



Report to Buckinghamshire Council – Central Area Planning Committee

Application Number:	20/03343/AOP
Proposal:	Outline planning permission for demolition of the former football club and redevelopment of the site for residential use (up to 42 dwellings) including land re-profiling and new public open space, with access to be considered at this stage. and appearance, landscaping, layout, and scale forming reserved matters.
Site location:	The Stadium, Buckingham Road, Aylesbury, Buckinghamshire,
Applicant:	GPS Estates Ltd.
Case Officer:	Mrs Nina Hewitt-Jones
Ward affected:	AYLESBURY NORTH
Parish-Town Council:	AYLESBURY
Valid date:	1 October 2020
Determination date:	8 th January 2024
Recommendation:	The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report, subject to the receipt of no new material representations, and the conditions as proposed and any other considered appropriate by Officers, or if these are not achieved for the application to be refused.

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application is being reported to Committee as it has been called-in by Cllr Ashley Bond and Cllr Mrs Susan Morgan and the Watermead Parish Council. Following discussion with the Chair and Vice Chair of the Central Committee, given the level of interest from neighbouring residents and in the interests of transparency, it is considered that the application be referred to the relevant committee in line with the provisions in the Constitution.
- 1.2 Key considerations include principal of development, loss of the sports pitch, housing supply, affordable housing provision, economic issues, highways safety and impact on the network, Climate change and flooding, amenity of future and existing residents, conformity with the development plan as a whole, and the NPPF.

- 1.3 The use of this site for residential purposes is considered acceptable in principle. The proposed development will positively contribute to the Council's need for new homes, which is a significant benefit of the scheme; although given the minor-major scale of the proposal with up to 42 dwellings proposed this significant benefit is tempered to a considerable positive weight in the overall planning balance. The proposed dwellings would make a positive contribution towards the Council's efforts to return to a positive 5-year housing land supply position (5yr HLS), and the scale of the scheme would attract smaller-scale building companies and potentially have a quicker build out timeframe than the larger strategic developments within the area. There appears no reason to doubt that a reserved matters application could not be agreed, and the dwellings constructed within the next 5 years thus boosting the Aylesbury Vale Area HLS.
- 1.4 The proposal would bring forward affordable housing provision at 30%, which is a higher percentage than the minimum of 25% required under VALP policy H1; this over provision would create a mixed and balanced community and is a significant benefit of the scheme which is attributed significant positive weight in the overall planning balance. In light of the over provision, a tenure mix of 70:30 (affordable rent : intermediate) is considered acceptable.
- 1.5 There would be moderate positive economic benefits in terms of the creation of jobs associated with the construction phase of development, and the future residents of the development who would also increase expenditure in the local economy, which is a significant benefit of the scheme. It is considered that these economic benefits would offset any potential very limited economic harm resulting from the theoretical loss of a small amount of potential employment floorspace as a consequence of the disused football club being demolished.
- 1.6 Extensive negotiations have enabled the scheme to be amended such that the Environment Agency and the Lead Local Flood Authority are now satisfied that flood risk to nearby land and property would not increase as a result of new development and the proposal is acceptable in this regard. Conditions and completion of a S106 Agreement will be required to secure future maintenance and management of mitigation; this issue is policy compliant and thus afforded neutral weight in the overall planning balance.
- 1.7 Proposed site access arrangements are acceptable. An acceptable layout and adequate level of parking is capable of being provided on site at Reserved Matters stage to meet future demand from this quantum of residential development. The proposal promotes sustainable transport relating to cycling and walking initiatives by safeguarding the future implementation of the Gardenway pedestrian / cycle route through part of the site. The Highway Authority is satisfied that the development will achieve safe and suitable access and will not result in a severe individual or cumulative network impact; this factor is policy compliant and thus afforded neutral weight in the overall planning balance.
- 1.8 The development is capable of meeting open space requirements, drainage, ecological enhancements, meeting the challenge of climate change and delivering a net increase in biodiversity. Benefits will be realised in the form of biodiversity and ecological enhancements and the construction of energy efficient buildings that will help to reduce

carbon emissions. These factors are policy compliant and thus afforded neutral weight in the overall planning balance.

- 1.9 The proposal makes use of previously developed land. A detailed residential scheme is capable of being designed at Reserved Matters stage that will be of high-quality design, including a well-considered landscaping strategy, securing landscaping enhancements. The proposed development is also capable of having an acceptable impact on the residential amenities of existing as well as prospective residents. These factors are policy compliant and thus afforded neutral weight in the overall planning balance.
- 1.10 The effects of development in relation to noise are considered acceptable, subject to planning conditions, and this factor is attributed neutral weight in the planning balance.
- 1.11 There would be a loss of a limited number of existing trees, however this harm would be offset by the proposals to plant new trees across the site. This factor is attributed neutral weight in the overall planning balance.
- 1.12 The proposal would result in the loss of the former football ground, to which harm is attributed, however the level of such harm is tempered to very limited in the overall planning balance due to the length of time that the football ground has been unused (approximately 17 years) and that other sports pitches are to be provided within the Kingsbrook and Hampden Fields major developments as part of strategic development in the area. While much has been made of how the football club was evicted from the land rather than voluntarily leaving, this is not a matter that can be given any weight in this application.
- 1.13 The obligations set out in the report below are necessary to help mitigate the impacts of development on existing infrastructure and to make the development acceptable and weigh in favour of the proposal. This factor is attributed neutral weight in the overall planning balance.
- 1.14 Given the Council's current lack of a robust 5yr HLS, VALP policy D3 can be attributed no weight at this time. However, other policies within the VALP are to be given full weight, e.g., VALP policy S7 supports the effective and efficient use of previously developed land, supports the supply of new housing and has a presumption in favour of sustainable development. It sets out the need to support economic growth, taking into account both local business needs and wider opportunities for development. The NPPF places provision of new homes at the heart of sustainable development, recognising that a range of homes to meet the needs of present and future generations is key to meeting the overarching social objective. Delivering a sufficient supply of new homes is a key objective of the NPPF, and affordable homes should be sought on all major developments. This proposal is able to meet the sustainable development objectives set out in the NPPF.
- 1.15 As set out within the main body of the report, paragraph 11(d) of the NPPF applies and the tilted balance is engaged. It is considered the proposed development would comply with the Development Plan as a whole, and the NPPF guidance. For the avoidance of doubt, this application would be supported by officers even if the Council could demonstrate a 5-year land supply and the tilted balance was not engaged.
- 1.16 With regard to the overall planning balance, the considerable positive weight of the supply of housing, the additional significant positive weight of 30% affordable housing provision,

and the moderate positive weight of the proposed economic benefits, would significantly and demonstrably outweigh the very limited negative impact of the loss of a sports pitch which has not been available for use having been closed for approximately 17 years.

- 1.17 The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for **APPROVAL** subject to the satisfactory completion of a S106 agreement to secure the matters set out in paragraph 5.147 below, subject to the receipt of no new material representations, and the conditions as proposed (paragraph 8.2 below) and any other considered appropriate by Officers, or if these are not achieved for the application to be refused by officers.

2.0 Description of Proposed Development

- 2.1 The site lies on the northern edge of the built-up part of Aylesbury, with the existing residential properties of Ollife Way and Close to the immediate south and east of the site. To the west of the site is the A413 Buckingham Road. The River Thames forms the site's northern boundary, beyond which is the Holiday Inn Garden Court Hotel and associated Leisure Centre. Further afield are the communities of Watermead to the north east and Buckingham Park to the north west.
- 2.2 The majority of the site lies within flood zone 2, with a small amount of flood zone 3a where the site bounds the River Thames.
- 2.3 The site is currently occupied by a former football ground, club house and associated buildings. The site has been unused since 2006, following the eviction / relocation of Aylesbury Town football club.
- 2.4 Vehicular access to the site is taken from Oliffe Way, close to the roundabout junction with Buckingham Road.
- 2.5 A historic public footpath runs from Buckingham Road, through Oliffe Close and into the open space areas adjacent to Oliffe Close, connecting onto footpaths around the lake at Watermead.
- 2.6 On the opposite side of Buckingham Road, a leisure route runs adjacent to the River Thames, connecting onto existing pedestrian routes within nearby residential streets and public footpaths within the area.

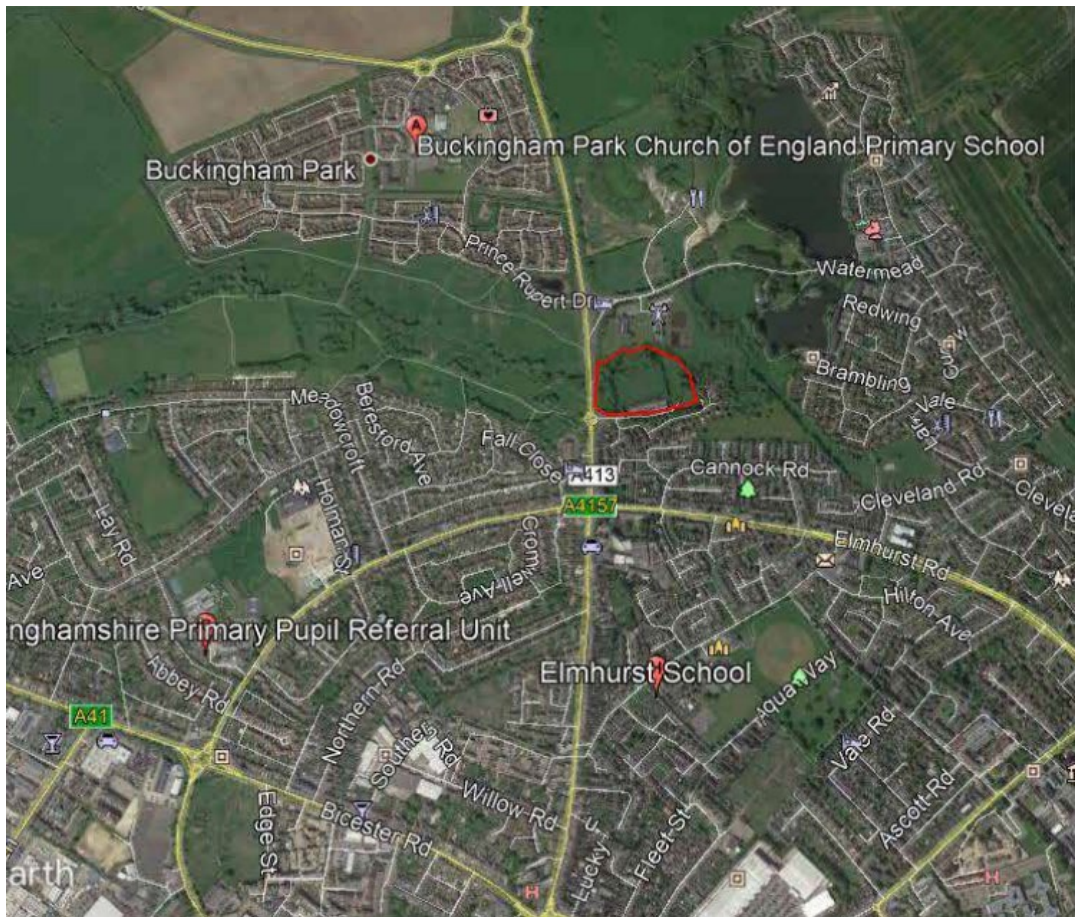


Figure 1: Site location edged red

- 2.7 The proposal seeks outline planning permission for residential development of up to 42 dwellings of a mixed type but incorporating two-to-four-bedroom houses and apartments. In line with the current HEDNA, 30% of the total number (indicatively, 13 out of 42) will be affordable.
- 2.8 The application is accompanied by:
- Planning Statement
 - Design and Access Statement, incorporating Waste and Recycling Strategy
 - Arboricultural Impact Assessment
 - Flood Risk Assessment and Drainage Statement
 - Transport Statement
 - Archaeological Evaluation
 - Landscape and Visual Appraisal
 - Landscape and Visual Appraisal
 - Preliminary Ecological Appraisal and Preliminary Roost Assessment
 - Badger Camera Trap Assessment Report
 - BNG Metric
 - Sequential Test and Exception Test

- Affordable Housing Statement

2.9 During the course of the application the applicant submitted revised details in response to officer and consultee comments received to the initial proposals. The revised proposals and additional information have been subject to additional consultation and publicity and all are located on the Council's website.

