by BBOWT would not meet the CIL tests necessary on planning grounds. It is considered that the provision of signage warning about unauthorised access is within the remit of BBOWT. Natural England have raised no objections to the development but have requested that regard is had to the comments of BBOWT and this has been undertaken above.

- 5.100 The application site is an allocated site in the emerging VALP, an allocation which the Local Plan Inspector found no issue with. The Council's Biodiversity Officer raises no objections subject to a condition to secure the various objectives and management of the site set out in the enhancement plan accompanying the application. This would ensure a net gain to biodiversity as set out above.
- 5.101 Further representations have been received raising concerns in respect of how the site has been assessed. The applicant's ecologist has reviewed the hedgerow assessment and this now takes in the hedgerows not accounted for in the first instance and will require an uplift in hedgerow retention and enhancement in the revised enhancement plan. The Biodiversity Net Gain calculation has been re-assessed using the DEFRA metric which is now the standard metric tool. The revised metric takes in the updated information and will require a greater uplift in gains on site. GCN can be dealt with under the district licence. These species were assessed in the original ecology assessment and restricted to the periphery of the site outside of the arable fields that will contain the proposed housing and not considered to be impacted due to the retention of those features. Further enhancements to these areas have been identified directly adjacent to the existing features and will need to be established in the enhancement plan. The ecological enhancement plan will be critical to ensure the concerns raised are appropriately addressed.
- 5.102 Having regard to the above, including the comments of the Council's Biodiversity Officer

and the mitigation proposed, whilst there is the potential for some harm as discussed above, having regard to the mitigation proposed and the ability to secure net gains, it is considered that the proposal would accord with emerging policy NE1 of the VALP and with the NPPF and that as such this matter should be afforded neutral weight.

Community facilities

AVDLP: GP86-88 Leisure and open space provision of community facilities and GP94 provision of community facilities, Sport and Leisure SPG and Ready Reckoner

Emerging VALP policies D-MMO006 Land east of Walnut Drive and west of Foscombe Road (*moderate weight*), I1 green infrastructure, I2 Sport and recreation, I3 community facilities (*all moderate weight*)

- 5.103 The development proposes the provision of open space on site including a play space and this could be a combined LEAP and NEAP which would need to adhere to standards and buffer distances to dwellings and should achieve Good RoSPA rating, the details of which would come forward at the reserved matters stage. In addition a financial contribution towards off-site recreation provision would be required, the amount of which would be established once the mix of dwellings is determined. These matters would be secured in a legal agreement. This open space and play spaces will also provide an alternative recreation facility to Foxcote Reservoir SSSI and help avoid recreational impacts on the designated site as already referred to above. This is an outline scheme so the illustrative masterplan is subject to change, however, at the current time having regard to the application submission, it is considered that attention has been given to securing a safe environment such as limiting exposed rear boundaries and promoting natural surveillance and these matters could be further addressed at the detailed stage. It is also acknowledged that the provision of the open space and the play facilities on site would also bring some benefits to the wider community but is primarily to mitigate the development and is given neutral weight.
- 5.104 The Council's Education Officers have confirmed that with regards to primary school provision, the proposed development site falls in the Maids Moreton CE school catchment area. Primary schools in the planning area currently have a surplus of 11%, just above the DfE recommended surplus level of 5-10% required to allow for year on year volatility in pupil demand. However, the Council projects that demand, including estimated pupil growth from over 700 homes with outstanding housing permission, will rise to take up any existing surplus capacity. Therefore, the Council will require the application scheme to make a contribution towards the expansion of primary school facilities at Buckingham Primary School/Maids Moreton School to accommodate future housing. Rolls have been rising steadily at secondary schools in the Buckingham and Winslow area which serve the development – with all schools currently full in the lower year groups. Pupil growth from current outstanding housing permission is projected to put significant increased pressure on secondary schools – with a deficit of places projected. The Council's current plan to meet the projected rising demand is to expand capacity at Buckingham Secondary School

and a financial contribution towards this would be required. This would be secured as part of a legal agreement.

- 5.105 Whilst the proposed development would place a demand on local health facilities, no comments have been received on the application from the CCG and funding of such facilities is through central government.
- 5.106 Having regard to the above, it is considered that, subject to the completion of a S106 in respect of the above matters, the proposed development would accord with the AVDLP policies GP86-88 and GP94, emerging VALP policies and it is concluded that the proposed development would create safe and healthy communities in accordance with the guidance set out in the NPPF.

Raising the quality of place making and design

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

Emerging VALP policies D-MMO006 Land east of Walnut Drive and west of Foscode Road (*moderate weight*) BE2 (Design of new development) and NE4 (Landscape character and locally important landscape) (*moderate weight*)

- 5.107 This is an outline application with only means of access to be determined at this time. Matters of external appearance, landscape, scale and layout are reserved for future determination. The Design and Access Statement accompanying the application refers to key buildings and vistas being positioned to terminate views and facilitate way-finding and navigation. New walking and cycling routes would be incorporated into the scheme and would connect with existing public rights of way. Green space would be generously provided and the countryside edge would be treated in an informal way (also playing a part in the SuDS scheme).
- 5.108 Given that this is an outline scheme no details of house designs have been provided. However the applicants have indicated that materials will be selected to ensure the development respects the local character and would be sourced locally where practical. A variety of dwelling sizes including detached, semi-detached and terraced properties are indicated on the illustrative layout masterplan. The Landscape and Visual Assessment indicates that the dwellings would have a maximum height of two and a half storeys. This varied scale of development would be in keeping with the character of the area which overall has a predominance of two-storey development.
- 5.109 A landscape buffer, incorporating swales and an attenuation pond, are shown to the northern boundary of the site. Existing hedgerows at the existing field boundaries (including those going north-south within the site) are shown to be retained, except

where the access road makes its way through the site. Along the southern edge of the site adjacent to Manor Park, proposed gardens are shown backing onto existing gardens. The masterplan is illustrative and there are further opportunities to increase the use of perimeter blocks and to decrease the number of exposed rear boundaries within the scheme and these can be pursued at the detailed stage to ensure that due regard is had to good urban design principles.

5.110 The applicants have indicated that the development would be designed in accordance with Secured by Design principles such that houses will be back to back or abut each other, front doors will be overlooked, parking will be provided close to the dwelling it serves and predominantly within the curtilage of the dwellings. Highways and pedestrian routes are integrated to provide ease and safety of movement whilst maintaining legibility through the site and that they are naturally surveyed. There will be natural surveillance of dwellings and the green spaces will be overlooked by several properties. Private space will be clearly defined with property frontages landscaped to reinforce this. Again these details would be carefully considered at the reserved matters stage.

5.111 Having regard to the above matters and acknowledging that further consideration would have to be given to these matters at the detailed design stage, it is considered that the development of the site could achieve a well designed space.

Making Effective Use of Land:

5.112 A good mix of dwelling types are proposed ranging from two to five bedroom dwellings and these would be distributed across the site so that particular sized dwellings would not be unduly clustered. The site area extends to some 8.649ha and assuming that 170 dwellings come forward as part of a detailed scheme, this would represent a density of 19dph. Looking at just the developable area of the site at 5.62ha, and assuming again a scheme of 170 dwellings, this would represent a density of 30dph which would not be unacceptable for this edge of settlement location. Consideration has been given to the landscape and settlement character impacts and to matters of good design as discussed above and these are considered to have been satisfactorily addressed. A number of highway matters are to be secured by way of the S106 legal agreement which will include a contribution to public transport and agreement of a travel plan to reduce car usage. In addition improvements to the PROW will be made to enable better access to the village's amenities and facilities and to the public transport. Whilst the development would result in the loss of BMV agricultural land this would not significantly affect the Vale's overall supply. Consideration is given elsewhere in the report to the impact on the natural environment, living conditions and character of the area as well as securing a well-designed development and healthy place to live, promoting sustainable travel and impact on infrastructure and services. It is considered that the development overall would make effective use of the land such that this matter should be afforded neutral weight in the planning balance.

Conclusions on quality of place making and design

5.113 Overall, it is considered that a detailed scheme could come forward to provide an attractive good quality residential scheme. in accordance with policy GP.35 of the AVDLP, emerging polices BE2 and BE4 of the VALP and the NPPF.

5.114 ***Historic environment (or Conservation Area or Listed Building Issues)***

AVDLP policy GP53 (New development in and adjacent to Conservation Areas)

Emerging VALP policies D-MMO006 Land east of Walnut Drive and west of Foscoote Road (*moderate weight*), BE1 (Heritage Assets) (*moderate weight*)

5.115 Sections 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 or enhancing the character or appearance of Conservation Areas and to the desirability of preserving the setting of a listed building. In respect of conservation areas, this is generally reflective of policy GP53 of the AVDLP and emerging policy BE1 of the VALP which make more specific references to individual characteristics which should be preserved and include, for example, views into or out of conservation areas. However, saved policy GP53 of the AVDLP is not entirely consistent with the 'language' of the paragraphs 193 and 196 of the NPPF, which apply in this instance. Notably, GP53 does not address: 1) a heritage assets 'significance'; 2) how this harm should be quantified; and 3) the balancing of harm against public benefits. It is therefore considered that policy GP53 can only be given limited weight.

5.116 The site itself does not lie within the Maids Moreton conservation area, the boundary of which lies to the south-west of the site and covers the village centre and a larger area encompassing Scotts Lane, the Buckingham Arms and the earthworks to the north-west of these. There are no important views identified in the conservation area document into or out of the application site in respect of the conservation area. In terms of the potential effects of the development these are set out below:

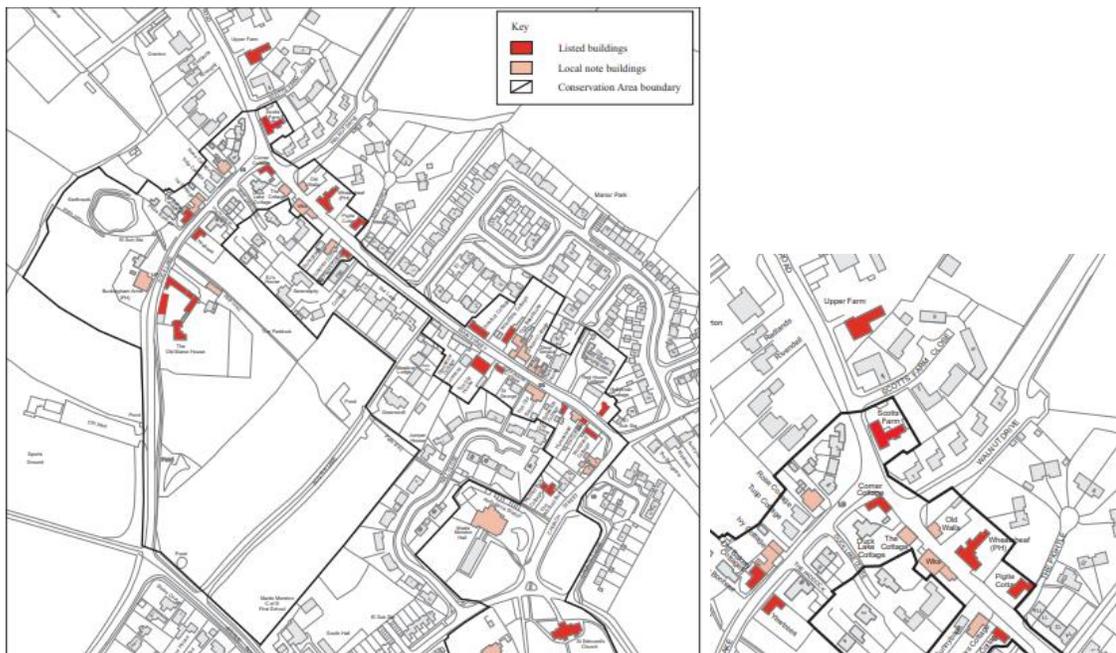
Impact of the built form of the development on the conservation area and listed buildings

5.117 The Council's Historic Buildings Officer acknowledges that the application site is visually separated from the Maids Moreton Conservation Area and the Listed Buildings within it, which are designated heritage assets, by a belt of more recent development to the immediate north of the designated assets. Aside from glimpsed views from the junction of Walnut Drive and Main Street it is therefore unlikely that the proposed development will be visible from the Conservation Area or listed buildings and given the presence of modern housing already on this edge of the village there will be no impact on views into the conservation area from the north. The application is accompanied by an indicative

masterplan which takes into account the existing site features including the specimen trees and it offers buffering to the sensitive landscape context to the north and to a lesser extent the existing residential development to the south. The development is primarily serviced via a principal spine road which runs east-west across the site. The spine road has a fairly informal series of curves servicing a number of subsidiary clusters and cul-de-sacs. In terms of character and typology, the development is not dissimilar to the C20th estates immediately to the south and has a fairly loose knit grain of detached and semi-detached dwellings. It is considered that in terms of the impact of the built form of the development itself, the proposal would preserve and not harm the appearance and character of the conservation area and preserve the setting of the listed buildings.

Impact of the mini roundabout on the conservation area and listed buildings

5.118 The proposed highway works to upgrade the T-junction at the end of Walnut Drive to a mini-roundabout are within the conservation area and nearby some listed buildings and general views along Main Street are noted in the conservation area document. In addition alterations are proposed to College Farm Road at its junction with Church Street. The impact of these works within the highway on the conservation area and setting of listed buildings is assessed below.



5.119 The highway works will have a minor impact on the setting of three listed buildings Scotts Farm House Towcester Road (Grade II), Corner Cottage Main Street (Grade II) and The Wheatsheaf PH (Grade II) which lie close to the junction and the Maids Moreton Conservation Area, and identified buildings of 'Local Note'. The grass verge on the eastern side of the junction is recognised as an important green space and contains an important

tree, both of these will remain. The works are confined within an established highway, there are numerous examples of similar mini roundabout features in conservation areas and in the vicinity of listed buildings and modern housing already exists on this edge of the village. These highway works will have a minor negative effect on the significance of the designated heritage assets at the lowest end of the less than substantial harm spectrum in terms of the NPPF. This minor harm attracts great weight.

- 5.120 With regard to the local buildings of note, including Old Walls on the corner of Walnut Drive and The Cottage and works opposite, these are non designated heritage assets and lie within the conservation areas, the highway works would have a minor negative effect on the significance of the heritage assets.
- 5.121 The treatment of this roundabout and any accompanying signage should pay special regard to the conservation area context using the sympathetic heritage palette of materials and associated signs in accordance with the adopted highway protocol for conservation areas.

Impact of traffic calming works near Church Street/Church Close/College Road on the conservation area and listed buildings

- 5.122 Further highway works include a localised narrowing of College Road adjacent to the junction with Church Close, along with a gateway feature with additional road markings where the 30mph speed limit begins, potential footways are to be provided in the vicinity of the church replacing the current vehicular carriageway closest to the church and the green space to the front of the church is to be marginally altered to the curve of the northern point. These works are aimed at making College Farm Road a less attractive route from the beginning and will aim to deter development traffic from using it. Some important views are noted in the conservation area document towards the front of the church from the hall opposite, and South Hall/ Hall Close junction which would not be affected, and general views along College Road and it is also noted that the triangular area and grass verge along the front of the church is identified as being an important green space.
- 5.123 These proposed highway calming works which are adjacent to the Grade I Listed St Edmunds Church and within the conservation area would have some impact on these designated heritage assets. The extent of change to this green space as a feature in the conservation area would be marginal, and there would be some benefit from removing traffic from that part closest to the church. Subject to design detail, it is considered that this work will preserve and not harm the overall green space feature and the appearance and character of this part of the conservation area, the wider conservation area and the setting of the listed church. Further precise detailing of these calming measures will be required through the detailed design process.