3.0 Relevant Planning History

3.1 Relevant planning history for the site:

Reference: 82/00971/AV

Development: THE CHANGE OF USE OF LAND TO RECREATIONAL AND IN PARTICULAR FOR THE PLAYING OF SOCCER

Decision: Approved Decision Date: 8 July 1985

Reference: 82/00972/AV

Development: WORKS OF CONSTRUCTION INCIDENTAL TO THE USE OF LAND FOR SOCCER PURPOSES CONSTRUCTION OF CLUB HOUSE AND OFFICES COVERED STANDS AND TERRACING CHANGING ROOMS CLUB SHOP CAR PARKING 2 TURNSTILES AND MEANS OF ENCLOSURE

Decision: Approved Decision Date: 8 July 1985

Reference: 85/01931/AV

Development: ERECTION OF MAIN STAND CHANGING ROOMS LOUNGE AND HALL INCLUDING BARS

Decision: Approved Decision Date: 29 January 1986

Reference: 89/00642/APP

Development: SITING OF PORTAKABIN FOR CHIEF EXECUTIVE

Decision: Approved Decision Date: 14 August 1989

Reference: 90/00285/APP

Development: A NEW CAR PARK

Decision: Approved Decision Date: 27 March 1990

Reference: 91/01160/APP

Development: FORMATION OF TWO ALL WEATHER TRAINING PITCHES SITING OF PORTACABIN ERECTION OF TURNSTILES W.C. AND KIOSK AND ALTERATIONS OF CARPARK AND ACCESS

Decision: Approved Decision Date: 17 February 1994

Reference: 98/02595/APP

Development: Proposed extension to south football stand

Decision: Approved Decision Date: 18 February 1999

Reference: 06/00161/APP

Development: Replacement of existing stadium grass pitch with synthetic turf pitch, replacement of existing floodlights with 8 new columns and lights, installation of new floodlight comprising 7 columns and lights for 2 new mini all weather pitches and erection of 2 portacabins

Decision: Approved Decision Date: 28 April 2006

Reference: 09/00842/AOP

Development: Redevelopment of site to provide 83 residential dwellings and care home including new access, landscaping and parking

Decision: Withdrawn Decision Date: 26 October 2009

Reference: 17/04625/ADM

Development: Demolition of existing stands, buildings, structures and associated infrastructure at former football stadium

Decision: No Objection Decision Date: 3 January 2018

4.0 Representations

- 4.1 The application has been subject to the relevant consultation, notification and publicity.
- 4.2 Aylesbury Town Council and Watermead Parish Council have objected to the proposal. The detailed grounds for objection are set out in Appendix A.
- 4.3 At the time of writing 149 representations have been received, although it is noted that there are a great many instances where the same resident has submitted multiple comments and/or identical submissions have been made from multiple residents. Most submissions register a form of objection. 6 submissions supporting and 8 submitting neutral comments have also been made - refer to Appendix A for a summary of the issues raised.
- 4.3 In addition, an objection has been received from Councillor Mrs Susan Morgan. Councillor Ashley Bond does not register an opinion, but does raise concern over flood risk - refer to Appendix A for a summary of the issues raised.

5.0 Policy Considerations and Evaluation

- 5.1 In considering the application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The development plan for this area comprises of:

- Buckinghamshire Minerals and Waste Local Plan 2019 (BMWLP)
- Vale of Aylesbury Local Plan (15th September 2021)

5.3 There is no Neighbourhood Plan covering this area.

5.4 In addition, the following documents are relevant for the determination of the application:

- National Planning Policy Framework (NPPF) 2023
- National Planning Practice Guidance (NPPG)
- National Design Guide (NDG) 2021

5.5 Whilst accepting that the NPPF does not change the statutory status of the Development Plan, it is a material consideration and significant weight is given to this in determining applications.

5.6 The following Supplementary Planning Guidance/Documents are relevant to the application:

- Sport and Leisure Facilities SPG (August 2004) and Companion Document: Ready Reckoner (Updated 2022)
- Assessment of Leisure and Cultural Facilities in Aylesbury Vale (2017)
- BC Planning Obligations for Education Provision Guidance (Revised November 2021)
- Aylesbury Vale Area Design SPD (June 2023)
- Aylesbury Vale Area Affordable housing SPD (draft)
- Aylesbury Garden Town Masterplan (2020)

5.7 The latest 5 Year Housing Land Supply Position Statement for the Aylesbury Vale area was published in September 2023 and shows that the Council can only demonstrate 4.5 years' worth of deliverable housing supply against its local housing need in this area. As a consequence of this, paragraph 11(d) of the NPPF is engaged, VALP policy D3 carries no weight, and the tilted balance must be applied to residential proposals within the Aylesbury Vale area.

5.8 The following matters are key for consideration in the assessment of this proposal:

- The Council's 5 year Housing Land Supply in the Aylesbury Vale area;
- Loss of the former football ground and the principal of residential development at this site;
- The amount of affordable housing proposed;
- Whether the proposed (indicative) design, layout and open space would be of acceptable quality;
- Effects of the proposals on the character and appearance of the surrounding area;
- Quality of proposed accommodation for prospective residents, and impact upon nearby dwellings;

- The impact of the development on the local highway network, access arrangements and parking;
- Sustainable transport measures;
- The effect of the development on ecology and biodiversity;
- Landscaping, public open space and green infrastructure (including trees);
- Sustainability credentials and the strategy to meet the challenges of climate change and reduce carbon emissions;
- Consideration of technical matters, including flood risk, drainage, noise environment, odour and air quality;
- Local infrastructure impacts and s106 contributions to be secured.

Principle and Location of Development

Vale of Aylesbury Local Plan Policies: S1 (Sustainable Development for Aylesbury Vale) S2 (Spatial Strategy for Growth) S7 (Brownfield Land) D1 (Delivering Aylesbury Garden Town) D3 (Housing) I2 (Sports and Recreation)

- 5.9 VALP Policy S1 requires all development to comply with the principles of sustainable development, as set out in the NPPF (i.e., to perform an economic role, social role, and environmental role). The policy seeks to ensure all development is sustainable and follows the Framework's presumption in favour of sustainable development.
- 5.10 The spatial strategy for growth is set out through VALP Policy S2. The Plan makes provision for the delivery of at least 28, 000 new homes across the Plan period (2013 – 2033). This growth is to be concentrated in sustainable locations, such as Aylesbury, which is projected to accommodate 16,207 new homes across this period.
- 5.11 The new homes required to support growth should be accommodated through the effective use of previously developed land in sustainable locations, this is set out in VALP Policy S7.
- 5.12 VALP policy D3 relates to proposals for non-allocated sites at strategic settlements, larger villages and medium villages.
- 5.13 The NPPF sets out that economic objectives are an important element of the overarching objective of the framework, which is to achieve sustainable development. To help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.
- 5.14 In the context of achieving sustainable development objectives, paragraph 9 of the NPPF states that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

- 5.15 At the heart of the NPPF is a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.
- 5.16 Through policies set out in the framework the NPPF seeks to build a strong and competitive economy. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.17 Paragraph 82(d) of the NPPF states that planning policies should be flexible enough to accommodate needs not anticipated in the plan, and to enable a rapid response to changes in economic circumstances.
- 5.18 Chapter 11 of the NPPF encourages local planning authorities to make the effective use of land in meeting the need for new homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. As much use as possible should be made of previously developed, or brownfield land.
- 5.19 Paragraph 122 of the NPPF states that, planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan, it should (a) reallocate the land for a more deliverable use that meets needs (as part of any plan update), and (b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

Principle of residential development in this location

- 5.20 The application site is partly previously developed land and is located in a sustainable location.
- 5.21 The application represents a proposal for a non-allocated housing site in the strategic settlement of Aylesbury. Given the number of dwellings proposed, when considered in the context of Aylesbury, the scheme is small-scale and thus part 1 of policy D3 is relevant. Criteria 1(b) of policy D3 states that subject to other policies in the Plan, permission will be granted for “development that consolidates existing settlement patterns without harming important settlement characteristics, and does not comprise partial development of a larger site”. In this instance the site is located on the northern edge of the built-up area of Aylesbury, although it would replace a part brownfield site the site relates well to the existing pattern of development and would not extend into open countryside. As such, the principle of residential development of this site is considered acceptable. Councillor attention is directed to the fact that the Council’s current lack of 5yr HLS (paragraph 5.7 above) means that this policy is out-of-date and can be afforded no weight in the consideration of this proposal. However, in the view of officers the current lack of 5yr HLS only strengthens the need for housing within the area on this otherwise already acceptable

site. Had the Council got a 5 yr HLS officers confirm that the principle of development would still have been supported.

- 5.22 As part of the application a Sequential Test has been submitted as required by the NPPF, NPPG and VALP Policy I4. The scope / methodology of the Sequential Test was agreed with the local planning authority prior to this assessment being undertaken. This included agreeing the search area, sources of potential alternative sites and the criteria/parameters to be applied to the assessment of potential alternative sites. The sequential test demonstrates that there are no sites which represent a pragmatic, suitable, available alternative to accommodate the proposed development. It is officers' opinion that the Sequential Test has been passed and is acceptable. There is no requirement for the Exception Test to be passed, however it is noted that the submitted report confirms that the proposal satisfies the two requirements of the Exception Test by virtue of the fact that it will deliver wider sustainability benefits and will be safe for its lifetime.

Loss of sport pitch

- 5.23 The site is currently occupied by a former football ground, club house and associated buildings, although these facilities have remained unused since 2006 following the relocation of Aylesbury Town football club. While much has been made about the forced eviction of the club, this is not a matter that can be afforded any weight in the consideration of this application. The football ground and its facilities have significantly deteriorated and it is understood that the site has attracted several instances of anti-social behaviour, further exacerbating the semi derelict condition of the site.
- 5.24 The applicant explains that "the 'loss' of the football ground is to be understood in the full context of a vacant stadium, which has been subject to vandalism and degradation since its closure in mid-2006. At that time, and over the period no viable alternative sports use came forward and Sport England are not required to be consulted due to the length of time the site has been out of use. Aylesbury FC has been relocated away from the site for a considerable period."
- 5.25 The Council accepts that there is no statutory requirement to consult with Sport England given that the site has been disused for more than 5 years. However, in the interests of transparency a consultation with Sport England was undertaken as part of this application. Sport England responded in 2020 strongly objecting to the proposal due to the Council (then AVDC) not having a robust assessment of the area's playing pitch needs both for now and in the future, which is contrary to Sport England's E1 exception policy, and as no suitable replacement provision was proposed, contrary to their E4 exception policy. Because this was not a statutory consultation, the Council takes such comments as guidance only.
- 5.26 Since comments have been received, the Council has undertaken a 2022 Playing Pitch Strategy (PPS) for its area. Looking at the issue of football pitch provision, the Council's draft Playing PPS states that:

“11.3 ...the demand as a result of population growth from residential development in the Aylesbury Strategic Settlement for football to be 3 x adult football pitches, 6 x youth football pitches, 3 x mini football pitches and 1 x full size floodlit 3G AGP.

11.5 The need for three adult football pitches can be met through bringing back into use and upgrading the existing provision at Walton Court together with the provision of the necessary ancillary accommodation and parking.

11.6 On the basis that youth football pitches can be up to full adult size, the requirement for six youth pitches is met through the planned provision of 2 adult and 2 youth pitches at Hampden Fields and 3 adult pitches at Kingsbrook.

11.7 The need for an additional full size floodlit 3G AGP is being met through the Hampden Fields development. In practice this would also provide for the mini soccer requirements at the weekend.”

- 5.27 This application site does not form part of the Council’s strategy in providing football pitches within the Aylesbury Area. No objection to its permanent loss is therefore justified in this instance. While the comments of Sport England are noted, they do not carry sufficient weight given that the Council has now undertaken a PPS to form the basis of a refusal on this matter.
- 5.28 VALP policy I2 states that any proposals involving the loss of existing sports and recreation facilities will only be accepted where any of the following criteria are met:
- f. An assessment has been undertaken which has clearly shown the sports and recreation facilities are surplus to requirements and their loss is not detrimental to the delivery of the Playing Pitch Strategy or a Built Facilities Strategy; or
 - g. The development will significantly enhance the Open Space network as a whole and help achieve the Council’s most recently adopted Green Infrastructure Strategy. In some cases, enhancements could be provided at nearby locations off site; or
 - h. The loss of sports and recreation facilities would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or
 - i. The developments is for other types of sports or recreational provision or ancillary development associated with the Open Space and the needs for which clearly outweigh the loss.
- 5.29 The Council’s Parks and Recreation Officer has commented (2023) that as this site is not and has not been available for use as a sports facility for some considerable time (since 2006) it is not considered to be an ‘existing’ sports and recreation facility and therefore not subject to the above VALP policy I2 criteria.
- 5.30 Mindful of the above, it is considered that the loss of the sports pitch at this site, given the length of time it has been unused, the state of dilapidation, and that need for football pitches within the area is being met as part of the Kingsbrook and Hampden Field developments would not warrant refusal of the proposal. A refusal on this point would not be sustainable if challenged.

Summary

- 5.31 The use of this site for residential development is considered acceptable in principle and the provision of new homes is a significant benefit of the scheme, although only afforded

considerable positive weight in the planning balance given the small-scale of the number of dwellings proposed.

- 5.32 The loss of the former football pitch, for the reasons set out above, would not conflict with VALP policy I2 or the NPPF and this factor is afforded very limited harm in the planning balance.

Housing Need and Affordable Housing

Vale of Aylesbury Local Plan Policies: S2 (Spatial Strategy for Growth) H1 (Affordable Housing) H6a (Housing Mix) H6c (Accessibility)

- 5.33 One of the aims of the NPPF is to significantly boost the supply of housing and the advice is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 8 of the Framework sets out that achieving sustainable development means supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.
- 5.34 As set out above, the latest (September 2023) 5 Year Housing Land Supply (HLS) Position Statement for the Aylesbury Vale area shows that the Council can only demonstrate 4.5 years' worth of deliverable housing supply against its local housing need in this area. as such paragraph 11(d) of the NPPF is engaged and the tilted balance applies when considering schemes for residential development. In this context VALP policy D3 is deemed out-of-date and can be given no weight.

Housing Need:

- 5.35 This proposal seeks outline consent for up to 42 dwellings and there is no reason to suggest that the site could not be delivered within the next five-year period which would be a significant benefit in terms of assisting the Council to return to its HLS target, however, whilst it is acknowledged that the proposed dwellings would make a considerable positive contribution to the HLS in the Aylesbury area, taking into account that the development would only provide up to 42 new dwellings this significant benefit is tempered to a level of considerable positive weight in the overall planning balance.
- 5.36 The scale of the scheme would attract smaller-scale building companies and potentially have a quicker build out timeframe than the larger strategic developments within the area, which have longer construction timescales. There appears no reason to doubt that a reserved matters application could be agreed, and the dwellings constructed within the next 5 years thus boosting the Aylesbury Vale Area HLS.

Affordable Housing:

- 5.37 VALP Policy H1 states that residential developments of 11 or more dwellings gross or sites of 0.3ha or more will be required to provide a minimum of 25% affordable homes on site. In this instance, there are no relevant Neighbourhood Plans which would indicate a higher level of affordable housing is required. The type, size, tenure and location of affordable housing will be agreed with the council, taking account of the council's most up-to-date evidence on housing need and any available evidence regarding local market conditions.

- 5.38 The proposal sets out in the submitted planning statement and the most recent Design and Access Statement (DAS) that 35% of all homes proposed on site would be delivered as affordable housing, and this would be secured through the S106 agreement. During the application this was revised to 30% but this is still more than VALP policy requirements which remain 25%.
- 5.39 The overall offer of 30% of units as affordable homes would exceed the minimum requirement sought by policy H1 of the VALP, which is a significant benefit of the scheme, and this above minimum provision is recognised and afforded additional significant weight in the planning balance.

Housing Mix:

- 5.40 VALP Policy H6a states that the housing mix for new developments will be negotiated having regard to the council's most up-to-date evidence on housing need, available evidence from developers on local market conditions and shall be in general conformity with the council's latest evidence and Neighbourhood Development Plan evidence where applicable for the relevant area.
- 5.41 The most current evidence supports a housing mix illustrated in Table 102 of VALP (Policy H6a) which shows a greater need currently for 3 bed (5 and 6 person) houses and 2 bed (4 person) houses, slightly less for 1 bed (2 person) and 4 bed (7 to 8 person houses), the least need currently being for 2 bed flats.
- 5.42 In relation to the proposed affordable housing offer the DAS sets out an indicative 75/25 tenure split, however, following the adoption of VALP the Council now request 80% Affordable Rent and 20% Intermediate tenure, with a preference for Shared Ownership, based on the most up-to-date information on housing need. In recognition of the overprovision of affordable housing a split has been agreed at 70:30 so as to help the schemes viability; this would be secured by s106 obligation.
- 5.43 As this is an outline proposal with all matters reserved apart from access, the final proposed housing mix, layout (including clustering limitations of the affordable units) and demonstration of a tenure blind development, are details that would come forward to be considered as part of the subsequent reserved matters application. The submission of these further details would be secured via a condition and, in relation to the affordable units, by obligation within the s106 agreement.

Accessibility:

- 5.44 VALP Policy H6c states that all development will be required to meet and maintain high standards of accessibility so all users can use them safely and easily. The policy sets out requirements for accessible and adaptable dwellings which will need to be demonstrated as being complied with.
- 5.45 To comply with VALP policy H6c the proposal would need to include 15% of the proposed affordable units to be provided as Building Regulations Category M4(3) wheelchair accessible housing units and all of the remaining dwellings to meet Category M4(2) accessible/adaptable housing.

5.46 As this is an outline proposal with all matters reserved apart from access, to ensure that the relevant accessibility standards are met, compliance with policy H6c would need to be demonstrated at Reserved Matters stage. Details of this would be secured through planning condition and within the s106 agreement.

Housing Summary:

5.47 The proposed development will make a positive contribution to the Council's need for new homes, which is a significant benefit of the scheme, although tempered to a considerable positive weight in the overall planning balance, given the relatively modest number of dwellings proposed (up to 42).

5.48 The proposal would bring forward affordable housing provision at 30%, which is a higher percentage than the minimum of 25% required under VALP policy H1; this generous provision would create a mixed and balanced community and is a significant benefit of the scheme which is attributed additional significant positive weight in the overall planning balance.

5.49 In terms of housing mix and accessibility proposal would demonstrate policy compliance at the reserved matters stage, and this factor is afforded significant positive weight in the planning balance.

Transport matters and parking

5.50 Vale of Aylesbury Local Plan Policies: T1 (Delivering the Sustainable Transport Vision) T3 (Supporting Local Transport Schemes) T4 (Capacity of the Transport Network to Deliver New Development) T5 (Delivering Transport in new Development) T6 (Vehicle Parking) and Appendix B (Parking Standards) T7 (Footpaths and Cycle Routes) T8 (Electric Vehicle Charging)

5.51 The applicant has provided a Transport Statement (TS) as part of this current planning application, which notes and addresses the comments raised by the Highway Authority in relation to a previously withdrawn scheme at this same site (ref: 09/00842/AOP) which sought outline permission for 83 residential dwellings and a care home, thus relating to a much more intensive potential use of the site than now proposed.

Sustainable Location:

5.52 The site is located at Aylesbury which is classified as a strategic settlement within the VALP. There are a range of community facilities and services located near the site, and the Town Centre is within reasonable walking/cycling distance. There is access to a frequent bus service with convenient bus stops located on Buckingham Road, some 20 metres from the site, which provide services to Aylesbury Town Centre to the south and Buckingham and Milton Keynes to the north.

Access:

5.53 The junction to Oliffe Way forms a roundabout with the A413 Buckingham Road to the southwest of the proposed site. The proposed development will make use of the existing extension of Oliffe Way into the football ground site, and a 5.5m wide carriageway is to be provided into the site to connect with the existing road, a 2m wide footway is to be

provided along the northern side of the access to tie into the existing footway on Oliffe Way. Also, visibility splays of 2.4m by 43m are to be provided at the access, in line with the speed limit.