Impact of construction traffic on the conservation area and listed buildings

- 5.124 The impact of increased vehicular movement and heavy vehicular movement has also been raised in representations through the application process. Given the narrow and

enclosed nature of the historic street pattern, concerns have been raised that there is an increased likelihood of movement, vibration and damp penetration to historic fabric. However there is limited evidence accompanying the submission or in representations on this matter and it would be unreasonable to apportion any accurate level of harm given the road is already in heavy use as a principal thoroughfare. This is not an unusual position with listed buildings close to a road used by vehicles. Whilst there may be heavier vehicles passing these buildings during construction, a construction traffic management plan will be required by condition which will include securing details of routing of construction traffic which will mitigate the impact through Main Street. It is therefore considered that no harm would occur in this respect and it would preserve the appearance and character of the conservation area and preserve the setting of the listed buildings.

- 5.125 The Council have a 'Highway Protocol for Conservation Areas' document which will be used to inform the detailed design of the S278 works as part of the Highway Authority approvals and this advises of a sensitive approach to be taken with the use of materials for example which should be sympathetic to the character of the area. In addition as part of the detailed design of the S278 works a quality audit will be required by the Highway Authority. Furthermore a construction traffic management plan will be required by condition and this will address matters such as construction traffic routing to limit the impact on the historic buildings and conservation area.
- 5.126 Special regard as outlined in this assessment has been given to the statutory test of preserving the conservation area and listed buildings under sections 72 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. It is considered that in terms of the impact of the built form of the development itself, the proposal would preserve and not harm the appearance and character of the conservation area and preserve the setting of the listed buildings. The traffic calming works in the vicinity of the church would preserve and not harm the appearance and character of this part of the conservation area, the wider conservation area and the setting of the listed church. The impact arising from traffic would preserve and not harm the appearance and character of the conservation area and preserve and not harm the setting of the listed buildings. However, having regard to the siting of the mini roundabout and its associated works including signage, it is considered that there is identified harm which is at the lower end of the scale of the less than substantial test, to which great weight is given as required under paragraph 193 of the NPPF. In accordance with paragraph 196 of the NPPF the harm must be weighed against the public benefits and this exercise is undertaken later in the report.

Archaeology

- 5.127 An archaeological evaluation has been undertaken at this site and has included a geophysical survey and trial trenching. The results of this showed that archaeological remains encountered across the site correspond closely to the interpretation of the geophysical survey. This suggests that the geophysical survey results are a fairly reliable indicator of the extent of remains at the site although some features, particularly those

that were either small or shallow, were not always apparent on the survey. Excavation has also indicated that although remains survive across much of the site, they have in places been heavily truncated, probably by ploughing. Nonetheless, some substantial linear features surviving to almost 1m deep were recorded. The site can be shown to have a high archaeological potential for evidence of Roman settlement and agricultural activity across all three fields, as well as prominent evidence of later medieval agricultural ridge and furrow cultivation. There is also the potential for evidence of prehistoric activity in the eastern field.

- 5.128 Having regard to the above matters, the Council's Archaeology Officer considers that as the development has the potential to harm a heritage asset's significance without proper investigation, a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results and reflects the requirements of criteria g) of emerging policy D-MMO006 and mitigate any impact and accord with the NPPF.

Flooding and drainage

Emerging VALP policies D- MMO006 Land east of Walnut Drive and west of Foscode Road (*moderate weight*), I4 (Flooding) and I5 (water resources and wastewater infrastructure) (*both moderate weight*)

- 5.129 The application site is located within Flood Zone 1 which is defined by the Environment Agency as being at low risk of flooding. A Flood Risk Assessment (FRA) has accompanied the application and the Council as the Local Lead Flood Authority has considered the information provided. There are no records of fluvial flooding of the site and the Environment Agency maps indicate that there is a low risk of surface water flooding. The drainage of the site will be by soakaways with storm water going to the ditch on the eastern border of the site to be discharged at greenfield rate. Once soakaways within the site are saturated then surface water will go to the wetlands, the infiltration basis and swales. There will also be biodiversity and ecological benefits as a result of these drainage systems and they will also provide treatment of the water quality.
- 5.130 The LLFA are satisfied that the development would proceed using sustainable urban drainage systems and raise no objections to the development subject to securing a detailed surface water drainage scheme for the site and its long term maintenance. As such it is considered that the development would be appropriately flood resilient and that surface water drainage has been accounted for. A satisfactory surface water drainage scheme and its long term maintenance would form part of the S106 legal agreement.

- 5.131 Emerging policy D-MMO006 of the VALP requires an updated assessment of wastewater treatment works capacity to be carried out, working with Anglian Water, to identify the need for infrastructure upgrades and how and when these will be carried out to inform site delivery. It is considered that this matter could be adequately addressed by condition to secure the submission of an appropriate foul water drainage scheme and in consultation with Anglian Water and on this basis the development would accord with emerging policies Policy I5 and D-MMO006.
- 5.132 Having regard to the above matters, it is considered that the development could be appropriately flood resilient and that surface water drainage and foul drainage has been accounted for and as such the development would accord with emerging policies D-MMO006, I4 and I5 of the VALP and with the NPPF.

Supporting high quality communications

Emerging policy I6 (Telecommunications) (significant weight)

Paragraph 114 of the NPPF requires Local Planning Authorities' to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communication services. Given the nature and location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development. In accordance with emerging policy I6 of VALP, developers are also expected to have explored the option of providing on-site infrastructure, including ducting to industry standards in any new residential development for efficient connection to existing networks. A planning condition will ensure that this is adequately addressed.

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

Amenity of existing and future residents

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

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

- 5.134 This is an outline scheme with only the means of access into the site to be determined. The Design and Access Statement submitted indicates that development would be a maximum of 2.5 stories high and that all gardens will be at least 10m in depth with back to back distances in excess of 21m and the illustrative scheme does indicate that suitable amenity space could be provided for future occupiers with sufficient space between to address overlooking and loss of privacy. The development site does about the rear gardens

of dwellings on Foscombe Road, The Pightle and Manor Park, but separation distances indicated appear to be satisfactory and in the region of 20m or more, which would ensure that no loss of light, privacy or outlook would result. Whilst concerns have been raised regarding the loss of a view, private views such as this are not a material planning consideration. It is considered that the illustrative masterplan adequately demonstrates that the proposal can be designed to avoid unneighbourly relationships between dwellings.

- 5.135 Whilst there will inevitably be some noise and disturbance during construction works, this is temporary and a construction management plan could be secured by condition to ensure construction storage is adequately controlled along with deliveries and dust suppression. In addition whilst there will be some increase in noise and impact from traffic compared to a green field through the occupation of the development, this would not be unusual nor to an unreasonable level to justify a refusal. No objections have been received to the development from Environmental Health.
- 5.136 The development is a residential proposal with play areas and does not require specific lighting, other than would come forward as part of the highway requirements for safety. Further consideration will also be given to this matter at the detailed stage. Also given the nature of the development it is not considered that it would adversely affect air quality. With regard to contaminated land, the existing land use of the site is for agricultural purposes. The report submitted with the application states that the site has remained relatively undeveloped until the time of the investigation with the exception of a farm located within the eastern field of the site. However, several potential sources of contamination have been identified as being present including the potential for made ground, pesticides, elevated metals within natural soils and ground gases from organic materials present within localised made ground. Therefore the Phase 1 investigation concludes that the site requires an intrusive investigation and assessment to inform the design of the proposed residential development. Based on this conclusion a ground investigation was completed. The ground investigation identified that elevated levels of arsenic were present across the entire site. The report states that there is no evidence of man-made sources of arsenic at the site. However, the geology present is known to have naturally high levels of arsenic as identified within the Advanced Geochemical Atlas of England and Wales. The report goes on to say that this exceedance is not considered a significant risk to human health and is in line with the current Contaminated Land Statutory Guidance, which accepts that there may be natural background levels of substances as a result of the geology. However, the Council's Contaminated Land Officer agrees with the recommendation that further assessment is undertaken using bioaccessibility testing to determine the likely risk present to human health from the elevated levels of arsenic present at the site and that based on the results of the bioaccessibility testing, remedial works may be required. Conditions can be imposed to address this. No other elevated contaminants were identified as being present at the site. On this basis the development is considered to have addressed these elements of emerging Policy NE5 of the VALP and with the NPPF.

5.137 In summary it is considered that the proposed development would not unduly harm the residential amenities of nearby properties in terms of their light, outlook or privacy. Although there will be some impact from construction traffic a condition can require the submission of a Construction Traffic Management Plan to ensure that amenities are adequately protected. It is considered the proposed development would ensure an adequate level of residential amenity for existing and future occupiers in accordance with Policy GP8 of the AVDLP, emerging policies BE3 and NE5 of VALP and NPPF advice.

Building sustainability

Emerging Policy C3 (Renewable Energy) of VALP (*moderate weight*)

5.138 The development would be required to be constructed using sustainable methods of construction, and include electric charging points and this could be detailed at the design stage. In addition details of schemes to utilise renewable energy could be secured at the detailed application stage and the applicants have been advised that the development will seek high water use efficiency. As such that the development would accord with emerging Policy C3 of the VALP and with the NPPF in this regard.

6.0 Developer contributions

6.1 As noted above, there are a number of requirements which would need to be secured in a Planning Obligation Agreement to secure their delivery including the matters below:

- Financial contribution towards primary and secondary education provision
- 30% affordable housing on site
- A financial contribution towards off-site sport and leisure provision and amenity space maintenance
- On site provision of a LEAP and NEAP, including its future maintenance
- SUDs provision and maintenance
- Full Travel Plan and review fee
- A financial contribution towards the Buckingham Transport Strategy
- Monitor and Manage Strategy of the impact of the development traffic on the junction of College Farm Road and the A422 Stratford Road for the period of 1 year after final occupation of the development. To supply the Council with details of vehicles from the development using the College Farm Road junction with the A422 Stratford Road. At the end of this period it will be decided if further mitigation works to the junction are required
- Financial contribution towards junction improvements to the College Farm Road junction with the A422 Stratford Road should, after the monitoring period, improvements as a result of the proposed development be required. If the improvements are not required, then the Contribution shall go towards the Buckingham Transport Strategy.
- Public Transport Contribution towards the funding of an improved hourly bus

service

- Financial contribution towards a Traffic Regulation Order for the additional waiting restrictions in the vicinity of the proposed mini roundabout junction at Walnut Drive/Main Street, additional waiting restrictions in the vicinity of the priority working on Foscoote Road and relocation of the speed limit transition point to 30mph north of the proposed site access on Foscoote Road.
- Highway Works Delivery Plan to secure the following off-site highway works:
 - Alterations to the junction of Walnut Drive with Main Street to form a mini roundabout junction, as shown in principle on drawing number 1158-01 Rev L, to also take into account the 'Highway Protocol for Conservation Areas' document and include a Quality Audit;
 - Alterations to Foscoote Road between the proposed site access on Foscoote Road and the existing footway provision at Manor Park to provide a new 2m footway, as shown in principle on drawing number 1158-02 Rev E;
 - A traffic calming scheme in the vicinity of the College Farm Road junction with Church Street as shown in principle on drawing number 1158-F07 Rev D, to also take into account the 'Highway Protocol for Conservation Areas' document, include a Quality Audit and also be subject to public consultation;
 - Alterations to the carriageway surfacing and signage on the A422 Stratford Road in the vicinity of the College Farm Road junction as shown in principle on drawing number 1158-F08 Rev A;
 - A traffic calming scheme including works to the carriageway surfacing and signage on Towcester Road/Duck Lake in the vicinity of the junction with Main Street on entry to the village, to also take into account the 'Highway Protocol for Conservation Areas' document, include a Quality Audit and also be subject to public consultation;
 - A crossing on the A422 Stratford Road, type and exact location to be agreed with the Highway Authority, to link to the cycleway improvements at the Lower Wharf junction with the A422 to the east of the football club
 - Junction improvements to the Moreton Road junction with the High Street (Old Gaol roundabout) to include:
 - Lane Markings along Moreton Road at the approach to the existing mini roundabout at the 'Old Gaol' junction to identify two separate approach lanes. All lines and signs to be in accordance with the Department of Transport's current 'Traffic Signs Regulations and General Directions'.
 - A pedestrian refuge on Moreton Road in the vicinity of the 'Old Gaol' roundabout, to provide safe crossing facilities to town centre services
 - Keep Clear markings across the junction of the public car park on Stratford Road in the vicinity of the 'Old Gaol' junction, to assist the bus exiting the High Street and facilitate movements on the network.

6.2 It is considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 places into law the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development of this nature if the obligation does not meet all of the following tests; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

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 Obligation 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.

7.0 Weighing and balancing of issues / Overall Assessment

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

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

7.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so

would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 7.3 The proposal would not comply with policy RA14 of AVDLP and thus the proposal is not in accordance with the development plan. There are relevant development plan policies that apply to this application. Those policies which are most important for determining this application are RA14, GP2, GP35 and GP53. Policies RA14 and GP2 are not consistent with the NPPF for the reasons given above and are therefore regarded as out of date and afforded very limited weight. Policy GP53 is not wholly consistent with the NPPF, is out of date and thus is given limited weight. Policy G35 is however in full compliance with the NPPF. It is considered that given 3 out of these 4 policies are out of date taken as a whole it is considered that the development should be determined in relation to paragraph 11(d) of the NPPF.
- 7.4 As set out above it is considered that the proposed development would accord with most of the development plan policies, except for policies RA14 and GP53, to which very limited and limited weight is applied for the reasons set out above.
- 7.5 As explained earlier in this report special regard has been given to the desirability of preserving or enhancing the character or appearance of the conservation area and to preserving the setting of listed buildings as required in the statutory tests contained in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regard to the listed buildings and their settings it is considered that the impact of the built form itself, the impact of the highway works in the vicinity of College Farm Road junction with Church Street and St Edmunds Church and impact of traffic would preserve and not harm the setting of the listed buildings. The minor negative effect of the proposed mini roundabout at the junction of Main Street and Walnut Drive on the setting of the listed buildings within the conservation area is acknowledged but this is an established highway and modern housing already exists on this edge of the village. As such the effect on the significance of the listed buildings and their settings is considered to be at a lowest level of harm and would be less than substantial harm in terms of the National Planning Policy Framework to which great weight is given. With regards to the impact on the character and appearance of the Conservation Area, the impact of the built form itself, the impact of the highway works in the vicinity of College Farm Road junction with Church Street and St Edmunds Church and impact of traffic would preserve and not harm the appearance and character of the conservation area. It must be noted that the affected areas relating to the mini-roundabout and its associated works at Walnut Drive and Main Street are relatively small in the context of both the localised and the whole conservation area, and so it is the contribution that these small portions make to the understanding of the character of the conservation area which must be considered. The level of harm would be at the lower end of the spectrum of less than substantial harm to the significance of the Maids Moreton Conservation Area in National Planning Policy Framework (NPPF) terms to which great weight is given.

- 7.6 It is therefore necessary to consider whether the public benefits of the scheme would outweigh the great weight given to the limited harm to the conservation area and the setting of the listed buildings arising from the mini roundabout at the junction of Main Street and Walnut Drive. There would be public benefits to the delivery of this emerging allocated site and its contribution to housing land supply and affordable housing and the proposal would also provide economic benefits from the construction of the development itself and the subsequent occupation of the dwellings whose occupiers would contribute to the local economy. The view of officers is that the potential benefits of the scheme set out above would outweigh the limited harm identified. Having regard to this, it is considered that there is no clear reason for refusal on this ground.
- 7.7 The scheme has also been considered acceptable in terms of its impact to residential amenity, achieving well-designed places, parking and access, promoting sustainable transport, meeting the challenge of climate change and flooding, and conserving and enhancing the natural environment, however these do not represent benefits of the scheme but rather demonstrate an absence of harm to which weight should be attributed neutrally.
- 7.8 In addition to the heritage harm set out above, there would be harm to the character of the landscape and on the settlement character which would be a moderate negative impact and the development would result in loss of BMV agricultural land which would be of limited negative impact.
- 7.9 There is also the recognised potential harm to great crested newts and the highway impact which can be appropriately mitigated to address the harm as outlined above and thus neutral weight is given to this.
- 7.10 It is acknowledged that there would be significant benefits in terms of both the contribution to housing supply and affordable housing and that as a result of population growth there would be considerable benefits from investment in construction and the local economy.
- 7.11 In the terms of applying paragraph 11(d) of the Framework it is concluded that there are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed. It is considered that weighing all of the adverse effects and benefits, together with the relevant measures to mitigated issues outlined above, it is considered that the adverse effects of the proposal would not significantly and demonstrably outweigh the benefits.
- 7.12 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

8. Working with the applicant / agent

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

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

8.3 In this instance:

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

9. Recommendation

9.1 The officer recommendation is that the application be Deferred and Delegated to officers for approval subject to the satisfactory completion of a S106 agreement to secure the requirements set out in the report, subject to securing a District Licence to address protected species and subject to any conditions considered appropriate or refuse if a satisfactory S106 agreement cannot be completed for such reasons as officers considers appropriate.

Appendix

Local Member comments:

A1.0 Cllr Warren Whyte made comments previously on the application and has confirmed that his objections are on the same grounds as previously submitted, together with the additional concern that the applicant seems unable to agree a Section 106 agreement. He has raised concerns over the principle of the development, impact on the highway, parking, character of the area and heritage

Previous comments: 'there has been a huge number of valid concerns raise about this application from residents and the Maids Moreton, Foscoote Parish Councils and Buckingham Town Council and I see little in the application that merits approval, and am particularly concerned at the lack of consultation with immediate neighbours on land and access assumptions (on Main Street and Foscoote Road) and the lack of understanding of the general road situation in the vicinity and the knock on effects to Foscoote, Buckingham Town Centre and College Farm Road (Mill Lane). I would like the opportunity to address the Committee to oppose this scheme.'

Additional comments: My previous comments on the highway impact of this application still stand but I am particularly concerned that the applicant has made no effort to deal with the contentious issue of the imposition of a roundabout on Main Street, so must reiterate my significant concerns. As the council's own assessment (3/11/20) says:

"The applicant has however provided drawing number 1158-01 Rev M, which shows visibility splays passing within either highway land or land under control of the applicant, and clear of third party land. The Highway Authority is satisfied that these splays can be secured. It is also important to note that the mini roundabout still has to go through the detailed design process as part of a S278 Off Site Highway Works Agreement, where any outstanding details can be addressed."

"Both the Traffic Management Officer and the Highway Authority are satisfied that the matters relating to the proposed junction improvements are adequately addressed."

This still ignores the impact on perfectly legal on street parking for the adjacent businesses and homes and the removal of this to facilitate a speculative housing development does not appear proportionate or fair, and the applicant has made no effort to mitigate the impact on the current residents, businesses or indeed the impact in the conservation area, and there is clearly a difference of opinion on what the definition of "adequately" is. While this may appear to the applicant and the Council as merely "detail design", it is fundamental in the ability to gain access to the proposed site safely and without harm to the Conservation Area, and it is very regrettable that the applicant has not taken the opportunity, since the original committee meeting, to work on the detail of this junction to reduce the impact on the village. The transport officer's assessment is subjective on only technical issues, and needs to be properly considered by the urban design officer and heritage officer too. I consider the harm caused by this alien urban form

being forced into the heart of Maids Moreton and its Conservation Area to be unjustifiable.

Further comments: Cllr Whyte also endorses the questions raised by the Maids Moreton and Foscoate Action Group regarding the relevance of the application being seen by the Strategic Committee rather than the more sensible North Area Planning Committee.

Town/Parish Council's comments

A1.1 Maids Moreton Parish Council – Object to the development on transport safety and congestion grounds, poor accessibility to public transport, significant adverse impact on landscape character including light pollution, impact on public footpath, loss of agricultural land, pattern of hedgerows diminished, impact on wildlife patterns, fundamental change to Maids Moreton and conflict with Policy RA2 of AVDLP, impact on doctors and schools, concerns about impact on sewerage system.

A traffic survey has been submitted by the Parish Council which has been reviewed by the applicants and the Highway Authority.

Maids Moreton Parish Council comments on draft S106:

- Continue to be strongly opposed to the development, acknowledge need for affordable housing
- College Farm Road is referred to, but this is known locally as Mill Lane
- Bus service should be adequate to allow those commuting to work to do so by public transport (6.30am into Buckingham, 20.00 back). Bus times and routing must also take account that most medical services are being transferred out of the town to Lace Hill and must serve the whole village not only the development.
- Travel Plan achieving a 10% reduction in car use is inadequate and trivial reduction. Development is increasing the traffic by 60%, travel plan should limit increase to no more than 15%.
- Should refer to 'monitor and manage not 'monitor and review'
- Proposal based on outdated figures, remote study and computer models rather than fact-based reality of current traffic level and road conditions.
- Monitor and review is completely unacceptable, need comprehensive baseline study to record current traffic levels at all the critical points, analysed and reviewed prior to any work starting; also after traffic levels have returned to pre-covid-19 levels.
- Mill Lane, Avenue Road and Main Street should be added
- Should have appendix with public transport and traffic management integrated, should include detailed monitoring and provision for changes as soon as problems become evident; development to stop until problems of excessive traffic are remedied.
- Measures laid down in appendix H (highway works) must be reviewed to see if they are necessary (junction at Walnut Street, intrusive signage, footpath on Foscoate Road, traffic calming at church Street/Mill Lane and A422/Mill Lane, also the

developer to provide for remedial work and restoration to damage to buildings through vibration to be included in the CTMP).

- Remain unconvinced that the development would accord with the HELAA
- Affordable housing is to be dispersed across the site, the S106 refers to clusters of not more than 15 as houses or 18 as flats and must be changed to be compliant.
- Should include fibre-optic high speed broadband cabling
- Would prefer spatial separation of NEAP and LEAP, MMPC willing to adopt areas
- CTMP should be included

Further comments

Maids Moreton Parish Council has consistently objected to this application since it was initially submitted in January 2016. We have had sight of the very detailed document that was recently submitted by the Maids Moreton and Foscote Action Group (MM&FAG) and would endorse all that is written therein. At the risk of repeating the arguments, we would like to emphasise the following points.

Sustainability - The site in question does not meet the economic or environmental objectives as referenced in the NPPF.

Employment - There are minimal employment opportunities in the village. The main area of local employment is situated to the south and west of the town of Buckingham, some 4km. distant by road. There is a mass of evidence to demonstrate that the likely employment destinations for residents in the village are Aylesbury, Milton Keynes or further afield, all of which are only accessible from Maids Moreton by use of the private car. There is no regular bus service that would co-ordinate with working hours. Please see the detailed section on Traffic and Transport Issue below.

Environmental - Considering that as late as May 2016 when the HELAA stated that the site was unsuitable for development as it "would not relate to existing pattern of development of the village, would extend the village significantly north east into open countryside and there is no suitable access to the land ", there are no grounds for stating that it is a sustainable location. As pointed out by the MM&FAG, this is further evidenced by the Technical Annex (TA 2017) to the Sustainability Appraisal in the VALP suite of documents.

VALP POLICIES 52, 53, NES

We have on numerous occasions objected to the classification of Maids Moreton as a 'medium' village within the Settlement Hierarchy. To be so judged, the Settlement Hierarchy asks that it meets at least 6 or 7 of the stated criteria. Maids Moreton has only 4 of these criteria, rising to a possible 5 if the current infant school is expanded to become a full primary. Notwithstanding the miscalculation of Maids Moreton, Policy 52 Spatial Strategy for Growth (VALP) states: At medium villages, listed in Policy 53, there will be housing growth of 1,095 at a scale in keeping with the local character and setting. This proposed development of 170 houses would effectively increase the population of our

village by 60%. This is demonstrably not at a scale in keeping with the local character of Maids Moreton. Neither is it in keeping with the setting, which it is acknowledged would have a "serious negative impact" on the open countryside east of the village overlooking Foxcote Reservoir and the Foxcote Valley. In this respect, the development also contradicts Policy NES, which states: "development should be located to avoid the loss of important on-site views and off-site views towards important landscape features"

We note from the independent report produced by Professor Shreeve that the considerable loss of habitat and the subsequent biodiversity loss could not be replaced, let alone enhanced, for another thirty years.

S3 Settlement Hierarchy and Cohesive Development

In considering applications for building in the countryside the Council will have regard to maintaining the individual identity of villages and avoiding extensions to built-up areas that might lead to coalescence between settlements. Although Maids Moreton is in close proximity to Buckingham, its larger neighbour, the village has succeeded in maintaining an historic independence and an individual identity. There is a cohesive village community which is clearly separate to the nearby town. Depositing 170 houses on the edge of the village contradicts Policy S3, which states "new development in the countryside should be avoided, especially where it would: a) compromise the character of the countryside between settlements and b) result in a negative impact on the identities of neighbouring settlements or communities leading to their coalescence.

Consultations

The applicant held a public consultation exercise in the Christmas period of December 2015. From which emerged the very strong opposition to the proposed plans. The application when it appeared in January 2016 took no account of this "tick the box" exercise and since then the applicant has made no attempt to engage with the local community, nor with the Parish Council at critical stages. We consider this a significant breach of the planning policy guidance on the need for applicants to consult with the local community. It is also important to involve land owners and promoters; local property agents; developers; local communities; Local Enterprise Partnerships; businesses and their local representative organisations; parish and town councils and neighbourhood forums preparing neighbourhood plans. Paragraph: 007 Reference ID: 3-007-20190722

Historic Environment

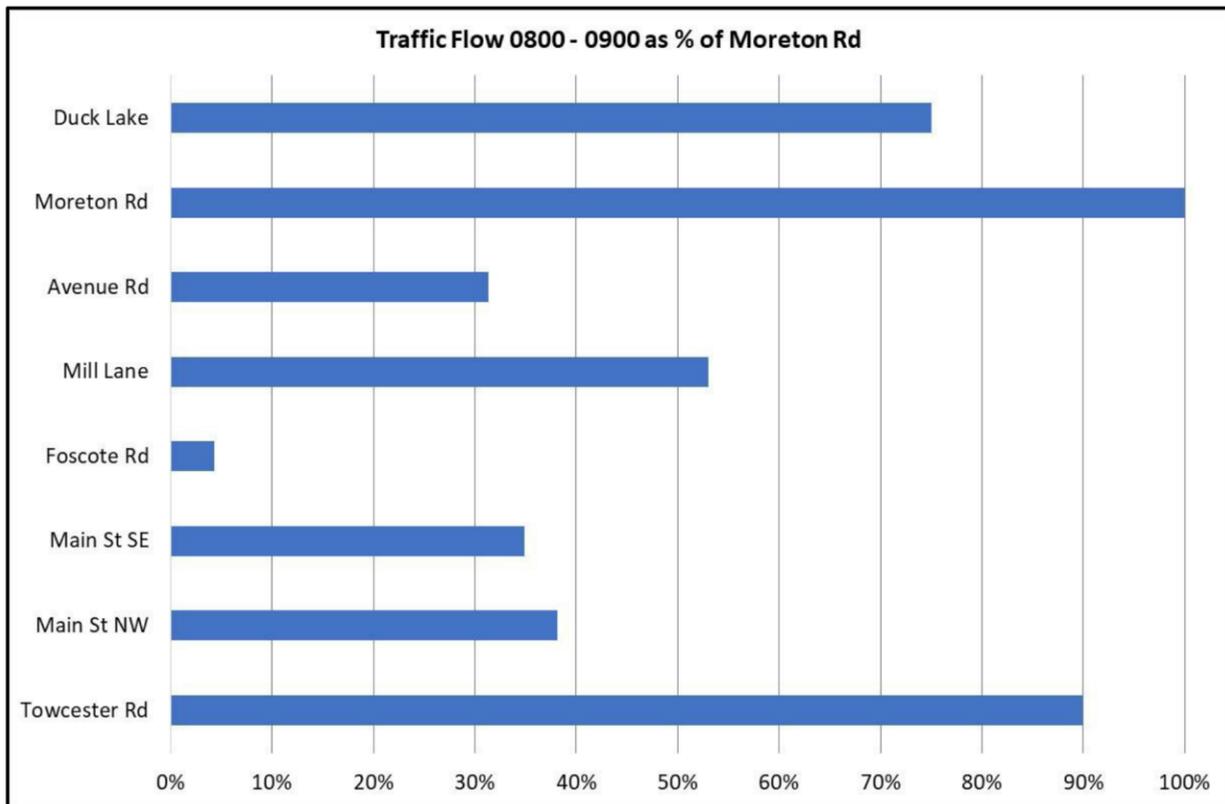
There has been no detailed assessment of the impact this substantial development would have on the village's Conservation Area, the Grade 1 St Edmund's church and the 12 Grade 2 listed buildings on Main St itself. The increase in traffic on the village roads alone is likely to have a damaging effect on these assets from vibrations, as well as pollution. In particular, Main Street, which would serve the development, is highly unsuitable for construction traffic and the likely constant use of LGVs. It should be observed that Main Street has either a very narrow carriageway and pavement with parked cars, or, where buildings abut the carriageway, no pavement at all. The Grade 1 15th century church of

St Edmund's does not have deep foundations and is particularly vulnerable, overlooking as it does the confluence of two very busy roads.