- 5.54 Oliffe Way is a residential road which is subject to 30mph speed limit, and parking / waiting restrictions are not present. The existing road is approximately 7m wide which is a sufficient width to accommodate two vehicles simultaneously, and currently accommodates domestic delivery vehicles and refuse vehicles serving the existing residential properties along Oliffe Close. Also, the site is in an accessible and sustainable location with a range of facilities and services accessible via walking, cycling and bus. Thus, the Highways Authority are satisfied with the access arrangements.

Trip Generation and Traffic Impact:

- 5.55 It is acknowledged that this residential development would generate traffic movements every day of the week and more movements during the normal peak hours, compared with the previous use of the football ground site which for the most part generated traffic movements during the evening and at weekends. However, following further discussion with the Applicant and the Highways Authority concerning potential highway improvements in the area it is considered that given the small-scale of the proposed development any alterations to the nature of traffic movements, when compared to the existing unrestricted use of the football ground, would not result in a severe impact on the operation of the highway network.
- 5.56 The Highway Authority is aware that the adjacent highway suffers from queuing and delay, and whilst the Highway Authority has and will continue to explore options to improve the highway network in the vicinity, given the relatively small number of dwellings proposed, it is considered unnecessary and unreasonable to require this development to deliver highway mitigation or a related financial contribution. A refusal based on traffic impact would not be a sustainable point of objection should it be challenged.
- 5.57 A Travel Plan is not required for the number of dwellings proposed and the site is in an accessible and sustainable location for access by non-car modes. As set out below, this proposed development would also safeguard delivery of part of the Aylesbury Gardenway, an orbital pedestrian and cycle route proposed around Aylesbury, and this would assist pedestrian and cycle to and from the proposed development, as well as improving pedestrian and cycle access around Aylesbury.

Gardenway Project:

- 5.58 The illustrative Movement and Access Parameter Plan indicated potential access routes to the Aylesbury Gardenway project. Whilst Officers and the Applicant did discuss the potential of delivering a Gardenway access route through the site, after further consideration, due to the proposed drainage strategy and the boundary site levels it is apparent this would not be achievable. Notwithstanding this, the potential access route identified seeks to incorporate the development into the Aylesbury Gardenway and the development would not sterilise the delivery of the connection route from the north into

Aylesbury along the A413 as identified in figure 1.3 in the Aylesbury Garden Town Concept Plan.

Site Layout and Parking:

- 5.59 The Highways Authority are content with the principle of a 5.5m wide carriageway and 2m wide footway on the northern side of the main development access road, and the provision of 4.8m wide roads with footways, and shared surfaces further into the site. However, the refuse vehicle tracking provided for some of the movements within the site is for a 7.9m long refuse vehicle, and the internal layout will need to be designed to cater for an 11m long refuse vehicle, and to comply with the Aylesbury Vale Area waste collection requirements. Nevertheless, the Indicative Masterplan demonstrates that an acceptable highway layout can be provided for the quantum of development, and the further details of the internal layout would be dealt with as part of future reserved matters applications.
- 5.60 The Indicative Masterplan shows 82 car parking spaces including 14 visitor spaces, and this level of parking is considered acceptable, in line with the parking standards and given the sustainable location. Also, any over-spill parking is likely to be accommodated within the internal roads. The Highways Authority are satisfied with the quantum of parking provision and the parking layout shown on the Indicative Masterplan, and it is noted that this matter would be dealt with as part of future reserved matters applications. In line with VALP policies the reserved matters applications would need to provide covered and secure cycle parking, and electric vehicle charging points within the development.

Transport Summary:

- 5.61 In summary, it is considered the proposals are appropriate in terms of access arrangements, traffic impact, sustainable travel choices, parking provision and potential layout and scale.
- 5.62 The Highways Authority are satisfied that, subject to appropriate planning conditions, safe and suitable access can be achieved, the proposed development provides opportunities for non-car travel, and the traffic impacts of the proposed development are acceptable and not severe in the context of the NPPF.
- 5.63 Therefore, the proposal would accord with the relevant VALP policies and the NPPF, and this policy compliant factor is attributed neutral weight in the overall planning balance.

Raising the quality of place making and design

Vale of Aylesbury Local Plan Policies: BE2 (Design of New Development) BE4 (Density of New Development) I1 (Green Infrastructure) D1 (Delivering Aylesbury Garden Town) Aylesbury Garden Town Masterplan (2020) NMDG (2021) Design SPD (2023)

- 5.64 VALP policy BE2 sets out that good design of the built environment and landscape as part of new development is a key priority in preserving and enhancing the quality of the built environment in Aylesbury Vale. A design-led approach is required that respects the vernacular character of towns and villages. New developments should respect existing

character. It is also vital that new development reflects the scale and characteristics of its surroundings and adds to the built quality of the area. Proposals should also take account of the design and delivery principles for Aylesbury Garden Town, identified in VALP Policy D1.

- 5.65 In accordance with policy BE2 all new development proposals shall respect and complement the following criteria: a. The physical characteristics of the site and its surroundings including the scale and context of the site and its setting. b. The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials. c. The natural qualities and features of the area, and d. The effect on important public views and skylines.
- 5.66 The importance of good design is also reflected within the NPPF (Chapter 12). Paragraph 126 of the Framework states “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 5.67 Paragraph 130 of the NPPF provides a range of criteria (a-f) against which new development should be assessed to ensure that developments are delivering well designed places. This includes, ensuring that development is visually attractive, sympathetic to local character, establish a strong sense of place, optimise the potential of the site (including green and other public space) and creating places that are safe, inclusive and accessible.
- 5.68 In this instance, all matters are reserved at outline stage except for access, as such this outline application does not provide any detail to be approved at this stage regarding appearance, landscaping, layout and scale which are reserved matters for subsequent consideration. However, illustrative master/parameter plans have been submitted, and the rationale for the indicative layout/scale is set out in the Design & Access Statement (DAS).
- 5.69 The illustrative plans submitted are not to be treated as the final layout of the scheme but help to demonstrate how the proposed maximum quantum of development (up to 42 dwellings) could be accommodated within the site in an acceptable layout and scale.
- 5.70 The illustrative plans indicate a mix of housing typologies (including dwellings and apartments) at two and three storeys in height to deliver up to 42 new homes on the southern section of the site. The northern section of the site (1.52ha) would be reserved for public open space and green infrastructure provision. The maximum provision of 42 dwellings within the southern half of the site (0.91ha) equates to a density of 46 dwellings per hectare (dph); an overall density of 19 dph calculated across the site as a whole (2.43ha).
- 5.71 While matters of scale, density and massing are reserved for future consideration the outline application is supported by a DAS (dated 2022) and a series of indicative plans which seek to demonstrate acceptable layout, scale, and cross sections across the site.
- 5.72 Following negotiations between the Applicant and Officers, the taller three storey building(s) are indicated to be provided towards the centre of the housing section of the

site, moved away from prominent corners as originally shown so as to ensure that dwellings closer to the boundaries of the site adjacent to the public highways, nearer existing residential dwellings, and abutting the public open space would be two storeys in scale.

- 5.73 A condition is proposed that any future Reserved Matters application concerning matters such as building heights, density and layout shall be in general conformity with the indicative plans. This will ensure that a high-quality development comes forward at Reserved Matters stage, and which contains buildings of an appropriate scale, along with a suitable layout and adequate public open space/flood attenuation provision.
- 5.74 The illustrative masterplans demonstrate that based on the potential indicative density sufficient amounts of private amenity areas and parking provision could be accommodated on site to support the quantum of development proposed (up to 42 dwellings)
- 5.75 A large northern area of public open space is shown that would adequately serve the development; this area is large enough in scale to incorporate a Local Equipped Area for Play (LEAP) and accords with the open space requirements set out in VALP policy I1.
- 5.76 Planning conditions will secure this open space provision is submitted as part of any Reserved Matters applications that come forward and its future management and long-term maintenance would be secured through s106 agreement.

Summary

- 5.77 It is considered the indicative outline residential proposals are appropriate in terms of potential layout and scale. Development of this site would provide an acceptable transition between the entrance to Aylesbury and the established residential area (Ollife Way/Close) to the south of the site. It would deliver a quantum of new housing that could satisfy VALP policies and the recently adopted DG (2023) and would optimise the potential of the site, as required by the NPPF.
- 5.78 The outline proposals are capable of delivering a high quality and sustainable development, in keeping with the surrounding location and context, which makes effective and efficient use of this brownfield site, in accordance with the policies in the VALP, and the NPPF. The proposal demonstrates policy compliance in this regard and this factor is attributed neutral weight in the overall planning balance.

Amenity of existing and future residents

Vale of Aylesbury Local Plan Policies: BE3 (Protection of the amenity of residents) NE5 (Pollution, air quality and contaminated land)

- 5.79 VALP Policy BE3 seeks to ensure that good standards of amenity are provided for future residential occupiers, stating that planning permission will not be granted where the proposed development will not achieve a satisfactory level of amenity for future residents. The NPPF also refers to the need to achieve well-designed places, and that developments should achieve a high standard of amenity for future occupiers.

- 5.80 VALP Policy NE5 states that applicants may be required to submit a noise impact study or to assess the effect of an existing noise source upon the proposed development, prior to the determination of a planning application.
- 5.81 Whilst there are no fundamental environmental health objections to this application, the properties proposed close to the western edge of the development may be subject to noise levels generated by traffic on the A413. Although it is acknowledged that this situation would be no different to the experience of the existing residents living in close proximity of that road, the Council's Environmental Health Officer recommends that this proposal be subject to a planning condition requiring the submission and agreement of a written noise impact assessment, together with proposals for any necessary mitigation measures. The final scheme of mitigation required would be considered when details of the building structures and internal room layout are further developed at the reserved matters stage. Given that appropriate mitigation could adequately deal with this potential impact, no noise objection is raised by environmental health officers in principle to the proposed residential development at this stage.
- 5.82 There are no overriding concerns that future residents would not receive adequate daylight / sunlight conditions. The site can adequately accommodate development in a layout that will ensure daylight / sunlight conditions within the site are not compromised for future occupiers and this will be considered at reserved matters stage.
- 5.83 All dwellings will be designed to be of a size to meet the criteria set out in the Nationally Described Space Standards.
- 5.84 Notwithstanding that layout, scale and appearance are reserved matters, at this stage, having regard to the indicative plans, it is envisaged that the proposed development would not unduly harm the residential amenities of existing nearby occupiers.

Summary

- 5.85 The outline proposals are capable of complying with policies BE3 and NE5 of the VALP, and the guidance set out in the NPPF. The proposal, subject to conditions, demonstrates policy compliance in regard to the amenity of existing and future residents, and this factor is attributed neutral weight in the overall planning balance.

Environmental issues

Vale of Aylesbury Local Plan Policies: C3 (Renewable Energy)

Sustainability and energy strategy:

- 5.86 VALP Policy C3 states that all development schemes should look to achieve greater efficiency in the use of natural resources including measures to minimise energy use, improve water efficiency and promote waste minimisation and recycling. Developments should also minimise, reuse and recycle construction waste wherever possible. Planning applications involving renewable energy development will be encouraged provided that there is no unacceptable adverse impact. In seeking to achieve carbon emissions

reductions, the council will assess developments using an 'energy hierarchy' (Be Lean, Be Clean, Be Green).