NPPF states: (Paragraph 93) ". When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Traffic and Transport Issues

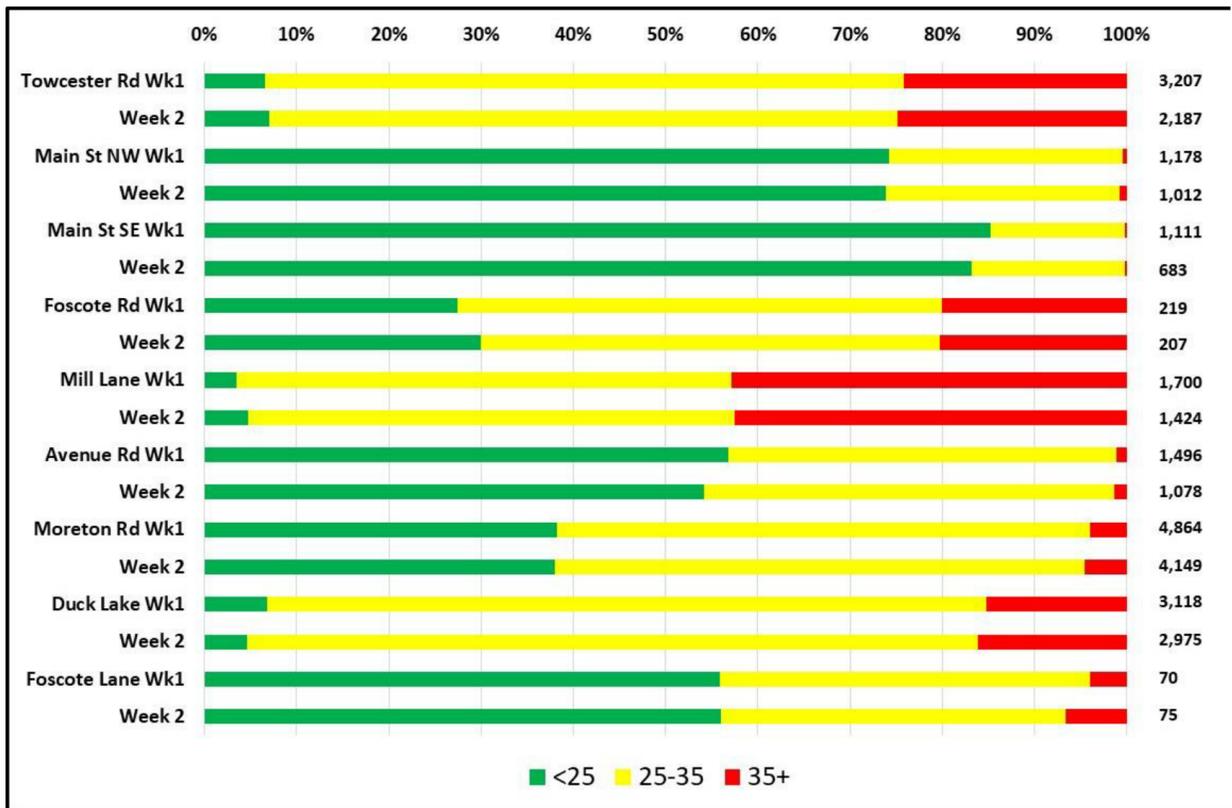
The current bus timetable is appended at the end of this document. During the week there are three services into Buckingham and two returning to Maids Moreton. On Saturdays there are four journeys in each direction. The timings mean there is no public transport to support commuting to and from work, even in Buckingham. Furthermore, while the timings might allow shopping trips around midday, there are of no help for travel needs such as medical appointments. Given that there is no public transport provision adequate for commuting nor for most other purposes, it is clear that were the site to be developed with 170 houses most residents would rely on private vehicles and there may be 2 or even more vehicles per dwelling. We are already concerned at the high levels of traffic through the village, especially at critical times, and also at the speeds at which vehicles travel. The figure below shows the comparative volume of traffic at 8 points around the village obtained with Automatic Traffic Counters. In the figure, Moreton Rd at the boundary with Buckingham is given the value of 100%.



Moreton Road is part of the A413 from Buckingham to Towcester. From there it heads north on Duck Lake and then northwest on Towcester Road to the village boundary. The traffic levels are similar noting that traffic may divert or join at Avenue Road and Main St, which is why Duck Lake has the lowest value of the three ATC points. Mill Lane, which connects the village with the A422 Buckingham to Milton Keynes has a width limit of 2.3m and the junction with the A422 is extremely busy at rush hours. There have been regular accidents around this junction and a number also on Mill Lane, which is proposed as a major access route for traffic from the development. It already has a flow rate of 53% of that recorded on Moreton Road and is quite unsuitable from the point of view of road safety as well as in respect of the potential damage to St Edmund's church noted above.

Traffic levels along Main St are 35% (SE) and 38% (NW) of that recorded on Moreton Rd. Main St is narrow, has no or only one pavement along much of its length and as many of the houses have no off-road vehicle parking spaces, there are many cars parked on the street, making it effectively a single carriageway road for a significant proportion of its length. On Avenue Rd, past the Maids Moreton CE [Infant] School the traffic flow is 31% of that on Moreton Road. Again, there are often parked cars although walking to school is strongly encouraged and many children do so. As well as traffic volume, speed is also a consideration. The figure below summarises the recorded speeds in bands of up to 25mph, 25 to 35mph and over 35mph. The first category should encompass the bulk of traffic were a 20mph limit in place, the second would do so with a 30mph speed limit in place while the third category indicates where speeding is already occurring. Mill Lane, Foscoote Road and Foscoote Lane are subjected to the national limit, although the latter are both effectively single carriageway and Foscoote Lane has severe dips and blind corners.

Total Traffic Flow recorded in speed bands 10 to 22 October 2020



The footpath from Hall Close reaches Main St by The Old School towards the southeast end, emerging directly onto the carriageway with very poor visibility for both pedestrians and drivers, many of the latter being unaware that this footpath is there. A little further northwest, the footpath from Scott's Lane, heavily used for foot access to both Maids Moreton CE [Infant] School and Buckingham Primary School, joins Main St. It is a little more obvious than the one from Hall Close, there being textured dropped kerbs on both sides, but it is also hard for drivers unfamiliar with the layout to see. Drivers can also be surprised by vehicles or pedestrians emerging suddenly from driveways, or from between parked vehicles, directly onto the carriageway. For both these areas of Main St, the proportion of traffic exceeding 25mph is relevant. At Main St NW, 75% of the traffic exceeded 25mph but at Main St SE it was 85% in Week 1 and 82% in Week 2, after Akeley Wood School had closed for its Autumn break. This is particularly worrying as it is on Main St SE that there are more parked cars, alongside the one pavement, and neither a pavement nor a grass verge on the opposite side. At Main St NW, there is a pavement on one side and a wide grass verge on the other with parked cars mostly but not always in laybys. Maids Moreton CE [Infant] School is on Avenue Rd and Buckingham Primary School in Page Hill, south of Avenue Rd. Pupils from Maids Moreton accessing both schools on foot have to cross Main St and those heading to Buckingham Primary then also have to cross Avenue Rd. Children from the proposed development walking to the local schools would use this route. Their safety is of course of paramount importance. In Avenue Rd, around 45% of the traffic was travelling at more than 25mph. Given the Maids

Moreton school is there and children attending Buckingham Primary school have to cross Avenue Rd to access this, there is very urgent need for effective calming. Given the already heavy traffic flows within the village and limitations of Mill Lane and Foscoote Road, it is evident that the effect of additional traffic generated by a development of 170 houses on the Walnut Drive site would be excessive.

Saved policy RA.36 states:

In considering proposals for development in rural areas the Council will have regard to the desirability of protecting the characteristics of the countryside from excessive traffic generation, including the need to avoid traffic increases and routing to unsuitable rural roads. Furthermore, VALP policy T5 states:

New development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development" and, in particular, "ensuring that the scale of traffic generated by the proposal is appropriate for the function and standard of the roads serving the area.

Given the current traffic levels and the unsuitability of the roads that new residents would use, it is evident that allowing the development to proceed would clearly breach both saved policy RA36 and VALP policy T5.

Finally, we note that despite the 20 months that have elapsed since the application was considered by the AVDC SDMC, the applicant has failed to negotiate the S106 Agreement, which should include specific details of traffic mitigation measures. The S106 Agreement was a major requirement in that committee's decision.

Maids Moreton Bus Times – as at 22 March 2020

Monday to Friday					Saturday only			
<u>Maids Moreton to Buckingham</u>	<u>No 151</u>	<u>No 18</u>	<u>No 151</u>	<u>No 18</u>	<u>No 132</u>	<u>No 132</u>	<u>No 132</u>	<u>No 132</u>
Adjacent Scott's Farm Close	08:58		12:13					
Opposite old Buckingham Arms			12:14					
Main St (by Manor Park)	08:59	12:02		14:12	08:26	10:01	12:39	16:19
Church St (by Church Close)	08:59	12:02		14:12	08:27	10:01	12:39	16:19
Avenue Rd (by Scott's Lane)	09:00	12:03		14:13	08:29	10:02	12:40	16:20
Moreton Rd adjacent Avenue Rd	09:00		12:14		08:29	10:03	12:40	16:20
Buckingham (Market Hill S bound)	09:08	12:06	12:17	14:16	08:37	10:09	12:43	16:23
Buckingham (High St)		12:07	12:18	14:17		10:10		
Buckingham Tesco (Stop A)		12:19		14:29				
Buckingham Tesco (Stop B)	09:13					10:19	12:56	16:37
<u>Buckingham to Maids Moreton</u>		<u>No 18</u>	<u>No 151</u>	<u>No 18</u>	<u>No 132</u>	<u>No 132</u>	<u>No 132</u>	<u>No 132</u>
Buckingham Tesco (Stop B)		11:48	11:57	14:03	08:18	09:40	12:24	15:58
Buckingham Tesco (Stop A)								
Buckingham (High St)			12:01			09:56	12:30	16:10
Buckingham (Market Hill N bound)		11:57	12:02	14:07	08:22	09:57	12:31	16:11
Moreton Rd opposite Avenue Rd		12:00	12:05	14:10	08:25	10:00	12:38	16:18
Outside old Buckingham Arms		12:01	12:06	14:11	08:25	10:00	12:38	16:18
Main St (by Manor Park)		12:02		14:12	08:26	10:01	12:39	16:19

A1.2 Buckingham Town Council – Members of the Town Council Planning Committee only considered aspects of this proposal that affected Buckingham, and opposed the application on the grounds of the effect on traffic, leisure facilities, schools, health facilities and town centre parking. It was noted that BCC opposed Moreton Road II (14/02601) on traffic grounds and advocated a town-wide traffic strategy; traffic from this estate would use either Mill Lane/Stratford Road or the Moreton Road, neither of which were safe cycle routes and the distances (and gradients) involved to access the town centre, secondary schools and employment areas would encourage car use; 400/day were estimated. AVDLP policies RA2 and RA14 apply to Maids Moreton as an Appendix 4 settlement. The Town Council also questioned the validity of the Transport Assessment and the accuracy of the details contained within it.

Further comments: Little has changed:

- traffic calming measures on Mill Lane ("College Road"), if effective, will cause more traffic to come through Buckingham via the already over- capacity junction of Moreton Road and High Street by the Old Gaol. If ineffective, the junction of Mill Lane with the A422 will see long queues at peak times, especially of traffic wishing to turn right, leading to much air pollution - and bad temper, which leads to risk-taking. Foscoote Road should not even be considered a feasible traffic route.

- Maids Moreton is a settlement without sustainable infrastructure - no PO, no shop, no medical facilities, a once-a day bus service (which is what resulted after the last s106-sponsored extra services expired) - and for shopping, library, banks, PO, doctors and dentists, leisure centres, senior schooling and all employment the new residents would have to drive through Buckingham (the senior schools and employment areas are all south of the town centre) or out of town via the bypass (easiest access via Mill Lane, see above; the Town Hall junction is also over capacity and a bottleneck). The schools are a 2-mile/40-minute walk from the site, and in bad weather parents might be tempted to give their child a lift - and neither the London Road or Chandos Road have the capacity to accommodate any extra cars. There is no bus service whatever (even from the town centre) to the employment areas south of the bypass.

- If 170 more houses is a lot of residents for Buckingham's facilities to cope with without mitigation, it is far more for a village the size of Maids Moreton, and the Town Council wholly supports Maids Moreton and Foscote in their opposition to the swamping of their settlements with a dormitory suburb.

- While noting that the s106 agreement remains a draft, the proposal for a 'crossing' on the A422 Stratford Road at Lower Wharf is mystifying, and Members would appreciate more details of this 'benefit'.

- Confirmation of the meeting at which this application will be reviewed would also be welcome, as the application seems to fall well below the 400 houses minimum for the Strategic Sites Committee.

A1.3 Foscote Parish Meeting – Strongly object on transport safety and unacceptable traffic generation grounds, on the proposed footway on Foscote Road, high density, being outside of the village envelope and intruding into open countryside and reliance to key facilities being by vehicular means. Further comments received question the accuracy of the Traffic Survey and the impact of existing on street parking on traffic. Failure to address the problems of traffic flows from the development onto Foscote Road and Foscote Lane which is a single-track road with a dangerous blind bend. Its surface is in very poor condition and the visibility splays at the junction with the A422 are restricted. It is inevitable that traffic would significantly increase along Foscote Lane leading to many traffic accidents. Unsuitability of the proposed roundabout at the junction of Walnut Drive and Main Street, Maids Moreton, which will cause traffic congestion on Main Street as well as tail backs on the A413 junction with Main Street. The absence of parking for the properties near the proposed roundabout. The narrowing of Main Street and on-street parking by owners who have nowhere else to park, at the Main Street junction with Foscote Road. The width restriction on Mill Lane/College Road with high hedges, making it impossible for the road to be widened, leading to potential accidents as the road has impaired visibility at various points. The impracticality of the proposed solution for the junction of Mill Lane/College Road and the A422, as well as the suspect data submitted re traffic flows.

Foscote Parish Meeting comments on draft S106:

- Terminology should refer to 'monitor and manage not 'monitor and review'

- Foscote Road and Foscote Lane should be included
- Monitor and review strategy includes automatic number plate recognition, would be an invasion of privacy when simple counters across the carriageway could be used
- Counter either end of Foscote Lane should be used prior to commencements and also at 50% occupation and included in agreement
- Should include management measures to prevent vehicles from turning left onto Foscote Road and then right onto Foscote Lane, rat running is the problem that needs to be addressed. Also to address the rat run on the return journey.
- Monitor strategy will not be triggered until after final occupation with a duration of 1 year, inadequate as will not give any baseline pre-development data against which to measure increased traffic. Should be in place prior to occupation and ideally by commencement of building works
- A threshold of traffic above which the manage strategy would be triggered but below which Bucks Council reserves the right to trigger the manage strategy should be included

Further comments:

1. Foscote Parish Meeting ('FPM') considers that the previous determination of this application did not adequately consider key issues that breach saved policies in the Aylesbury Vale District Local Plan ('AVDLP'), policies in the emerging Vale of Aylesbury Local Plan ('VALP', insofar as they can be given consideration in accordance with NPPF 48), and also relevant policies in the NPPF.
2. Furthermore, since the previous determination the 'soundness' of policy D-MMO006 in VALP which allocates the application site for development, together with associated supporting evidence (in particular HELAA v4, and the Settlement Hierarchy) has been severely undermined by a series of Examination Documents now accepted by the Inspector as part of the examination process. The quantity and depth of 'unresolved issues' raised in these Examination Documents means that, in accordance with NPPF para 48, policy D-MMO006, HELAA v4 and the Settlement Hierarchy cannot be given weight in this deliberation.
3. Finally, the Resolution of the SDMC of 20th February 2019 determined that planning application 16/00151/AOP should be approved "*with the additional requirement for a 'monitor and manage strategy' of the impact of traffic using Foscote Road and Foscote Lane to be secured in the s106 Agreement*" ('the SDMC Resolution'). The draft s106 Agreement published on the planning portal fails to do what the SDMC Resolution requires, so granting planning permission at this stage would be UNLAWFUL.

Foscote Parish Meeting OBJECTS on the grounds that the proposed development does not protect rural roads from excessive traffic, and the proposed mitigation measures only serve to exacerbate this issue, so planning permission, if granted, breaches Policy RA.36 AVDLP and Policy T5 VALP

4. Buckinghamshire County Council ('BCC') have approved mitigation measures to deter 1 development traffic from using College Farm Road to access the A422. These measures effectively push traffic from the development via the alternative routes of Buckingham Town Centre or along Foscote Road/Foscote Lane. Foscote Road and Foscote Lane, which present the most direct and quickest route to the A422, are narrow rural roads unsuitable for HGVs or any increased traffic. Moreover, they have not been assessed for this inevitable traffic impact.