- 5.87 At the heart of the NPPF is a presumption in favour of sustainable development, and to achieve this development shall mitigate and adapt to climate change and support a reduction in carbon emissions.
- 5.88 Energy and carbon savings are to be achieved through passive design and energy efficient design features (Be Lean). No existing decentralised energy networks are located near to the site to which a future connection could be deemed possible (Be Clean). Means of reducing energy and carbon emissions for the development have been explored, through the use of renewable technologies (Be Green). Of the renewable technologies considered Air Source Heat Pumps (ASHP) are considered most viable for the residential development. VALP policies cannot dictate certain technologies to be incorporated, however, the applicant has confirmed that renewable technologies are to be considered as part of the scheme. However, the Council are unable to force a particular form of renewable to be considered, this is a matter solely for the applicant/developer.
- 5.89 Further details of the final Energy and Sustainability Strategy for the residential development would need to be provided at Reserved Matters stage and secured through planning condition(s).
- 5.90 The applicant has set out that the residential development will meet the relevant water efficiency requirements set out in policy C3, achieving a limit of 110 litres/person/day. This is to be secured by planning condition.
- 5.91 Electric vehicle charging provision is being accommodated in accordance with VALP policy T8 and shall be secured by planning conditions.

Flooding and drainage

Vale of Aylesbury Local Plan Policies: I4 (Flooding) I5 (Water Resources and Wastewater Infrastructure)

- 5.92 Development proposals should minimise the impacts of and from all forms of flood risk, and VALP policy I4 sets out a criteria based approach for how this should be done, depending on the size of the site and whether a site is located in Flood Zone 1, 2 or 3. All development proposals must adhere to the advice in the latest version of the SFRA in terms of Sustainable Drainage Systems (SuDS). The impacts of climate change should be taken into account also as part of this.
- 5.93 The NPPF requires new development to consider the risk of flooding to the site and elsewhere. Development should be steered away from vulnerable areas such as those subject to flood risk whilst ensuring that it adequately and appropriately deals with any impacts arising. The NPPF continues that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

- 5.94 The majority of the site lies within flood zone 2, with a small amount of flood zone 3a where the site bounds the River Thames.
- 5.95 Since the application was first submitted the applicant has entered into extensive discussions with the Environment Agency and throughout the application additional information has been submitted for their consideration.
- 5.96 Having most recently been re-consulted following the submission of the updated Flood Risk Assessment v3-2 (July 2022) and appendices, the EA comment that the hydraulic model and the hydrology are now considered fit for purpose, and that they are satisfied with the assessment of climate change allowances and floodplain compensation scheme. The raised platform now proposed as part of this development will mean the dwellings to be constructed will be in Flood Zone 1, thus taken out of floodzone 2. The EA have formally removed their initial objection on flood risk grounds, subject to an appropriate planning condition to ensure compliance with the submitted flood risk assessment and the mitigation measures it details. No evidence has been submitted to date to illustrate that the Environment Agency have miscalculated and their removal of objection is not challenged.
- 5.97 Buckinghamshire Council as the Lead Local Flood Authority (LLFA) has reviewed the information provided in the following documents:
- Letter – Developer Response to LLFA dated 21/11/2022 (addressed from Clare Howe, DLP Planning to Ms Bates, Buckinghamshire Council)
 - Drainage Design Strategy and Calculations report by Scott White and Hookins dated November 2022
 - Flood Risk Assessment V3-2 by Thomas Mackay dated July 2022
 - Letter – Environment Agency review of FRA, hydraulic model, hydrology and floodplain compensation, dated 19/10/2022
 - Letter – Developer Response to LLFA dated 19/01/2023 (addressed from Michael Hartley, Scott White and Hookins to Howard Keeble, JBA Consulting on behalf of Buckinghamshire Council)
 - Letter – Developer Response to LLFA dated 09/03/2023 (addressed from Jason Daniels, Scott White and Hookins to Howard Keeble, JBA Consulting on behalf of Buckinghamshire Council).
 - Letter – SWH Further Response to LLFA Comments dated 28/07/2023 (addressed from Jason Daniels, Scott White and Hookins to Howard Keeble, JBA Consulting on behalf of Buckinghamshire Council).
 - Proposed Drainage Strategy Plan (Sheet 1 of 2) (Drg.203985-SWH-ZZ-XX-DR-C-0050-P05, dated 28/07/23, Scott White and Hookins; included as Appendix C to Letter –SWH Further Response to LLFA Comments Dated 28/07/2023)

- Proposed Drainage Strategy Plan (Sheet 2 of 2) (Drg.203985-SWH-ZZ-XX-DR-C-0051-P05, dated 28/07/23, Scott White and Hookins; included as Appendix C to Letter –SWH Further Response to LLFA Comments Dated 28/07/2023

- 5.98 An indicative surface water drainage scheme has been developed to address local and national policy, noting that VALP Policy I4 and the NPPF require that flood risk to nearby land and property is not increased as a result of new development. This is particularly important as several 3rd parties have commented that this development does not prevent their houses from potentially flooding in future. Councillors are reminded that it is not for this development solve existing flooding problems (to expect so would be deemed unreasonable), but it must not make matter any worse. The proposed dwellings will sit outside of flood zone 2 and evidence has been accepted by experts that the floor risk to the future properties is acceptable.
- 5.99 Due to this being an outline application the details provided are indicative. The LLFA is satisfied with the details provided and raises no objection, subject to the imposition of conditions to require further details of a detailed surface water drainage scheme. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This shall be submitted with any future Reserved Matters application.
- 5.100 Following intensive discussions with Officers the Applicant has provided responses and clarity to the Council's comments such that the LLFA now raise no objection.
- 5.101 A sequential test report has been undertaken by the Applicant and submitted to demonstrate the suitability of sites for the development. There is no requirement for an Exception Test to be submitted and passed. The area of search and points of review set out in the sequential test were agreed with the LPA prior to it being drawn up, the conclusions are agreed.
- 5.102 Based on the provided information the connective swales will not be frequently inundated (greater than 1 in 50-year events), and the proposed Maintenance Plan has been updated to reflect that "inspection of the swales should be carried out each time when they are inundated with flood water from the River Thame with maintenance/repair work carried out where deemed necessary". This is to ensure that the 'As Built' levels are maintained for the lifetime of the development. The Applicant has confirmed that access to the connective swales for small plant can be via the proposed footpaths.
- 5.103 The Applicant has provided further detail to confirm any interactions with existing homes to the east of the development: "if the existing bund is deemed unsuitable to retain flood water it can be reconstructed using low permeability materials to provide the necessary protection", and similar comments covering suitability of the material used for the embankments forming the basin. The LLFA agree as reasonable for the geotechnical assessment and design of these to be conditioned as requested by the applicant.
- 5.104 Based on the Surface Water Flood Risk Summary, culverted sections are now proposed that improve linkages maintaining flows from Oliffe Close to the river. Based on updated

modelling, combined flood risk to existing properties is indicated to reduce in both the 1 in 100 year and 1 in 1,000 year event scenarios.

- 5.105 Proposals for the overflow culverts have been provided and these have been added into the maintenance schedule for the lifetime of development including climate change. There are 2no. rectangular culverts proposed, each 1.2m wide x 1.0m high. Given that the application is at this stage in outline form only, the Council have not commented on the scale and appearance of this proposed arrangement and how it would be accommodated within the site, as this detail would be considered at the reserved matters stage. However, subject to appropriate conditions, the LLFA raise no technical concerns.
- 5.106 The Applicant has provided further detail to confirm bank stability for the raised development platform stating that “the bank forming the attenuation basin will comprise an engineered solution, the detailed design of this will occur at the detailed design stage post planning and can be covered by a suitable planning condition”. It is considered reasonable for the geotechnical assessment and design of these to be conditioned and the LLFA have no objection. It is noted that conditioning for detailed design will need to consider the need for any erosion protection matting and confirmation whether a cut off trench needs to be provided to control seepage through the bank. It is understood that no trees or shrubs will be planted on or in the vicinity of the embankments, and this point would be covered under the same condition for the design of the bund (above).
- 5.107 The LLFA notes that there are two proposed surface water discharge points – one to the west of the site via a swale into an existing ditch draining to the River Thames, and one to the east of the site via a swale into the River Thames, and the Applicant is reminded that Environment Agency Environmental Permits and Discharge consents will be required.

Summary

- 5.108 Subject to the imposition of appropriate conditions, the indicative ground raising and drainage scheme has demonstrated the proposal can accommodate adequate measures to manage drainage and flooding issues and not increase the flood risk to nearby land and property.
- 5.109 The proposed development would be in accordance with VALP policy I4 and the NPPF, subject to appropriate conditions. The compliance of this factor with the Development Plan and the NPPF is afforded neutral weight in the overall planning balance.

Landscape, Green Infrastructure, and Trees

Vale of Aylesbury Local Plan Policies: S1 (Sustainable Development for Aylesbury Vale) D1 (Delivering Aylesbury Garden Town) NE4 (Landscape Character and Locally Important Landscape) NE8 (Trees, Hedgerows and Woodland) I1 (Green Infrastructure) Aylesbury Garden Town Masterplan (2020) Design SPD (2023)

- 5.110 A Landscape and Visual Appraisal has been prepared to assess views into and out of the site and inform the masterplan design. The assessment noted that the site is well screened with mature trees defining the edges of the site, especially on the southern and western boundaries. The masterplan incorporates the existing boundary landscape into the

proposed development form to create a strong linear landscape structure with interspersed areas of planting.

Landscape Character:

- 5.111 The application site is not situated within a designated, or highly sensitive landscape. The LVA describes the site in landscape terms as forming part of Aylesbury's urban environment, not forming a prominent or important part of the appreciation of the wider open countryside to the north of the site. The existing landscape fabric at the site is described as 'impaired and far less intact than the wider landscape character area to the north', contributing little to that landscape.
- 5.112 The proposed development of the site from a former football ground to residential would result in a significant change in the character of the site, however the retention and enhancement of the existing landscape features is considered to conserve the enclosed nature of the site, leading to an overall beneficial impact in landscape terms. This offsets and reduces the likelihood of adverse visual effects which are expected to be highly localised and contained by the neighbouring and other surrounding features such as the existing dwellings within Oliffe Close. The proposed development is considered an appropriately scaled feature which would not extend incongruously into the open countryside, with very limited material landscape or visual effects.
- 5.113 As a result, the proposed development is considered to accord with VALP policy NE4 and the NPPF guidance and this factor is afforded neutral weight in the planning balance.

Landscaping and Green Infrastructure:

- 5.114 This application seeks outline consent and landscaping is a reserved matter, however an indicative Landscape plan has been provided for illustrative purposes, and full details of landscaping proposals would be required at the next stage (i.e., Reserved Matters). The indicative plan(s) submitted are not being treated as the final landscaping proposals and the provisions on site could potentially come forward in a different form at Reserved Matters stage.
- 5.115 The detailed landscape strategy that will be needed at Reserved Matters stage will need to demonstrate that the scheme design includes a high-quality landscape strategy that is cognisant of Aylesbury's Garden Town status, the Aylesbury Garden Town Masterplan, and relevant VALP policies. This is important to ensure an appropriate setting is created, that will help assimilate built elements into the landscape and deliver the Garden Town Masterplan vision. The indicative plans show that there is the ability to deliver a well landscaped scheme, though this will need to be developed further.
- 5.116 The indicative plans indicate how the proposed residential development could be integrated within the existing built-up area, and provide the following landscape and green infrastructure benefits:
- Retaining established trees on the site boundaries, and enhancement of boundary landscaping to create high quality frontages which incorporate native hedgerows and hedgerow trees

- Enhancing the setting of the proposed dwellings with new landscaping, including new tree lined streets to provide high quality residential setting
- Provision of a northern area of usable open space abutting the river, which would provide to provide a natural green setting to the development and provide separation from the adjoining Watermead Parish
- Use of a broad planting palette across the site, including the planting of native species
- Incorporation of attenuation for surface water drainage
- Incorporation of new foot and cycle links, including safeguarding a route for future potential implementation of the Gardenway.

- 5.117 The proposals have been assessed against VALP Policy I1, which places a requirement for this development to provide equal to or in excess of the minimum amounts of Incidental Open Space (IOS), Major Open Space (MOS) and Equipped/Designated Play Space (EDPS) on-site. The total amounts required for each are still to be determined by the final bedroom mix, however this final mix is not known at this stage, and this detail would come forward as part of any reserved matters application (for Layout).
- 5.118 As the final bedroom per dwelling mix has yet to be determined this outline application must demonstrate that it is capable of providing the following on-site public open space provision at least 2,730m² (1,260 Major Open Space + 1,470m² Incidental Open Space), and minimum 400m² Local Equipped Play Space (LEAP)
- 5.119 Assessment based on the indicative proposed plans has determined that the onsite requirements for IOS and MOS can be met with the quantum of development proposed – due to site constraints 1.52ha of open space is shown on the indicative plans, this provision satisfies the accessible natural green space standards (ANGsT), set out in the VALP (Appendix C: Policy I1).
- 5.120 Green infrastructure is a planned network of high quality multi-functional green spaces; IOS and MOS can be accommodated on site in accordance with the requirements of VALP policy I1 and will assist in delivering a high quality and sustainable development. This meets the visions of the VALP and the Garden Town Masterplan. The detailed reserved matters will need to come forward in general accordance with the indicative plan submitted, so that the quantum of IOS, MOS and Play Space is not less than that which has been demonstrated that is capable of being integrated within the development; to secure this a planning condition / s106 obligation is recommended.
- 5.121 Tree planting is indicated, which would provide new green infrastructure and support the visions of the Garden Town Masterplan. Further details of this strategy would need to come forward as part of any reserved matters application for landscaping, although based on the indicative strategy there would be a net increase in tree stock on site, which is welcomed. Existing established trees would be retained along the boundaries of the site. It is considered likely that the proposal would (at detailed design stage) be able to come forward in such a form that it would meet with the requirements of VALP policies NE8 and I1

- 5.122 The proposal would deliver landscape benefits through retention of existing trees, new green infrastructure (including publicly accessible open space and equipped play), and new walking and cycle routes (including safeguarding of land for the Gardenway route) and the planting of new trees. This supports the Garden Town vision and relevant VALP policies and the NPPF guidance.
- 5.123 In summary, the proposed development is (subject to further details being provided at reserved matters stage), capable of providing for an acceptable amount of landscaping, open space and green infrastructure to meet the requirements of VALP. This policy compliance is attributed neutral weight in the planning balance.

Impact on Trees:

- 5.124 The application is accompanied by an Arboricultural Impact Assessment (AIA) undertaken by Andrew Belson. The AIA demonstrates that a development could provide dwellings in the approximate locations indicated on the illustrative plans without any significant conflict; and that the effects of the retained trees on the liveability in the indicative dwellings would be acceptable. Specifically the AIA advises:
- One tree on this site should be removed due to its condition, regardless of any redevelopment,
 - The indicative development would implicate the loss of one tree
 - Some facilitation pruning will be required
 - Several trees require remedial work to retain them in a safe condition
 - Protection of the retained trees can be detailed in an Arboricultural Method Statement, secured through an appropriately worded Condition attached to any Consent.
- 5.125 In the process of redevelopment, there is an opportunity to replace trees and provide additional planting that would provide a net gain in tree cover, providing a positive overall benefit to the locality in terms of landscape quality and value.
- 5.126 As set out above, as landscaping is a matter reserved through this outline application further details of the landscaping strategy (including new tree planting) will need to be demonstrated at reserved matters stage and / or secured through conditions.
- 5.127 Based on the submitted illustrative plans, it is considered that a detailed landscape strategy could come forward at Reserved Matters stage, that makes adequate provision for new tree planting across the site to balance out the trees that would be lost through redevelopment.
- 5.128 The development would accord with VALP policy NE8 and the guidance set out in the NPPF and would ensure proposed tree loss is appropriately mitigated against, subject to the imposition of planning conditions to secure new planting and set out tree protection measures to be implemented to safeguard existing mature trees that are to be retained on site.

Ecology and Biodiversity

Vale of Aylesbury Local Plan Policies: NE1 (Biodiversity and Geodiversity)

- 5.129 VALP Policy NE1 seeks to ensure the protection and enhancement of biodiversity. A net gain in biodiversity will be sought on minor and major developments. These gains must be measurable using best practice in biodiversity and green infrastructure accounting.
- 5.130 NPPF paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 5.131 Paragraph 180 of the NPPF states that when determining planning applications, local planning authorities should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.
- 5.132 Adonis Ecology Ltd undertook a Preliminary Ecological Appraisal (PEA), and Preliminary Roost Assessment (PRA) for bats, on the land and buildings at the site. A desk study was undertaken, in addition to an extended Phase 1 Habitat survey which was conducted on in March 2020. The site was checked for preferred habitat types, and signs or evidence of protected species and NERC Act 2006 Section 41 species and habitats. It was considered the following protected and/or Section 41 species/species groups may occur on site and potentially be vulnerable to impact:
- bats roosting within trees on the riverbank and/or foraging and commuting on and around the site
 - badgers using a potential nearby sett
 - otters and water voles associated with the adjacent river
 - reptiles
 - common nesting birds
 - hedgehogs and common toads.
- 5.133 There was also considered to be potential for impact to Section 41 River habitat and a nearby Biological Notification Site (BNS).
- 5.134 Impact avoidance measures are recommended for all potential species, habitats and protected sites which could be impacted by a development on site. Further surveys are also recommended for badgers to ascertain whether the potential badger sett is in 'current use'.
- 5.135 The applicant has provided an update on the ecological impacts of this development and addressed issues raised by the Council's Ecologist.
- 5.136 The site overall is considered to be of moderate ecological value at a local level. With the impact avoidance measures and the further surveys undertaken as outlined in the updated report, and any subsequent mitigation undertaken, it is considered that the proposed

works could proceed with minimal risk of impact on protected or Section 41 wildlife or local nature conservation. Further, with some or all of the suggested enhancements undertaken, it is considered that the proposed development would result in a net gain for biodiversity, in accordance with VALP policy NE1 and the guidance set out in the NPPF.

5.137 The updated ecological assessment including the Biodiversity Net Gain Calculation from the ecological Consultant Adonis Ecology dated November 2020 is considered acceptable and would be secured by planning condition.

5.138 Further to this, to ensure the ecological features identified are protected during construction, a Construction Environment Management Plan will need to be secured by planning condition. The enhancement measures proposed, to ensure the application generates the Biodiversity Net Gains, will need to be secured with a Landscape Ecological Management Plan.

Summary

5.139 It has been demonstrated that a range of ecological enhancements can be secured, and that biodiversity net gain is achievable on site. Overall, it is considered that the mitigation proposed, to be secured through planning conditions and / or S106 agreement will result in a development that will be in accordance with VALP policy NE1 and the guidance set out in the NPPF. This policy compliance is afforded neutral weight in the planning balance.

Historic environment

Vale of Aylesbury Local Plan Policies: BE1 (Heritage Assets)

5.140 Paragraph 194 of the NPPF advises that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

5.141 The NPPF advises that 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. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.142 The site lies in an area of known heritage importance. An appropriate assessment of the site's archaeological potential has previously been undertaken and is presented once more in support of this application.

5.143 A 'palaeochannel' was identified and several features were further investigated but no artefactual evidence was revealed. A single feature of post-Medieval date was identified together with some evidence of human remains.

5.144 A further stage of investigation or a watching brief of construction works would be appropriate following the grant of permission for development at the site. The Council's Archaeological Officer raises no objection subject to appropriate conditions.

5.145 It is considered that, subject to conditions, the proposal would comply with policy BE1 of the VALP and there would be no harm to the heritage asset in NPPF terms. This factor is afforded neutral weight in the planning balance.

Infrastructure and Developer Contributions

Vale of Aylesbury Local Plan Policies: S5 (Infrastructure) I1 (Green Infrastructure) I2 (Sports and Recreation) I3 (Community Facilities, Infrastructure and Assets of Community Value) Sport and Leisure Facilities SPG and Companion Document: Ready Reckoner

5.146 The development is a type of development where Community Infrastructure Levy (CIL) would be chargeable; however, no CIL Charging Schedule is currently adopted for the Aylesbury Vale area.

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

a) Affordable Housing: A minimum of 30% of all units on site to be provided as affordable homes (tenure has been agreed as being 70/30 – social rent vs intermediate).

b) Education contribution (precise level of contribution to be confirmed at reserved matters stage when the final bedroom mix is established).

d) Secure a minimum provision of open space (including equipped play areas).

e) Open Space land and equipped play areas to be transferred to a Management Company, who is to be responsible for its future maintenance and long-term management.

f) A whole life Maintenance and Management Plan for Sustainable Urban Drainage System/Surface Water Drainage System.

g) Sport and Leisure contribution in accordance with the 2022 updated Ready Reckoner formula: £1,652 (1bed); £2,794 (2bed); £3,965 (3bed) & £5,782 (4+bed). To be index linked from S106 completion date to date invoiced. Paid 'Prior to commencement' for the following Sport and Leisure Project:

'Improvements modernisation refurbishment to one or more of the following Aylesbury sport and leisure facilities:

- Aylesbury Strategic Area Sports Facilities
- Dunsham Park & adjoining Cannock Road open space
- Riverside Walk (including play area) and adjoining Buckingham Park open spaces
- Alfred Rose Park
- Alfred Rose Community Centre

- 5.148 The applicant has confirmed that they are willing to enter into a legal agreement to secure CIL compliant obligations/financial contributions and a draft agreement is currently being progressed, subject to on-going discussion between the parties.
- 5.149 It is considered that there would not be other types of infrastructure, other than the provision of the above that would be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.