5. Policy RA.36 AVDLP states *"In considering proposals for development in rural areas the Council will have regard to the desirability of protecting the characteristics of the countryside from excessive traffic generation, including the need to avoid traffic increases and routing to Buckinghamshire County Council has since become the unitary authority 'Buckinghamshire Council') 1 1 unsuitable rural roads."* This policy was not considered at all in the first determination, and yet the proposed mitigation measures encourage traffic generated by the development to use Foscote Road/Foscote Lane which are "unsuitable minor roads" together with the wider network of unsuitable rural lanes, to reach the A422 and beyond in direct contravention to saved policy RA.36.

6. Policy T5 VALP states *"new development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development"* and, in particular, *"ensuring that the scale of traffic generated by the proposal is appropriate for the function and standard of the roads serving the area"*. There is clear evidence that the size and location of this development will generate unacceptable traffic along unsuitable minor rural roads, in particular Foscote Road and Foscote Lane, and there is not sufficient capacity in the adjoining rural network serving the area to accommodate the anticipated increase in vehicular travel.

Foscote Parish Meeting OBJECTS on the grounds that the application site is comprised of the best and most versatile agricultural land - together with some woodland - so planning permission, if granted, breaches NPPF para 170 and policy NE7 VALP.

7. NPPF para 170 requires planning decisions to contribute to and enhance the natural environment, which includes recognising the intrinsic character and beauty of the countryside and, in particular, *"the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland."* The best and most versatile agricultural land ('BMV Agricultural Land') is defined as land in Grades 1, 2 and 3a of the Agricultural Land Classification.

8. The Agricultural Land Classification Report prepared by the Applicant confirms *"a detailed assessment of this area has found that the site mostly contains land of Grade 3a quality with small areas of woodland and some non-agricultural land."* All of this – BMV Agricultural Land and the woodland - should be contributed to and enhanced in accordance with NPPF para 170, and not developed for housing.

9. Policy NE7 VALP says *"where significant development would result in the loss of best and most versatile agricultural land, planning consent will not be granted unless: a. There*

are no otherwise suitable sites of poorer agricultural quality that can accommodate the development, and b. The benefits of the proposed development outweighs the harm resulting from the significant loss of agricultural land". FPM have noted that the Technical Annex to the Council's Sustainability Appraisal, submitted as supporting evidence for the VALP, concluded there is a more suitable site of poorer agricultural quality within Maids Moreton which can accommodate development. Therefore, granting planning permission breaches Policy NE7 VALP.

Foscote Parish Meeting OBJECTS on the grounds that the proposed development does not preserve, protect or enhance the intrinsic character of the rural landscape so planning permission, if granted, breaches NPPF para 170, policy NE4 VALP and RA.2 AVDLP. 2

10. NPPF para 170 requires planning decisions to take into consideration *"the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services"*. The footpath crossing the application site is the only section of the Maids Moreton Circular Walk that gives users a good view of the Foxcote Reservoir and the Foscote Valley. This walk is heavily used by people from Maids Moreton, Buckingham and further afield, as well as from the community of Foscote. The loss of these views would have a major negative impact on users from a much wider population than simply the local population in the immediate vicinity of the proposed development, and must be considered as a wider benefit from the natural capital of the countryside which NPPF para 170 seeks to protect.

11. Policy NE4 VALP says *"Development should consider the characteristics of the landscape character area by meeting all of the following criteria: a. minimise impact on visual amenity b. be located to avoid the loss of important on-site views and off-site views towards important landscape features c. respect local character and distinctiveness in terms of settlement form and field pattern, topography and ecological value d. Carefully consider spacing, height, scale, plot shape and size, elevations, roofline and pitch, overall colour palette, texture and boundary treatment (walls, hedges, fences and gates) e. minimise the impact of lighting to avoid blurring the distinction between urban and rural areas, and in areas which are intrinsically dark and to avoid light pollution to the night sky f. ensure that the development is not visually prominent in the landscape, and g. not generate an unacceptable level and/or frequency of noise in areas relatively undisturbed by noise and valued for their recreational or amenity value."*

12. Criteria (a), (b), (c), (f) and (g) of policy NE4 VALP clearly cannot be met when locating a 170 house development on the edge of a rural village in the open countryside on BMV Agricultural Land with wide ranging views to the Foxcote Reservoir (a designated SSSI) and the Foxcote Valley. In fact, the Applicant's Landscape and Visual Impact Assessment summary says *"The proposed development would result in significant negative effects for two viewpoints on the southern boundary of the proposed development: viewpoint 6, which represents the views from homes on Manor Park; and viewpoint 7, which represents views from the footpath which crosses the application site"*. This alone contravenes criteria (a), but policy NE4 VALP was not considered at all in the first determination.

13. Policy RA.2 AVDLP says *“new development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements”* in order to protect rural locations that are experiencing the strongest pressures for development. Large scale development in open countryside on the edge of a rural village clearly contravenes policy RA.2 AVDLP.

Foscote Parish Meeting OBJECTS on the grounds that the draft s106 Agreement does not deliver a ‘monitor and manage strategy’ of the impact of traffic using Foscote Road and Foscote Lane, in accordance with the SDMC Resolution.

14. The terminology in the draft s106 Agreement must revert from ‘Monitor and Review Strategy’ to ‘Monitor and Manage Strategy’ throughout the Agreement in order to bring it in line with the requirements of the SDMC Resolution.

15. The s106 Agreement must include reference to specific roads within the Monitor and Manage Strategy, with particular reference to Foscote Road and Foscote Lane. The draft s106 Agreement fails to implement this requirement at all, either in the definition of the ‘Monitor and Review Strategy’ on pages 15-16 of the s106 Agreement, or in Clause 1.1, Part IV of the 7th Schedule. The definition of ‘Monitor and Review Strategy’ on pages 15-16 refers only to monitoring the impact of the development traffic on the junction of College Farm Road and the A422 Stratford Road – it does not refer to Foscote Road or Foscote Lane at all. Equally, there is no obligation to monitor Foscote Road and Foscote Lane specifically in Clause 1.1, Part IV of the 7th Schedule. This falls foul of the SMDC Resolution which specifically requests *“a Monitor and Manage Strategy of the impact of traffic using Foscote Road and Foscote Lane”*.

16. There is no Monitor Strategy outlined in the s106 Agreement for Foscote Road and Foscote Lane. FPM requested that the Council/Applicant install traffic counters either end of Foscote Lane to give baseline figures of traffic movements along the lane prior to the development commencing. Thereafter, the traffic counters be replaced at 50% occupation of the development, with the Applicant being obliged to produce a monitoring report within a specified timeframe, and for this report to be sent to the Council and copied to FPM accordingly. This Monitor Strategy must be included as a specific term of the s106 Agreement, in both the definition on page 15-16, and also in Clause 1.1, Part IV of the 7th Schedule. Without such a strategy, the provisions for a ‘Monitor and Manage Strategy’ of traffic using Foscote Road and Foscote Lane required by the SMDC Resolution are not met.

17. In order to be a ‘Monitor and Manage Strategy’, the s106 Agreement must include appropriate management measures to prevent traffic turning left out of the development onto Foscote Road and then right onto Foscote Lane, together with management measures to prevent the return journey. It is exactly this problem - Foscote Lane being used as a ‘rat run’ - that underpins the Monitor & Manage Strategy required by the SDMC Resolution. In view of this, BCC agreed to list appropriate management measures in the s106 Agreement. Without such measures being listed in the s106 Agreement, the

provisions for a 'Monitor and Manage Strategy' of traffic using Foscote Road and Foscote Lane required by the SMDC Resolution are not met.

18. Clause 4, Part IV of the 7th Schedule, attempts to deliver on the requirement to include a 'management strategy'. However, the text contains an error in that there is no left turn onto Foscote Lane. The left turn is onto Foscote Road, with a right turn following thereafter on to Foscote Lane. Clause 4, Part IV of the 7th Schedule, should read "*...turning left onto Foscote Road, and then right onto Foscote Lane...*", in place of the words "*...turning left onto Foscote Lane...*". It therefore does not accurately fulfil the obligations of the SDMC Resolution. 4

19. The s106 Agreement does not secure an effective management strategy to prevent traffic using Foscote as a rat run on the return journey. Without such management measures preventing traffic returning to the site via Foscote Lane and Foscote Road, the resolution that a 'Monitor and Manage Strategy' for Foscote Road and Foscote Lane be secured in the s106 Agreement has not been met.

20. As drafted, the s106 Agreement does not secure an effective 'Monitor and Manage Strategy' for traffic using Foscote Road and Foscote Lane to shortcut to and from the A422. It therefore fails to deliver on the SDMC Resolution so granting planning permission at this stage would be UNLAWFUL.

Summary of Objections and reason for REFUSAL

Table 9 VALP (following para 3.89 VALP) confirms there is a housing land supply of 5.47 years, which equates to an over-supply of 740 units. Therefore, the proposed development is not required to meet the five-year housing requirement. The positive weight which would ordinarily be given to housing supply in the determination of this application must therefore be considered against the following significant negative impacts of the proposed development: -

1. The proposed development does not protect rural roads from excessive traffic, and the proposed mitigation measures only serve to exacerbate this issue, so planning permission, if granted, breaches Policy RA.36 AVDLP and Policy T5 VALP;
2. The application site is comprised of the best and most versatile agricultural land, together with some woodland, so planning permission, if granted, breaches NPPF para 170 and policy NE7 VALP;
3. The proposed development does not preserve, protect or enhance the intrinsic character of the rural landscape so planning permission, if granted, breaches NPPF para 170, policy NE4 VALP and RA.2 AVDLP; and
4. The draft s106 Agreement does not deliver a 'monitor and manage strategy' of the impact of traffic using Foscote Road and Foscote Lane in accordance with the SDMC Resolution so planning permission, if granted, would be breached. In weighing up the positive impact of the proposed development against the significant negative impacts of the proposed development, FPM believe this application must be REFUSED.

Further comments – Reasons for REFUSING this application: We note Highways Comments dated 28th October 2020 responding to the objections made by Foscoote Parish Meeting ('FMP'), and comment as follows: - Foscoote Parish Meeting still OBJECTS on the grounds that the proposed development does not protect rural roads from excessive traffic, and the proposed mitigation measures only serve to exacerbate this issue, so planning permission, if granted, breaches Policy RA.36 AVDLP and Policy T5 VALP

1. In the Highways Comments, Mr Thurley states "*I can confirm that all routes to and from the site have been considered in terms of the likely impact resulting from the development traffic*". Foscoote Parish Meeting reiterate that there is no evidence anywhere that the route between the development and the A422 via Foscoote Road and Foscoote Lane has been considered. In fact, it was exactly this lack of consideration that led to the SMDC Resolution in 2019 requiring Foscoote Road and Foscoote Lane be subject to a 'Monitor & Manage Strategy' in the s106 Agreement. It is simply incorrect to say that all routes to and from the site have been considered.

2. Mr Thurley also states "*the impact on the more rural routes to the north of the site will be monitored as part of the Monitor & Manage Strategy*". Again, this is not the case. The SMDC Resolution required a 'Monitor & Manage Strategy' for Foscoote Road and Foscoote Lane, and also Mill Lane in Maids Moreton but nothing more. The impact on the rural routes to the north of the site such as Foscoote Road to Leckhampstead and beyond are not subject to any Monitor & Manage Strategy. In addition we understand that it is proposed that the construction traffic will be routed along the A413, a route which will take the heavy traffic through the village of Akeley where the road narrows at a dangerous blind bend. The rural road network to the north of the site will take excessive traffic from the proposed development, in breach of Policy RA.36 AVDLP and Policy T5 VALP.

As before, Foscoote Parish Meeting still OBJECTS on the grounds that the application site is comprised of the best and most versatile agricultural land - together with some woodland - so planning permission, if granted, breaches NPPF para 170 and policy NE7 VALP as set out in our first objection.

As before, Foscoote Parish Meeting still OBJECTS on the grounds that the proposed development does not preserve, protect or enhance the intrinsic character of the rural landscape so planning permission, if granted, breaches NPPF para 170, policy NE4 VALP and RA.2 AVDLP as set out in our first objection.

Foscoote Parish Meeting still OBJECTS on the grounds that the draft s106 Agreement does not deliver a 'monitor and manage strategy' of the impact of traffic using Foscoote Road and Foscoote Lane, in accordance with the SDMC Resolution.

3. In the Highways Comments, Mr Thurley acknowledges that the draft s106 Agreement fails to implement a 'Monitor & Manage Strategy' for Foscoote Road and Foscoote Lane. Despite FPM meeting with the Applicant and the Council to agree the terms of this 'Monitor & Manage Strategy' before the draft s106 Agreement was published, and then confirming this in writing by a series of emails, it was still omitted from the draft

Agreement. Almost two years on, it is inadequate at this stage to be told that the final s106 Agreement will have a suitable Monitor & Manage Strategy.

Summary of Objections and reason for REFUSAL As stated previously, Table 9 VALP (following para 3.89 VALP) confirms there is a housing land supply of 5.47 years, which equates to an over-supply of 740 units. Therefore, the proposed development is not required to meet the five-year housing requirement. The positive weight which would ordinarily be given to housing supply in the determination of this application must therefore be considered against the following significant negative impacts of the proposed development: -

1. The proposed development does not protect rural roads from excessive traffic, and the proposed mitigation measures only serve to exacerbate this issue, so planning permission, if granted, breaches Policy RA.36 AVDLP and Policy T5 VALP;
2. The application site is comprised of the best and most versatile agricultural land, together with some woodland, so planning permission, if granted, breaches NPPF para 170 and policy NE7 VALP;
3. The proposed development does not preserve, protect or enhance the intrinsic character of the rural landscape so planning permission, if granted, breaches NPPF para 170, policy NE4 VALP and RA.2 AVDLP; and
4. The draft s106 Agreement does not deliver a 'monitor and manage strategy' of the impact of traffic using Foscoote Road and Foscoote Lane in accordance with the SDMC Resolution so planning permission, if granted, would be unlawful. The Highways Comments submitted by Mr Thurley do not adequately address any of these issues.

In weighing up the positive impact of the proposed development against the significant negative impacts of the proposed development, FPM still believe this application must be REFUSED.

- A1.4 **Whittlebury Parish Council** - The village of Whittlebury already has a growing problem with increasing traffic flows as a consequence of new developments in Silverstone, two miles away, and in the south of Towcester. Extra traffic volumes generated by this development in Maids Moreton, only six miles away, would impact directly on the amenity of villagers especially those living on the Towcester Road and the High Street which form the A413 through the village. Between 0800 and 0930 and 1530 and 1730 in particular, traffic in the village is even heavier with children being taken to and from the local primary school and commuters journeying to and from their places of work. Traffic jams with the traffic coming to a complete halt are frequent at those times. Despite speed warning signs and the occasional presence of a police speed camera van, speeding is an additional hazard, and this too has an impact on the village and its residents. Fortunately, there has not been a serious accident in recent years but, clearly, the potential for one would be heightened by the presence of an increased number of lorries. Should the local planning authority be minded to grant permission for this application, Whittlebury Parish

Council would wish to see a condition that no construction traffic is permitted on the A413 through Whittlebury.