Contribution to Health Facilities:

- 5.150 VALP Policy I3 requires consideration of the need for community facilities and infrastructure including doctor's surgeries.

Primary care

- 5.151 The CCG were consulted when the application was submitted in 2020 although no representation has been received. No contributions are therefore sought.

Acute and community healthcare

- 5.152 The impact on acute and community healthcare is a material consideration. The Buckinghamshire Healthcare NHS Trust (BHT) provides acute and community healthcare services to Buckinghamshire. This includes community, planned and emergency (major trauma and A&E), acute hospital medical and surgical care and specialist and tertiary health care.
- 5.153 BHT have requested a contribution towards hospital services. In summary, BHT advise that the contract value for their funding is based on the preceding years activity levels and does not take into account future planned housing though some element of demographic growth is factored in. Some additional funding is provided but this can depend on achieving surplus targets / improvement goals. BHT claim there is a 'funding gap' created by the lag between the new residents moving into the area and the date by which the government funding is actually received. The BHT emphasise that the contribution sought is to mitigate the impacts of a permanent gap in funding, not a lag, as the gap is not recovered retrospectively and will have a financial impact on the Trust, thus there is no double counting. Therefore, BHT seeks a contribution of £82,153.00.
- 5.154 BHT goes on to say that without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with the NPPF and VALP policies.
- 5.155 BHT in general correspondence have provided a number of appeal decisions which have varied outcomes. These have not been specifically submitted in relation this case.
- 5.156 In considering any request for a financial contribution, the Council needs to be satisfied that BHT has provided evidence and adequate justification to demonstrate in accordance with the CIL Regulations how the sums are necessary to make the development acceptable in planning terms or how they are directly related to the development or fairly and reasonably related in scale and kind to the development (CIL Regulation 122).

- 5.157 There have been considerable ongoing discussions with BHT, not just in relation to this application but for all relevant developments within the Council, regarding their requests for contributions. Officers have raised concerns that the information provided to date is inadequate to enable the Council to conclude that their request meets the CIL tests in relation to the requested contributions towards service costs.
- 5.158 There are still a number of outstanding concerns relating to the request for contribution towards the cost of running services and the Council has been working collaboratively with BHT in order to assess the potential for CIL compliant contributions for alternative provision in the way of capital costs arising from new development rather than revenue costs in light of the concerns raised. There has been some progress on this (capital costs) but there are issues which remain unresolved. No request for capital costs has been submitted in relation to this application.
- 5.159 The NPPF advises that Plans should set out contributions expected from development, for infrastructure including health. The BHT request for such contributions has not been made through the local plan process leading up to the adoption of VALP. The requested contribution has not been the subject of viability testing through the VALP process. The BHT representations were submitted in December 2020 in relation to this application. Whilst discussions have taken place with BHT as set out above the information provided to date is considered inadequate to satisfy the council that CIL Tests are met.
- 5.160 Officers have taken a judgement as to whether it is appropriate to delay the consideration of this application, for further information which may or may not satisfy the CIL tests. At this point it is not certain whether a CIL compliant s106 methodology may be able to be achieved and this may take several months to work through. It is noted that work with BHT has been undertaken over many months with no clear end point available. It would therefore be entirely unreasonable to further delay without any confidence of a timeline.
- 5.161 The delay and uncertainty over this matter must be weighed in the balance against the potential delay and potential prejudice to the delivery of much needed new homes to boost the HLS in the Aylesbury area. This undermines important objectives in the NPPF which seeks to ensure an adequate supply to meet objective needs. For these reasons it is considered that the BHT request is outweighed as a matter of judgement at this stage by the significant delay and prejudice that would result in determining this application if the issues above were first required to be resolved particularly since, at present there is no guarantee that the methodology and contributions will be found to be CIL compliant.
- 5.162 In addition, the provision of the play spaces and other public spaces on-site, and with new infrastructure that supports walking and cycling provision and more active travel for future residents and employees, the proposal encourages people to adopt a healthier lifestyle which is a net benefit in the round. Subject to appropriate details coming forward at Reserved Matters stage, on balance, the proposed development could provide adequately for healthcare facilities in accordance with VALP policy and having regards to the CIL regulations.

5.163 In light of the above factors, it is concluded that a financial contribution for healthcare facilities has not been fully justified and a request of such would be unlawful..

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 6.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.3 In this case, given the Council's lack of 5yr HLS in the Aylesbury Vale Area paragraph 11(d) of the NPPF applies and the tilted balance is engaged.
- 6.4 As set out in section 1.0 above it is considered that the proposed development would accord with the Development Plan as a whole, and with regard to the overall planning balance, the considerable positive weight of the supply of housing, the additional significant positive weight of 30% affordable housing provision, and the moderate positive weight of the proposed economic benefits, would significantly and demonstrably outweigh the very limited negative impact of the loss of a sports pitch.
- 6.5 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 6.6 In accordance with the Human Rights Act, the concerns and objections of the Ward Councillors, Town Council, Parish Council, Aylesbury Society and members of the public have been duly noted and considered and addressed within the above report.

- 6.7 Full and detailed consideration has been given to the specific issues arising from the scheme and as set out within this report, this demonstrates the suitability of this site and proposal, or the means by which it can be made acceptable.
- 6.8 Taking into account all of the material planning considerations, and having assessed the proposals against the Development Plan and, where appropriate, the identified conflict with this Plan, and having given consideration to other relevant planning policies, policy documents and published guidance, it is concluded that the proposals will deliver a range of significant benefits that ensure that there are demonstrable economic, social and environmental benefits to arise as a result of development.
- 6.9 Overall, the significant benefits of the proposal would be in conformity with the Development Plan as a whole and any limited conflict identified with the VALP is significantly and demonstrably outweighed by the identified benefits (paragraph 6.4 above) and the scheme would meet the NPPF objective to achieve sustainable development.
- 6.10 It is concluded that outline planning permission should be granted, subject to the following planning conditions and the completion of a satisfactory s106 agreement to secure the obligations as set out in this report.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this instance the applicant sought pre-application advice, and officers have worked positively and proactively by ensuring the applicant/agent was updated of any issues after the submission of the application, giving the opportunity to address any identified issues. Considerable negotiation and regular dialogue have taken place between the applicant and officers to resolve issues and agree changes to the proposal, as such amended plans and other amended technical information have been received during the course of the application, as set out within this report. Officers worked pro-actively with the applicant/agent to resolve issues throughout the consideration of this application. The application was considered by the Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

8.0 Recommendation

- 8.1 The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report, subject to the receipt of no new material representations, and the conditions as proposed and any other considered appropriate by Officers, or if these are not achieved for the application to be refused.

8.2 The proposed planning conditions are as follows:

- 1) Approval of the details of the layout, scale, design, and external appearance of any part of the residential development (herein after called the 'reserved matters') shall be obtained in writing from the local planning authority before that part of the development is commenced. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: Because the application is in outline (with all matters reserved except access) and as no details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the requirements of the Town and Country Planning Act 1990.

- 3) The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last reserved matters to be approved.

Reason: In order to comply with the requirements of the Town and Country Planning Act 1990.

- 4) The details of the reserved matters submitted pursuant to condition 1 above shall be carried out in general accordance with the illustrative drawings SK08 rev 04 (26/7/2023), SK09 rev 02 (24/7/2023), SK10 rev 02 (dated 24/7/2023), and SK11 rev 02 (dated 21/7/2023) in so far as such details relate to the with the maximum building storeys and layout indicated, the overall quantum of landscaping to be provided, including existing features and / or areas for retention, new areas of planting, areas of public open space and any associated green infrastructure.

Reason: To secure the satisfactory development of this important site in accordance with the agreed principles and objectives and to ensure high quality design and standard of amenity is achieved.

- 5) No commencement of the residential development shall take place, except demolition, until a report detailing the proposed noise mitigation, including any necessary ventilation requirements is submitted, to and approved in writing by, the Local Planning Authority. The report will detail the mitigation required in each dwelling to ensure that internal noise levels, from any external source, do not exceed those specified in table 4 of BS8233:2014 and that noise levels in bedrooms do not exceed 45dB LAmaxf more than 10 times per night. Any specific building ventilation requirements needed to ensure that the above levels can be maintained will also need to be detailed in the submitted report. The report shall also detail the mitigation required to ensure that noise levels in external amenity spaces do not exceed 55dB LAeq16hr. Thereafter development shall be implemented fully in accordance with the approved report, including any necessary mitigation and retained for the lifetime of the development.

Reason: The reason for this pre-commencement condition is to protect the residential amenity of future occupiers of the development by ensuring appropriate mitigation measures are to be

implemented as part of the development, and to comply with Vale of Aylesbury Local Plan policies BE3 and NE5, and the NPPF.

- 6) No commencement of the residential development hereby permitted shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure a habitat compensation and biodiversity net gain, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/LEMP document the following information shall be provided:
- a) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works;
 - b) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
 - c) Details of both species composition and abundance where planting is to occur;
 - d) Proposed management prescriptions for all habitats for a period of no less than 30 years
 - e) Assurances of achievability;
 - f) Timetable of delivery for all habitats; and
 - g) A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken and thereafter maintained in accordance with the approved CEMP and LEMP.

Reason: The reason for this pre-commencement condition is to ensure that a suitable CEMP and LEMP has been agreed in advance of works commencing, in order to minimise the construction impacts on biodiversity and to comply with Vale of Aylesbury Local Plan policy NE1, and the NPPF.

- 7) The development shall be implemented in accordance with the agreed mitigation, compensation and enhancement measures detailed in the Ecology Assessment from Adonis Ecology dated November 2020. Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made.

Reason: In the interests of biodiversity, and to comply with Vale of Aylesbury Local Plan Policy NE1, and the NPPF.

- 8) At the same time as submitting details of the reserved matters for condition 1 above, and notwithstanding any indications illustrated on drawings already submitted, a detailed scheme of soft landscaping works for the residential development shall be submitted to and approved in writing by the Local Planning Authority. It shall include but is not limited to the following:

- a. Indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those that are to be retained.
- b. Planting (including trees, shrubs, seeding, other plants and grass) plans.
- c. Written specifications (including soil depths, mulching, cultivation, watering/irrigation, staking and other operations associated with tree, plant and grass establishment).
- d. Schedules or plans noting species, planting sizes and proposed numbers/densities
- e. For sustainable tree planting, the soft landscape works shall incorporate underground systems and provide a sufficient area of growth medium for long term tree growth where tree development is compromised by hard landscaping such as pavements, highways, car park areas and structures (if there is hardstanding on more than one side of proposed tree planting then underground systems must be implemented).
- f. A programme of planting.
- g. Provision of appropriate tree planting and boundary treatment and/or screening between the employment development and the residential development
- h. Details of existing contours and any proposed alteration to ground levels such as earth mounding shall also be provided.