- A1.5 **Akeley Parish Council** - Members of Akeley Parish Council have noted that the developers are proposing to use the A413 as the main route to carry the development's heavy plant and materials. Akeley Parish Council object to 16/00151/AOP because of the perceived material damage that the extra heavy traffic using the A413 will cause traveling to and from the development in Maids Moreton. The increased traffic and speeding over recent years have impacted the amenity of villagers living on and using the affected road. The A413 runs through Akeley it has a pinch point which is just beyond the Leckhampstead Road junction, between The Cottage and Old century Cottage running down the hill to the side of the Bull & Butcher public house where there is the junction with Church Street and on towards a sharp left-hand bend opposite a T junction with Chapel Lane. This road was never designed for HGVs and is frequently the cause of traffic jams and collisions, especially at peak periods. HGVs travelling through the pinch point causes damage to the existing village infrastructure. There is evidenced damage to adjacent buildings and sewers due to the vibration from Heavy Goods Vehicles which will increase if this development goes ahead. With the current traffic on the A413 vehicles at times have to reverse up to 50 yards or so and mount the pavement to enable passage. There is documented evidence of collisions occurring along and adjacent to the pinch point with traffic jams being a daily feature. With the expected rise in HGV traffic the instances of collisions and possible harm to the buildings will increase and so will result in the greater chance of harm to children (school route) and residents alike. The general area is residential with a footpath running alongside the road on one side in the main and with increased incursions onto the footpath the risk of harm to pedestrians, and not just damage only, road traffic collisions will increase.

A2.0 Representations

- A2.1 366 representations objecting to the development have been received raising the following concerns:

Transport and traffic related impact:

- Unacceptable further increase in traffic generation in local area, including Buckingham will add to congestion
- As part of the Local Plan review the site had been found unacceptable given highway impacts
- Increased traffic would harm foundations of listed buildings and moving road closer to properties may harm thatch
- Unsuitable use of narrow roads for future occupiers and construction traffic, will become rat-runs
- Insufficient footpath provision

- Poor condition of existing roads will be exacerbated
- Poor visibility at junctions especially Walnut Drive and A422
- Unacceptable queuing at junctions
- Conflict between walkers, cyclists with vehicular traffic, including agricultural vehicles
- Unsustainable site, poor public transport, errors in bus timetable, no train station in Buckingham
- Limit local facilities and amenities and increase pressure on the existing
- Widening of roads would destroy ancient hedges and wildlife
- Reduction of road to 3.5m entering the village would hamper agricultural vehicles
- Loss of on street parking along Main Street
- Conflict with use of mini roundabout and people accessing their property by car
- Highway signage would detract from the character of the conservation area
- Impact on deliveries to existing businesses
- Mill Lane regularly floods so would be unsuitable for additional traffic
- Proposed mini roundabout would be disregarded by agricultural and other large vehicles
- Development does not take account of the Oxford to Cambridge road link which will account for more southerly transport
- Incorrect data and traffic modelling used in traffic study
- Traffic study does not make reference to changes in shopping habits with more deliveries
- Traffic survey does not take account of summer growth of trees and hedgerow
- June 2017 parking survey was not made public until September 2019. Not available for MMPC or residents to scrutinise the data and bring issues to the attention of the committee.
- The survey was only carried out over two days, additional surveys should be undertaken where there are regular evening uses close to the site.
- Loss of on street parking where yellow lines would be placed would harm two adjacent businesses
- Displaced cars between Old Walls and The Leys would cause a problem for pedestrians and route of the bus service
- Parking is more extensive than the survey suggests, calls into question the applicant's claim that there is plenty of space for displaced cars. The Council have not explained the discrepancy in the results.
- The parking restrictions will have to be enacted via a Traffic Regulation Order (TRO) which requires a 21 day public consultation. If there are valid objections the TRO can take two years to process and may be refused. The council should have a strategy in place should this happen as the viability of 16/00151/AOP is dependent on the mini roundabout scheme being completed.
- 2CBX cabinets affect visibility from Walnut Drive
- Traffic generation through Foscoote not fully assessed

Natural environment and design matters:

- Unacceptable development of greenfield site in open countryside
- This number of houses is not needed
- Type of housing does not reflect existing in village and would be out of keeping
- Loss of village identity
- No provision for allotments
- Insufficient drainage
- Proposed drainage would undermine nearby retaining wall and dwelling
- Does not address needs of retired and first time buyers
- Would be an eyesore
- Adverse impact on archaeology and heritage significance
- Adverse impact on conservation area
- Harm to setting of listed buildings and their foundations
- Loss of agricultural land
- Site is frequently water logged and would be a flood risk
- Development would be close to SSSI at Foscoote reservoir, impact on bird sanctuary
- Adverse impact on biodiversity
- Uncertainty about who would manage the new developments landscape
- Increased light pollution
- Impact on protected trees

Other matters:

- Noise and air pollution through construction
- Development refused adjacent to Moreton House as intrusion into the countryside
- Smaller development which would fit into the village would be more appropriate
- Development will not increase employment, will become a commuter village
- Nearly 50% increase in population
- Loss of privacy for nearby residents
- No benefits to the existing village/community
- HELAA suggests that the site is not suitable and this number of houses not required
- Conflict with AVDLP policies
- Against the Vision of Buckingham
- Affect Human Rights
- Application not properly assessed by committee and should be reconsidered

A2.2 The Buckingham Society have also made representations strongly objecting to the scheme on the following grounds:

- Proposal for 170 dwellings is out of scale with the current size of the village and will severely add pressure to the town's (Buckingham) environment and facilities
- The information relating to sustainability is totally reliant on the proximity of Buckingham and its facilities, failing to take account of any of the information supplied in the Buckingham Neighbourhood Development Plan
- VALP evidence has found that with the exception of one site to the north of the village for 21 dwellings there were no sites in Maids Moreton that had the capacity to accept new development.
- Access to facilities in Buckingham only feasible on a regular basis by vehicular means.
- Traffic generation would add to the severe and harmful cumulative impact on Buckingham that both recent and planned for developments are causing
- No cycle routes and access to National Cycle Route 50 would be via busy A roads
- Alternative, less suitable routes within Maids Moreton are being utilised for access which are narrow and not easy to negotiate. Widening these routes will encourage more cars causing further congestion at junctions as well as destroying historic hedges and verges which are an integral part of the character.

A.2.3 Representations have been received from Maids Moreton and Foscote Action Group making the following comments:

- Limited public consultation with the Maids Moreton and Foscote communities
- Minimal scrutiny from Officers into the proposal
- Objections at committee were given scant attention with the overwhelming consideration to be a fear of losing an appeal
- Chairman appeared to have pre-determined the decision
- Site not suitable for a development of this size which will increase the village by 50%
- Unacceptable assessment of impact of traffic on area, including on Foscote Lane and Foscote Road
- Application should be taken back to committee for re-assessment

Maids Moreton and Foscote Action Group comments on draft S106:

- S106 does not cover SUDS
- Officer's report sets out that the affordable housing should be evenly dispersed across the site and tenure blind and the clustering referred to does not secure this.
- Agreement fails to secure a financial contribution towards junction improvements to the College Farm Road junction with the A422 which if not required following monitoring would be paid towards the Buckingham Transport Strategy.
- Monitor and review strategy secured, not monitor and manage and Foscote excluded
- Application should be re-considered by committee given the passage of time. Committee's decision misinterpreted and misapplied policy in the NPPF and VALP, including the HELAA and did not properly consider the traffic impacts of the development.

Two further recent objections have been received from the Maids Moreton and Foscoote Action Group and these letters and appendices are attached to this report.

A2.4 Greg Smith MP – Comments that his constituents have recently submitted a substantial objection to this application which considers the proposed development within the correct legal framework. He encourages Councillors to read the objection prior to the redetermination, and give it due care and attention.

A2.5 The CPRE have also made recent representations and object given the lack of progression of an acceptable S106, suitability of the allocation of the site in VALP, it is the least sustainable site identified in VALP evidence, it would be contrary to saved policies in the AVDLP and possibly the NPPF.

A3.0 Consultation responses:

A3.1 **BCC Highways** – No objections subject to conditions and matters to be addressed in a legal agreement.

Mini roundabout with Walnut Drive: Revised details have been received indicating acceptable location of signage. It is acknowledged that the recommended visibility splays cannot be achieved within the adopted highway but given the low traffic flows from the minor arm (Walnut Drive) the distances can be relaxed and acceptable visibility splays can be achieved on land which forms part of the public highway or is under the control of the applicant. Larger vehicles will be able to carry out their manoeuvres with greater safety than they currently do due to increased geometry available and visibility. Previous concerns about the mini roundabout junction have been addressed and the design is acceptable for the purposes of the planning application with any further points of detail being dealt with through detailed design.

College Farm Road/Stratford Road junction: The applicant has re-surveyed the College Farm Road junction with the A422 Stratford Road in order to obtain up to date vehicle flows and has then used these flows to carry out further junction capacity assessments. BCC comment that the results suggest that even in the future year (2021) base line scenario, which does not contain any development traffic, the junction will suffer from operational issues. There are however some concern with regards to the accuracy of the results of the junction model and PICADY junction modelling software. The applicant has been looking at assessing two distribution scenarios to determine the level of development traffic using College Farm Road, 40% and 75%. The baseline flows on College Farm Road are relatively low and when the development flows are added the total flows on College Farm Road remain relatively low. It however remains evident that the impact of the development traffic on College Farm Road and its junction with the A422 Stratford Road needs to be mitigated.

Proposed Mitigation Package: - The applicant will carry out lining and signing works on the A422 Stratford Road, which will include the installation of advanced junction warning

signs and red carriageway surfacing for a length of 215m on each approach to the junction.

- The applicant will also carry out traffic calming works to the north western end of College Farm Road at its junction with Church Street. These works include narrowing College Farm Road at the junction, a localised narrowing adjacent to the junction with Church Close, along with a gateway feature with additional road markings where the 30mph speed limit begins.
- The applicant will also adopt a monitor and manage strategy for a one-year period after the full occupation of the development. This strategy will review conditions at the junction of College Farm Road with the A422 Stratford Road to determine whether conditions at the junction deteriorate significantly over that period. This strategy will involve the use of ANPR cameras which will be able to determine whether vehicles using College Farm Road are associated with the development or not. This information can then be used to determine whether the development traffic is having a severe impact on conditions at the junction and determine whether any further mitigation is needed as a result of the development.
- BCC have looked at ways of physically improving the junction and it has been determined that a second exit lane can be incorporated at the junction, which is achieved by carrying out widening works within existing highway limits. BCC have then used the improved junction layout to carry out a further capacity assessment at the junction. While BCC acknowledge the model limitations in this case, they do suggest that the improvement works to the junction will be adequate to further mitigate the impact of the development.
- The applicant will be required to cost up the further junction works to the College Farm Road junction with the A422 Stratford Road and the money for these works will then be within a S106 Agreement with the ability for the County Council to draw upon that money to carry out the junction improvements should they be deemed necessary. It should be noted that if the traffic calming scheme is successful in deterring the development traffic from using College Farm Road, this will result in additional development traffic travelling into Buckingham, which will also need to be mitigated. If this is the case, then the County Council will draw upon the secured funding and use it as an additional contribution towards the Buckingham Transport Strategy.

Moreton Road junction with the High Street (Old Gaol): It is noted that a contribution will be secured as part of any planning permission towards the adopted Buckingham Transport Strategy, which has an over-arching aim to reduce traffic as a means of improving town centre congestion. BCC agree that the development will increase traffic through this junction and as such a number of measures to directly mitigate the impact of the development traffic at this junction have been agreed. The applicant has confirmed that the delivery of these improvements as part of the proposed development is acceptable and will be provided in addition to the financial contribution towards the Buckingham Transport Strategy.

Speeds on Towcester Road: While it is recognised that vehicles speeding above the posted speed limit is an enforcement issue, this road will be used by occupiers of the proposed development and as such, it has been agreed with the applicant that a traffic calming

scheme in the form of improvements to the lining, additional signage and gateway features along with different surface treatment in order to change the environment when entering the village will be secured.

Crossing on the A422 Stratford Road: Cycleway improvements are currently underway that will link the Buckingham School to the A422 at the junction with Lower Wharf to the east of the football club. This is a school that children from the proposed development are likely to need to access. In order to provide an attractive and convenient link to the cycleway, to encourage cycling, consistent with the aims of the NPPF, it has been agreed with the applicant that a crossing point on the A422 is required as part of the off-site highway works associated with this development. This crossing point will help to meet the aims of the NPPF by improving safety and promoting sustainable forms of transport. The exact type of crossing will be agreed as part of the Highway Works Delivery Plan.

The Highway Authority provided further comments in response to the Parish Council traffic survey and the response to this of the applicants following the instigation of further assessments. The results of the revised assessments that take into account the revised traffic flow figures provided by the Parish Council show that the junctions within the village will continue to operate with significant spare capacity and that there is not a queueing issue. On this basis the Highway Authority are satisfied that the information contained within the report provided by the Parish Council does not alter their previous recommendations.

Having regard to the details of the application the Highway Authority is satisfied that the development would not have a severe impact on the safety and convenience of the highway network. The application is considered to be acceptable on highway grounds subject to matters to be secured as part of a S106 and subject to conditions.

Further comments:

Response to Maids Moreton and Foscoote Action Group

The Maids Moreton and Foscoote Action Group's appointed highway consultant, 'The Transportation Consultancy' (TTC), has submitted a 'Highways and Transportation Review' which considers the submissions made by the applicant's highway consultant and also correspondence between the applicant and the Highway Authority. The review below uses the same headings as those used in the TTC report for ease of reference.

Transport Assessment

The first document that TTC has considered is the revised Transport Assessment that was produced by Croft Transport Solutions (the applicant's highway consultant) in February 2017. TTC has used a RAG (Red, Amber, Green) assessment to determine matters that they consider have no issues and those that require attention (in their opinion).

Proposed Access – TTC has highlighted a number of issues in this section that are labelled as Amber, which they consider as potential issues. The issues mainly relate to the footway connections to the site, the improvements to the Main Street/Walnut Drive junction, the design of the Foscoote Road access and the upgrading of the PRow link running between

the site and Main Street.

The Highway Authority considers that all of these issues have been considered in detail in the consultation responses to this application and addressed to the satisfaction of the Highway Authority. As such no further action is considered necessary.

Accessibility by Non-Car Modes – TTC have referred to the accessibility of the site for walking, cycling and public transport and has labelled the points raised as Red, which they consider are significant issues.

The Highway Authority has fully considered the links to the site via walking, cycling and public transport in the numerous consultation responses that have been submitted. A number of improvements are being proposed to the footway network within the village, which include the upgrading of the PRow between the site and Main Street and a new footway provision that links the proposed Foscoote Road access to the existing footway provision that currently terminates at Manor Park. A public transport contribution has been agreed with the applicant in order to ensure an adequate bus service is maintained following the withdrawal of an existing service. This is to the satisfaction of the Council's passenger transport experts. A crossing on the A422 Stratford Road has also been secured to link to the cycleway improvements at the Lower Wharf junction with the A422 to the east of the football club.

It is also important to note that the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision-making. When taking into account the location of the development in the village of Maids Moreton, the existing opportunities to travel by sustainable forms of transport, the proposed improvements to sustainable forms of transport that are to be secured as part of this application along with the sites allocation in the draft VALP, the Highway Authority considers that there is no reason for which to recommend the refusal of the application on these grounds.

Traffic Impact Analysis – The TTC review of the traffic impact assessments carried out by the applicant raises a number of issues that were also picked up in the consultation responses previously submitted. Specifically TTC raise issues with the A413 Moreton Road/High Street and Bridge Street/Market Street/West Street junctions and the College Farm Road/A422 Stratford Road junction. The consultation responses also raised issues with these junctions and that it has been agreed that the impact on the junctions within Buckingham Town Centre will be dealt with by an agreed contribution to the Buckingham Transport Strategy. The issues at the College Farm Road junction with Stratford Road have been the subject of significant consideration and the agreed solution to these issues is detailed in the consultation response dated 30th November 2018.

Consultation Response and Report Iterations

The TTC report provides comments on the consultation responses that have been provided over the consultation period and also provides comments on the further information provided by the applicant's highway consultation in response to the Council's comments. The comments made by TTC centre around what they consider to be the main issues of contention, which are:

- Main Street and Walnut Drive Mini Roundabout
- Stratford Road (A422)/College Farm Road junction
- Foscoote Road Footway and Carriageway Proposals
- Moreton Road junction with the High Street (old Gaol)
- Crossing on the A422 Stratford Road

Responses under the appropriate heading below:

Main Street and Walnut Drive Mini Roundabout

TTC state that the impact on the properties opposite Walnut Drive has not been considered and that vehicles accessing these properties would most likely drive in forward and reverse out onto the roundabout. It can be confirmed that this issue has been considered in detail and a site meeting has been held with the owners of the property opposite the junction, which was also attended by a Traffic Management Officer from Thames Valley Police. The specific issues were discussed and a response to these concerns was provided. There has also been written correspondence between the property owners and the Council responding to specific concerns that were raised. Both the Traffic Management Officer and the Highway Authority are satisfied that the matters relating to the proposed junction improvements are adequately addressed.

In terms of TTC's comment relating to the assumption that vehicles accessing the properties would most likely drive in forwards and would reverse out, it should be noted that the Highway Code advises that vehicles should reverse off of the highway so that the reversing manoeuvre is visible to other highway users, rather than emerging from a driveway in reverse, where the vehicle may not be as visible to others on the highway. The impact on the properties opposite the Walnut Drive/Main Street junction has therefore been fully considered throughout the process.

TTC have provided comments on the visibility at the proposed mini roundabout junction, along with comments relating to entry lane widths. In terms of the visibility, TTC refer to the visibility splay passing over third party land; however it is unclear which drawing they are referring to as no drawing number has been provided. The applicant has however provided drawing number 1158-01 Rev M, which shows visibility splays passing within either highway land or land under control of the applicant, and clear of third party land. The Highway Authority is satisfied that these splays can be secured. It is also important to note that the mini roundabout still has to go through the detailed design process as part of a S278 Off Site Highway Works Agreement, where any outstanding details can be addressed.

Stratford Road (A422)/College Farm Road Junction

This junction has been the subject of extensive review as part of this application. As part of this review a number of mitigation schemes were considered. TTC have questioned the reliability of the modelling produced by the applicant, which is something that the Council does not necessarily disagree with, as set out in the consultation responses submitted during the consultation process. However, those consultation responses also detail how the Council considered matters at this junction can be addressed.

From the consultation letter dated 30th November 2018 the updated junction models provided by the applicant showed that in the future year base line scenario the junction was subject to operational issues. However, once calibrated correctly the junction model showed RFC values of 9999, which suggests that the PICADY programme is not able to accurately reflect how the junction would perform. The queue of vehicles along College Farm Road was shown to reach 125 vehicles in the AM peak, while it is considered that in reality a queue would not reach this level given the relatively low levels of traffic that use College Farm Road. The results from the two development traffic scenarios (applicant's distribution and distribution recommended by the Council) show queues increasing to 151 vehicles and 174 vehicles. Again, this level of queueing is not considered realistic given the low traffic volumes and is instead considered to be a function of the junction model being over capacity.

While the TTC report very much focuses on the modelling produced by the applicant and what the impacts of the mitigation proposed by the applicant may or may not achieve, the Council's view is to consider whether improvements to the junction to increase its capacity would actually be the best option as they are likely to increase the attractiveness of using College Farm Road. It is also considered that any meaningful increases in junction capacity to accommodate additional demand on College Farm Road would also have a negative impact on the A422, all to accommodate a relatively small increase in traffic demand.

The Highway Authority's consultation response dated 30th November 2018 details a mitigation package that looks at improvements on the A422 in the vicinity of the junction with College Farm Road to improve safety at the junction and also looks at traffic calming works to the north western end of College Farm Road at its junction with Church Street to make College Farm Road a less attractive route.

A Monitor and Manage Strategy is also to be agreed that monitors the impact of the development over a period of time and provides the Council with the ability to secure works to mitigate the development impact if required. A mitigation scheme has been agreed in principle for improvement works to the College Farm Road junction which has been shown to mitigate the impact of the development if required. At the previous Committee Meeting it was a request from Members that the Monitor and Manage Strategy also monitored the development impact through Foscoote, and this will also therefore be built into the Strategy, with the aim being to provide mitigation measures to deter development traffic from using the route through Foscoote to access the A422 should they be deemed necessary. It is noted that TTC suggest that the route along Foscoote Road to access the A422 to the north of the site was not considered within the assessment. This is not the case and the route was considered, however it was not considered that development traffic would have a material impact on this route as there are other, more convenient and attractive routes available.

The TTC report states that they have reviewed the operational effect of the proposed mitigation at the College Farm Road junction with the A422 and have concluded that it offers little benefit in terms of capacity and would not satisfactorily mitigate the impacts of development. However, no detail has been provided as to how TTC have reached this

conclusion and no assessment has been provided to demonstrate this to be the case. The Council considers that its position detailed in the Consultation Response of the 30th November 2018 is appropriate.

TTC have rightly stated that if the traffic calming has the desired effect of deterring traffic from using College Farm Road, meaning that the mitigation to the junction with the A422 was not required, then the funds that would have gone towards the mitigation measures will instead go towards the Buckingham Transport Strategy. TTC consider that these funds are not expected to be substantial given the scale of improvements proposed and that the benefits in comparison to the impact are likely to be minor. It must be pointed out that no evidence has been submitted to substantiate this view. TTC have also failed to acknowledge that this funding would be in addition to the main contribution towards the Buckingham Transport Strategy that is also being secured. TTC also state that the Buckingham Transport Strategy is focussed on reducing traffic within the town centre to address congestion issues, which contradicts the approach being taken in regard to this application, which they say will see an increase in traffic through the town centre as a result of the traffic calming on College Farm Road. TTC has failed to consider the bigger picture in this regard. It is correct that the Buckingham Transport Strategy does seek to remove traffic from the town centre and this is focused on removing those trips that do not need to be there such as traffic with an origin and destination through or around Buckingham. Removing through or around Buckingham trips would improve town centre conditions and allow the impact from local trips such as those from Local Plan development sites including this site to be offset. The Council remains of the view that the proposed measures to monitor and if necessary, manage the impact of the development on the College Farm Road junction with the A422 and on Foscoote Road to the north of the site, remains the most appropriate means of ensuring that the development has an acceptable impact on the surrounding highway network.

Foscoote Road Footway and Carriageway Improvements

The proposed footway and carriageway improvements were subject to significant review as part of the application process, with the Council's consultation response dated 5th October 2017 stating that this element of the proposal was acceptable. In order to allow the Highway Authority to reach this conclusion a number of site visits were carried out by Officers and the applicant carried out two topographical surveys to demonstrate that proposed improvements could be provided within the highway, as well as providing detailed vehicle tracking and addressing issues that were raised in a Stage 1 Road Safety Audit. Together this information allowed the Highway Authority to conclude that the proposed improvements would allow for an acceptable footway connection along Foscoote Road while also maintaining an appropriate carriageway width.

The TTC report suggests that the swept path analysis that has been provided shows vehicles having to pass within centimetres of the footway kerb line to carry out turns and states that it is highly likely that the vehicle body will conflict with neighbouring walls. As stated above, the submitted vehicle tracking was subject to significant review by the Highway Authority, and the fact remains that it is shown to work. The footway

and carriageway works will be subject to detailed design as part of the required S278 Off Site Highway Works Agreement, where the design can be progressed and refined as appropriate.

The TTC report also stated that no consideration has been afforded to the actual deliverability of the footway given its proximity to the neighbouring properties and the level differences between the bottom and top of the existing embankment. The Highway Authority considers that the information submitted, in the form of plans based on two topographical surveys shows that, in principle, the footway and carriageway improvements can be accommodated. The applicant will be aware of the potential challenges in delivering the improvements due to existing level changes and space available but is confident that the improvements can be delivered. As stated above, these improvements will be subject to detailed design as part of the S278 Agreement, and it is at this stage that the detail of exactly how the works will be accommodated will be agreed. The Council therefore remains of the view that the proposed footway and carriageway improvements are acceptable in principle.

Moreton Road junction with the High Street (old Gaol)

The Council's consultation response dated 30th November 2018 refers to concerns raised through Cllr Whyte in relation to the level of development traffic that is likely to use Moreton Road leading directly to the Old Gaol junction. Therefore a package of mitigation measures has been agreed at this junction and for confirmation these include the following:

1. Lane markings along Moreton Road at the approach to the existing mini roundabout at the 'Old Gaol' junction to identify two separate approach lanes. All lines and signs are to be in accordance with the Department for Transport's current 'Traffic Signs Regulations and General Directions'.
2. A pedestrian refuge on Moreton Road within the vicinity of the roundabout, to provide safe crossing facilities to town centre services.
3. Keep Clear markings across the junction of the public car park on Stratford Road, to assist the bus exiting the High Street and facilitate movements on the network.

The TTC report has considered these improvements and states that no evidence has been submitted to support the assertion that the proposed measures will mitigate the development impact. It is however important to remember that the impact of the development on Buckingham town centre, in terms of traffic, is to be dealt with via the contribution that is to be secured towards the Buckingham Transport Strategy and the proposed measures listed above are to be in addition to this contribution. The proposed improvements will not only offer improvement to the capacity at the junction but will aid the safe and convenient passage of pedestrians across the junction and assist in the movement of busses on the network. The Highway Authority considers that this package of measures will adequately mitigate the impact of the development at this junction.

Crossing on the A422 Stratford Road

The report by TTC refers to the proposed crossing on the A422 at the junction with Lower Wharf to the east of the football club and states that it is difficult to see how this crossing would benefit the site.

The Highway Authority's consultation response dated 30th November 2018 makes it clear that cycleway improvements, which were at that point underway, will link the Buckingham School to the A422 at the junction with Lower Wharf to the east of the football club. It is recognised that this is a school that children from the development will attend and at present they would have no safe and convenient means of crossing the A422 to access the cycleway improvements leading to the school. It is therefore appropriate that the development provides a safe and convenient crossing point on the A422 in the vicinity of these cycleway improvements in order to encourage cycling, which is consistent with the aims of the NPPF. This improvement can only be of benefit to the site and will increase the safety and attractiveness of a cycle route from the site to the school. It is surprising that TTC suggest that they cannot see the benefits of such a link.

Response to Foscote Parish Meeting

Foscote Parish Meeting (FPM) have objected to the planning application for two highway related reasons. The first reason is as follows:

Foscote Parish Meeting OBJECTS on the grounds that the proposed development does not protect rural roads from excessive traffic, and the proposed mitigation measures only serve to exacerbate this issue, so planning permission, if granted, breaches Policy RA.36 AVDLP and Policy T5 VALP.

FPM is concerned that the proposed mitigation measures to deter the use of College Farm Road to access the A422 will effectively push traffic from the development site via the alternative routes of Buckingham Town Centre or along Foscote Road/Foscote Lane. FPM is also concerned that the size and location of this development will generate unacceptable traffic along what they consider to be unsuitable roads and there is not sufficient capacity in the adjoining rural network serving the area to accommodate the anticipated increase in vehicular travel.

The matters raised above have been previously dealt with in the consultation responses submitted in relation to this application. However, in direct response the points raised above it can be confirmed that all routes to and from the site have been considered in terms of the likely impact resulting from the development traffic. Suitable mitigation measures are being secured to mitigate the development traffic through Buckingham Town Centre, suitable calming measures are proposed to reduce impacts on sensitive junctions on primary routes and the impact on the more rural routes to the north of the site will be monitored as part of the Monitor and Manage Strategy, which will also allow appropriate mitigation to be secured if necessary. It is also important to note that all junctions on the local highway network that have been deemed to have a material impact as a result of the development have been the subject of detailed assessment and are shown to be adequate in order to accommodate the additional development traffic. The second highway related FPM objection is as follows:

Foscote Parish Meeting OBJECTS on the grounds that the draft S106 Agreement does not deliver a 'monitor and manage strategy' of the impact of traffic using Foscote Road and Foscote Lane, in accordance with the SDMC Resolution.

FPM is specifically concerned that the draft S106 Agreement refers to a Monitor and Review Strategy rather than a Monitor and Manage Strategy. FPM also states that the

Strategy must refer to specific roads, including Foscombe Road and Foscombe Lane and they have also suggested measures that should be included in the Strategy.

It can be confirmed that the original draft that was published on the Planning Portal was not complete in terms of the wording of the Monitor and Manage Strategy, nor did it reference the need for this Strategy to cover Foscombe Lane and Foscombe Road. The final S106 Agreement will refer to a Monitor and Manage Strategy and will include reference to it covering the development impact along Foscombe Road and Foscombe Lane in addition to College Farm Road. In terms of the detail of the Strategy, this will be agreed with the applicant at an appropriate stage, however the point raised by FPM in their representations will be taken into account.

Conclusion

Mindful of the above, when taking into account the information contained within TTC's report, on behalf of the Maids Moreton and Foscombe Action Group, the Highway Authority's position, as set out in the consultation response dated 30th November 2018, has not changed and the application remains acceptable in highway terms subject to the S106 Obligations and Conditions set out in that response.

The latest representations from Foscombe Parish Meeting and Maids Moreton Parish Council have also been taken into account with regards to the traffic impact on the rural roads in the vicinity of the site and it is considered that these have been subject to appropriate assessment as part of this application. Speeding vehicles would be an enforcement issue for the Police. The points raised in relation to the S106 Agreement and the Monitor and Manage Strategy will also be taken into account when finalising the Agreement.

- A3.2 **Parks and Recreation** – A development of this size requires outdoor playing space (OPS) and equipped play facilities to be provided on site. The AVDC audit shows there is a lack of a suitably sized central public open space as well as no neighbourhood equipped area for play (NEAP) in Maids Moreton and there is a requirement to provide such facilities in addition to a locally equipped area for play (LEAP) on site to make this application acceptable in recreation terms.
- A3.3 **Education** – With regards to primary school provision, the proposed development site falls in the Maids Moreton CE school catchment area. Primary schools in the planning area currently have a surplus of 11%, just above the DfE recommended surplus level of 5-10% required to allow for year on year volatility in pupil demand. However, BCC projects that demand, including estimated pupil growth from over 700 homes with outstanding housing permission, will rise to take up any existing surplus capacity. Therefore, BCC will require the application scheme to make a contribution towards the expansion of primary school facilities at Buckingham Primary School/Maids Moreton School to accommodate future housing. Rolls have been rising steadily at secondary schools in the Buckingham and Winslow area which serve the development – with all schools currently full in the lower year groups. Pupil growth from current outstanding housing permission is projected to put significant increased pressure on secondary schools – with a deficit of places projected. BCC's current plan to meet the projected rising demand is to expand capacity at Buckingham Secondary School and a financial contribution towards this would

be required.

A3.4 **Environmental Health** – No objections.

A3.5 **Biodiversity** – The applicant has submitted further details that set out how this development will generate net ecological gains post development as required under the NPPF.

Local Statutory and Non statutory sites: Insufficient evidence to state the development will detrimentally impact the conservation features of the Wellmore Meadow Biological Notification Site and Foscoote Meadow BNS which is separated from these BNS by a main road and there is fencing around the majority of the BNS. The proposed development includes extensive areas of accessible green space for residents to utilise. Likely to be an increased use of the public right of way through Foscoote Meadow and Pit BNS but other rights of way surrounding the site offer options for extended walks within the area.

Great Crested Newts: There are no waterbodies present within the proposed development site and no ponds were identified within 500m of the northern boundary of the site. Four ponds were identified within 500m of the southern boundary of the site, one of these is within 250m and had historic GCN records, but is now separated by a residential development. The habitat of the proposed development site is considered to be sub optimum for terrestrial habitats for this species as the built element of the proposal is on the arable part of existing land use. The majority of the remaining habitat features present on site (grass perimeter to the arable field, hedgerow, scrub and mature trees) are being enhanced within the green spaces provision for the proposal. It is considered likely that the provision provided within these greenspaces proposed at the development would satisfy any licence requirements and the applicant has the option to enter into a district licence scheme if considered appropriate.

Invertebrates: The proposed development retains almost all of the habitats considered to be significant for invertebrate species namely the field perimeter, woodland hedgerows, scrub and trees. Retained existing features will be buffered with new areas of native grassland, trees and shrubs and the required SUDS area will provide further opportunities for this group of animals.

Nesting Birds: The retention of the hedge, scrub and tree species present on site and the uplift of these features with the inclusion of grass buffer strips and enhanced scrub, hedge and tree planting will provide continued opportunities for the bird species identified on site. There may be an impact due to the loss of the arable fields in respect of foraging but the species identified do not rely entirely on this habitat and adjacent fields are being retained. It is considered this impact is not significant to provide additional enhancements over those proposed. Its likely there will be an uplift in urban edge bird species as a result of the enhancements proposed.

Bats: Retention of the hedge, scrub and tree features on site as part of the development and the enhancements required mean the impact on bats is considered not to be significant. Lighting impacts to these areas have been addressed ensuring dark corridors are retained in the areas where green space provision is being established. The site is not considered to offer any bat roosting potential within the existing structures and the two trees proposed to be felled with low bat roost potential will be soft felled.

Ecological Enhancement Plan: This plan has not been established in its entirety and can be secured with a planning condition requiring the applicant to provide the document on determination of the actual site layout plan. This document will need to detail the ecological features identified in both the ecology assessment and the features detailed in the Biodiversity Net Gain Calculation. The plan will require long term management proposals to be set out in detail which will secure the features in perpetuity in line with local and national planning policy.

Biodiversity Net Gain Calculation: Habitat Units (spatial features). The updated metrics submitted in November 2020 by FPCR show a unit gain of 2.40 habitat units which equates to an 11.51% net gain. This net gain is in accordance to the requirement of Para 175 of the NPPF (Feb, 2019). This gain meets the requirement of the Environment Bill and the Vale of Aylesbury Local Plan both of which are not currently mandated. Management of the proposed enhancements will require a long term management plan which will be conditioned in any planning approval as stated in the Ecological Enhancement Plan comment above. The temporal multiplier for the various habitats types are set values with the metric and these value have been set to avoid such academic debates when planning permission are being determined. These values (or temporal multipliers) were set by Natural England's Senior Advisors for the various habitat types, therefore these values should be given significant weight. The DEFRA metric 2.0 takes into account the losses and gains over each year accumulating these. The updated metric provided by FPCR in November 2020 addresses the concerns raised over this matter.

Linear features – Hedgerows The DEFRA metric does not take into account whether a hedgerow is 'important' under the Hedgerow Regulations or whether it is a Schedule 41 habitat (not protected). The metric is a tool which quantifies the net gain or net loss of a scheme when assessed against a variety of ecological criteria. The calculated net loss of hedgerows within the development can be mitigated for through native hedgerow planting elsewhere within the site, with details to be provided at the detailed stage and secured within the Ecological Enhancement Plan condition. There has been an updated review on the status of hedgerows present on site. Hedgerow H1, H3 and H4 are now considered to be in a good condition. The small losses to these hedgerows as a result of the proposed development are now included within the revised hedgerow metric calculation. These revisions show a slightly higher net loss of -0.96 hedgerow units. However, it is important to note that further mitigation for hedgerow loss can be provided at the detail designed stage through the provision of more hedgerow or native species planting in the Green Infrastructure package this scheme provides, which will be secured through a planning condition through the Ecological Enhancement Plan. The updated FPCR metric dated November 2020 is therefore considered to demonstrate the proposed development can achieve a net gain in both habitat and hedgerow units. Consequently, the scheme is in accordance to current national and local guidance covering ecological and nature conservation.

Further comments - It is standard practice to liaise with the consultant ecologists over matters concerning the proposed development and the need to reassess the ecology reports submitted. The consultant ecologist has taken on board the issues raised and redressed the report. Many of the points raised in the action groups concerns have been taken on board. The hedgerow reassessment takes in the hedgerows not accounted for in the first instance and will require an uplift in hedgerow retention and enhancement in the revised enhancement plan. The Biodiversity Net Gain calculation has been reassessed using the DEFRA metric which is now the standard metric tool. The revised metric takes in the updated information and will required a greater uplift in gains on site. GCN will be dealt with under the district licence. These species were assessed in the original ecology assessment and restricted to the periphery of the site outside of the arable fields that will contain the proposed housing and not considered to be impacted due to the retention of those features. Further enhancements to these areas have been identified directly adjacent to the existing features and will need to be established in the enhancement plan. The ecological enhancement plan will be critical to ensure the concerns raised are appropriately addressed.

- A3.6 **SuDS** – No objections, subject to conditions to secure a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. Pleased to note that the proposed drainage strategy introduces a variety different SuDS components including soakaways, swales, wetlands and infiltration basins which will provide additional water quality, biodiversity and ecological benefits.
- A3.7 **CPDA** – Raises queries regarding the location of the LEAP tucked away to the north-west corner, with lack of surveillance. Some concerns about the amount of exposed boundaries which are more vulnerable to crime, need clear boundaries, defined boundaries and routes, active surveillance, defensible space. Would request that the applicant achieves Secured by Design, including for doors, windows and glazing.
- A3.8 **Archaeology** – An archaeological evaluation has been undertaken at this site and has included a geophysical survey and trial trenching. The results of this showed that archaeological remains encountered across the site correspond closely to the interpretation of the geophysical survey. This suggests that the geophysical survey results are a fairly reliable indicator of the extent of remains at the site although some features, particularly those that were either small or shallow, were not always apparent on the survey. Excavation has also indicated that although remains survive across much of the site, they have in places been heavily truncated, probably by ploughing. Nonetheless, some substantial linear features surviving to almost 1m deep were recorded. The site can be shown to have a high archaeological potential for evidence of Roman settlement and

agricultural activity across all three fields, as well as prominent evidence of later medieval agricultural ridge and furrow cultivation. There is also the potential for evidence of prehistoric activity in the eastern field. As such a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with the NPPF to ensure there is no harm.

A3.9 Tree Officer – The submitted Arboricultural Impact Assessment report is considered to be a true reflection of the trees existing on the site, indicative of their quality and value in accordance with the BS5837 criteria. Key constraints on the site appear to have been identified, therefore in principle the development appears to be fully achievable. However, there is some conflict on the plans where there is overlapping of the root protection areas with drainage channels/attenuations pool, roadways for example which will need to be addressed. No objections subject to conditions to secure tree protection and a landscape scheme.

A3.10 Housing – In order to be policy compliant schemes of 25 units or over (or 1ha or more) are currently required to have a minimum of 30% affordable housing unless a Neighbourhood Plan indicates a greater percentage. If, for example, the scheme achieves 170 dwellings we would expect to see at least 51 affordable units.

Affordable units should be reflective of the overall housing mix whilst also taking in to account the local needs of the district. There is currently a greater need for 2 bed 4 person and 3 bed 5 and 6 person houses, slightly less for 1 bed 2 person and 4 bed 7 to 8 person houses. We would ask for a tenure mix of 75% rented and 25% shared ownership. We find that 2 and then 3 bed houses are preferred for shared ownership.

The latest Bucks Housing & Economic Development Needs Assessment shows a need for more affordable units to be accessible and adaptable, recommending that they meet Category 2 (accessible and adaptable) of Approved document M of the Building Regulations 2010 with a proportion of those for rent (15%) meet category 3 (wheelchair user) of the same document. We would therefore ask that this need be reflected where possible and that unit sizes be broadly in line with the Nationally Described Space Standards. In terms of overall design details, build quality and materials the affordable units should be indistinguishable from market housing.

Affordable housing should be well distributed throughout the whole site. I would suggest clusters of no more than 10 affordable units would be appropriate here. Consideration should also be given to the types of property the site will abut as placing new affordable housing adjacent to that on another site or phase could also be considered clustering. In any event such clusters must not exceed 15 houses or 18 if including flats. A road or garden boundary does not separate clusters.

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

A3.11 Rights of Way – The existing use of the public footpath (MMT/2/1) is likely to be recreational providing a circular walk or longer though fields. The application proposes a

3m wide surface and lit walking and cycling route along 163m of footpath MMT/2/1 towards Main Street. Such an improvement would provide a sustainable transport link from the development to the village centre and local bus stops and should tie in with the footpaths in the development if the bitumen surface is extended at the same width. Noting this is an outline scheme, the remainder of the footpath passes through a wide green corridor that is relatively well overlooked and avoids exposed backs immediately adjacent to neighbouring properties. In addition improvements should be made to facilitate pushchair and disabled access at the detailed stage. No objections and recommend a condition to secure re-surfacing of the footpath and its widening.

- A3.12 **Heritage** – The site is visually separated from the Maids Moreton Conservation Area and the Listed Buildings within it by a belt of more recent development to the immediate north of the designated assets. Aside from glimpsed views from the junction of Walnut Drive and Main Street it is unlikely that the proposed development will be visible from the Conservation Area and given the presence of modern housing already on this edge of the village there will be no impact on views into the conservation area from the north. However this development proposal necessitates highway works in the form of a mini roundabout which will have an impact on the setting of 3 listed buildings and Maids Moreton Conservation Area. Whilst this will have a negative effect on the setting of these heritage assets this is an established highway and modern housing already exists on this edge of the village. These highway works will have a minor negative effect on the significance of the heritage assets although this is at a lowest level of harm and would be less than substantial harm in terms of the National Planning Policy Framework. As such there are no objections to this development proposal.

Further comments: The heritage assets are located near to an existing highway and modern housing already exists on the edge on the village. It is presumed that the construction of the modern housing has not caused harm to the condition of these heritage assets and that this development was built without the need for restrictions to construction traffic in order to protect the heritage assets? If this is the case, it is considered that it would be difficult to justify any measures to safeguard these heritage assets from the possible effects of construction traffic. Confirmed the importance of the heritage assets would be preserved given the current context.

- A3.13 **Recycling and Waste** – The developer should seek reference from the Council’s recycling and waste advisory note.

- A3.14 **Bucks, Berks, Oxon Wildlife Trust** – Object as would result in increased recreation pressure and antisocial behaviour on Foxcote Reservoir Nature reserve and SSSI. A fence should be installed along the southern reserve boundary where informal access would most likely occur and for new signage at entrance to explain why dogs are not allowed and the importance of the site for wildlife. Would also welcome each new household being provided with gift membership of BBWOT so they better benefit from living near the reserve.

A3.15 Natural England: - Foscoote Reservoir and Wood Site of Special Scientific Interest - Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection. Advise the inclusion of elements of Green Infrastructure (GI) within all new developments. Elements of GI such as open green space, wild green space, allotments, and green walls and roofs can all be used to create connected habitat suitable for species adaptation to climate change. Welcome the inclusion within the designs for an 'ecological area', new woodlands as a buffer on the north east boundary of the proposed development, and new wetlands within the site area and advise that any trees and shrubs planted are native and characteristic of the area. The proposals should include trees such as hornbeam, whitebeam, beech, field maple and wayfaring trees. This will go some way towards ensuring the development results in an overall biodiversity net gain. The proposed development is removing an area of approximately 8 hectares of Best and Most Valuable (BMV) Land. Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and its use in the design and construction of development is recommended.

Further comments: No objection subject to appropriate mitigation being secured. Without appropriate mitigation the application would damage or destroy the interesting features for which Foxcote Reservoir and Wood Site of Special Scientific Interest has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

. The construction of a development so close to the SSSI boundary could cause pollution, dust, disturbance and other impacts upon the site. The following measures must be assured for future developments to ensure the impact is minimised:

- o Implementation of the Ecological Enhancement Plan prepared by Scarborough Nixon Associates Ltd (March 2016) which sets out measures to protect species during the construction and operational phase. It should be updated to include mitigation measures that will minimise disturbance to overwintering birds at Foxcote Reservoir & Wood SSSI.

Recommend that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Further advice on mitigation:

. The Ecological Enhancement Plan should be updated to detail how certain activities will be limited in time, location or noise level to minimise the risk of disturbance to overwintering birds.

. BBOWT has raised concerns about the development increasing recreational pressures at Foxcote Reservoir & Wood SSSI. Although Natural England are not formally objecting, the comments raised by BBOWT are supported and weight should be attributed to their comments.

Best and most versatile agricultural land and soils: Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). If the Authority

consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, the matter further can be discussed further. Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and its use is recommended in the design and construction of development, including any planning conditions. Should the development proceed, the developer is advised to use an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

A3.16 Anglian Water:- Assets Affected - There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Wastewater Treatment - The foul drainage from this development is in the catchment of Buckingham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

- Used Water Network – The development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted and will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A condition requiring phasing plan and/or on-site drainage strategy is recommended along with informatives.

- Surface water disposal - From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, no comments on the suitability of the surface water management are provided and the Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

A3.17 Contaminated Land Officer: Also given the nature of the development it is not considered that it would adversely affect air quality. With regard to contaminated land, the existing land use of the site is for agricultural purposes. The report submitted with the application states that the site has remained relatively undeveloped until the time of the investigation with the exception of a farm located within the eastern field of the site. However, several potential sources of contamination have been identified as being present including the potential for made ground, pesticides, elevated metals within natural soils and ground

gases from organic materials present within localised made ground. Therefore the Phase 1 investigation concludes that the site requires an intrusive investigation and assessment to inform the design of the proposed residential development. Based on this conclusion a ground investigation was completed. The ground investigation identified that elevated levels of arsenic were present across the entire site. The report states that there is no evidence of man-made sources of arsenic at the site. However, the geology present is known to have naturally high levels of arsenic as identified within the Advanced Geochemical Atlas of England and Wales. The report goes on to say that this exceedance is not considered a significant risk to human health and is in line with the current Contaminated Land Statutory Guidance, which accepts that there may be natural background levels of substances as a result of the geology. However, the Council's Contaminated Land Officer agrees with the recommendation that further assessment is undertaken using bioaccessibility testing to determine the likely risk present to human health from the elevated levels of arsenic present at the site and that based on the results of the bioaccessibility testing, remedial works may be required. Conditions can be imposed to address this. No other elevated contaminants were identified as being present at the site.

Site and Layout Plans

Appendix 1 red line boundary

Appendix 2 illustrative landscape masterplan

Appendix 3 mini roundabout plan

Appendix 4 College Road/ Church Street

Appendix 5 College Road plan

Appendix 6 A422 road improvements