Details of maintenance, replacement and management of the soft landscaping to ensure that it is maintained over the lifetime of the development shall be provided. The development shall be carried out fully in accordance with the approved soft landscape details thereafter and shall be fully maintained in accordance with the approved maintenance and management plan.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity and biodiversity enhancements and to protect trees in accordance with Vale of Aylesbury Local Plan policies BE2, NE1 and NE8, and the NPPF.

- 9) All planting, seeding or turfing comprised in the approved details of soft landscaping for the residential development shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenity and biodiversity enhancements and to comply with Vale of Aylesbury Local Plan policies BE2, NE1 and NE8, and the NPPF.

- 10) No site clearance work or development shall take place until there has been submitted to the Local Planning Authority for approval in writing an Arboricultural Method Statement and Tree Protection Plan (in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction'). The Method Statement and Protection Plans shall provide, as required, details of methods of construction within root protection areas and details showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall

comprise a barrier complying with Figure 2 of British Standard 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan.

The approved protective fencing shall be erected prior to the commencement of any works or development on the site including any works of demolition, vegetation or site clearance.

The approved fencing shall be retained and maintained until all building, engineering or other operations have been completed on site. No work shall be carried out or materials stored within the fenced area without prior written agreement from the Local Planning Authority. The development shall be carried out in accordance with the approved Tree Protection Plan and Method Statement.

11) Reason: This is a pre-commencement condition that is required to ensure that the trees to be retained are not damaged during the period of construction and in the long-term interests of local amenities and to comply with Vale of Aylesbury Local Plan policy NE8 and the NPPF.

12) Notwithstanding any indications illustrated on drawings already submitted, prior to the commencement of works above ground, a detailed scheme of hard landscaping works for the residential development shall be submitted to and approved in writing by the Local Planning Authority. It shall include but is not limited to the following:

- a. Excavations
- b. Proposed finished levels and/or contours
- d. Parking layouts
- e. Other vehicle and pedestrian access and circulation areas
- f. Hard surfacing areas (e.g. surfacing materials) and their permeable qualities
- g. Details of any street furniture, seating, refuse or other storage, signs, external lighting (including associated levels of luminance and its location)

All hard landscaping works shall be carried out in accordance with the approved details, and an approved implementation programme details of which shall also be submitted prior to the commencement of works above ground. The developer shall complete the approved hard landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

Reason: To ensure that the appearance of the development is not detrimental to the character or appearance of the area and for reducing flood risk, and to protect residential amenity of existing and future occupiers, in accordance with Vale of Aylesbury Local Plan policies BE2, BE3, and I4, and the NPPF.

13) No other part of the development shall be occupied, until the means of access has been sited and laid out in general accordance with the approved plans and constructed in accordance with Buckinghamshire Council's highway access standards.

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

14) The details to be submitted for the approval of the Local Planning Authority within a Reserved Matters application seeking to determine matters of Layout shall include details of visibility

splays within the development. The approved visibility splays shall be implemented before the development hereby permitted is occupied and shall be retained thereafter.

Reason: To provide adequate visibility for the safety and convenience of users of the highway and the development.

15) The details to be submitted for the approval of the Local Planning Authority within a Reserved Matters application seeking to determine matters of Layout shall include a scheme for parking and manoeuvring in accordance with the adopted parking standards. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and the parking shall not be used for any other purpose.

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

16) The details to be submitted for the approval of the Local Planning Authority within a Reserved Matters application seeking to determine matters of Layout shall include a scheme for electric vehicle charging in accordance with the adopted parking standards. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.

Reason: To ensure adequate provision is made for electric vehicles and to accord with the NPPF and policy T8 of the Vale of Aylesbury Local Plan.

17) The details to be submitted for the approval of the Local Planning Authority within a Reserved Matters application seeking to determine matters of Layout shall include a scheme for cycle parking in accordance with the adopted parking standards. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.

Reason: To provide safe and suitable cycle parking and to encourage sustainable travel to and from the development.

18) The details to be submitted for the approval of the Local Planning Authority within a Reserved Matters application seeking to determine matters of Layout shall include details of adoptable estate roads and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out in accordance with the approved details.

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

19) Prior to the commencement of any development works on the site related to the development hereby permitted, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the Local Planning Authority. The approved CTMP shall be adhered to throughout the construction period and shall include the following details:

- Construction access details.
- Construction traffic routing.
- Delivery hours outside of highway network peak periods.

- The parking of vehicles of site personnel, operatives, and visitors off the highway.
- Loading and unloading of plant and materials and storage of plant and materials used in constructing the development off the highway.
- The erection and maintenance of security hoarding and gates.
- Wheel-washing facilities.
- Before and after construction condition surveys of the highway and a commitment to rectify and repair any damage caused.

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

21) The connection to the Aylesbury Gardenway shown on drawing no SK11 rev 02 (dated 21/7/2023) shall be safeguarded for future use as part of the Aylesbury Gardenway proposals. In the event that the Aylesbury Gardenway is provided by Buckinghamshire Council (or other delivery body including the developer) the shaded land shown on this plan shall be used as connection to the Aylesbury Gardenway.

Reason: To safeguard the future provision of the Aylesbury Gardenway project in accordance with the Aylesbury Garden Town Masterplan and VALP policies T1 and S5.

22) No development above ground shall take place on the residential buildings hereby permitted until details and samples of all the external surface materials proposed to be used on the buildings, surfaces of the roads, footpaths, parking areas and courtyards have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out using the approved materials.

Reason: In the interests of the visual appearance of the development in accordance with Vale of Aylesbury Local Plan policy BE2 and the NPPF.

23) The development shall be carried out in accordance with the submitted flood risk assessment and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 73.09 metres above Ordnance Datum (AOD)
- Compensatory storage shall be provided as outlined in Section 6.5 and Figure 12 of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Vale of Aylesbury Local Plan policy I4 and the NPPF.

24) Prior to the commencement of works for the residential development (excluding any works of demolition), the detailed design of the surface water mitigation measures as set out in the approved Flood Risk Assessment (V3-2, Thomas Mackay, dated July 2022) and supporting

documents has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include the following:

1. A bund between the basin and existing properties to the east as identified on Sections Through Proposed Suds Features Sheet 2 (203985-SWH-ZZ-XX-DR-C-0061 P02) informed by appropriate geotechnical assessment that includes but is not limited to:
 - A geotechnical desk study, intrusive geotechnical investigation and associated interpretative report.
 - A geotechnical design report covering suitability of the material, slope stability, bearing capacity, seepage, and if needed, design. In terms of seepage, we would expect to see a specification if a clay core is proposed.
2. Bank forming the attenuation basin (and raised development platform) as identified on Sections Through Proposed Suds Features Sheet 1 (203985-SWH-ZZ-XX-DR-C-0060 P04) informed by appropriate geotechnical assessment that includes but is not limited to:
 - A geotechnical desk study, intrusive geotechnical investigation and associated interpretative report.
 - A geotechnical design report covering suitability of the material, slope stability, bearing capacity, seepage, and if needed, design. In terms of seepage, we would expect to see a specification if a clay core is proposed.
 - Confirmation of earthworks volumes and associated Materials Management Plan (if over 10,000m³).
 - Details of any erosion protection matting.
 - No trees or shrubs to be planted on or in the vicinity of the embankments.

Reason: This pre-construction condition is required to ensure that there is a satisfactory solution to managing surface water flood risk in accordance with Policy I4 of the Vale of Aylesbury Local Plan and with the guidance set out in the National Planning Policy Framework.

25) Prior to the commencement of works for the residential development (excluding any works of demolition), the detailed design of the surface water mitigation measures as set out in the approved Flood Risk Assessment (V3-2, Thomas Mackay, dated July 2022) and supporting documents has been submitted to and approved in writing by the Local Planning Authority. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on the principles in approved Drainage Design Strategy and Calculations (Scott White and Hookins dated November 2022) and supporting documents, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index for each of the surface water drainage catchments
- Discharge from the surface water drainage scheme is to be no greater than 2.75l/s
- Ground investigations and associated interpretative report including:

- Soakage testing in accordance with BRE Digest 365
 - Comprehensive groundwater level monitoring over the period of one year across the development area, which must include the months November to March
 - Assessment of impacts of the scheme on groundwater movement and appropriate mitigation measures (if any)
 - Requirement for any lining of surface water drainage components to prevent groundwater ingress
 - Floatation calculations based on maximum groundwater levels observed during the monitoring period
- SuDS components agreed in the outline application as shown on drawings 203985-SWH-ZZ-XXDR-C-0050-P05 and 203985-SWH-ZZ-XX-DR-C-0051-P05
 - Full construction details of all SuDS and drainage components
 - Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
 - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site. The calculations submitted should also include a check on the impacts of surcharged outfall conditions and confirm requirements for non return/flap valves within the drainage scheme
 - Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

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

26) At the same time as submitting details for the reserved matters pursuant to condition 1 above, a detailed energy strategy for the residential development, including measures to reduce carbon emissions through renewable technologies and reduce water consumption to a limit of 110 litres/person/day, shall be submitted to and approved in writing by the Local Planning Authority. Residential development shall be carried out thereafter in accordance with the approved energy strategy.

Reason: To ensure a resultant satisfactory standard of development, in accordance with Vale of Aylesbury Local Plan policy C3, and the NPPF.

27) All walls, fencing, gates or other means of enclosure / boundary treatment shall be erected/installed in accordance with details to be submitted for the reserved matters pursuant to condition 1 above. The walls, fencing, gates or other means of enclosure shall then be erected in accordance with the approved details prior the initial occupation of the dwellings to which they relate. Thereafter, the approved means of enclosure / boundary treatment shall be

retained and notwithstanding Class A, Part 2, Schedule 2 of The Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) no further gate, wall, fence or other means of enclosure shall be constructed without the approval in writing of the Local Planning Authority.

Reason: To ensure a satisfactory resultant appearance and standard of amenity of the site and in the interests of highway safety and convenience, in accordance with Vale of Aylesbury Local Plan policies BE2 and BE3, and the NPPF.

28) Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A, B, D, E & F of Part 1 of Schedule 2 to the said Order shall be erected or constructed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: The nature and density of the layout requires strict control over the form of any additional development which may be proposed in the interests of maintaining a satisfactory residential environment. In order that the Local Planning Authority can properly consider whether any future proposals will constitute overdevelopment of the site or will in any other way be detrimental to the character of the locality, and to accord with policies BE2 and BE4 of the Vale of Aylesbury Local Plan, and the NPPF.

29) The residential development hereby approved shall not be occupied until confirmation has been provided to the Local Planning Authority that either: (i) all water network upgrades required to accommodate the additional flows to serve the residential development have been completed; or (ii) a development and infrastructure phasing plan (for the residential development) has been agreed with Thames Water to allow the residential development to be occupied. Where a development and infrastructure phasing plan is agreed no residential occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

30) Application for the approval of Reserved Matters in respect of Layout shall provide full details of the proposed housing mix, types and sizes, (having regard to the council's most up-to-date evidence on housing need) including demonstration that the development will meet at least category 2 accessible and adaptable standards for all dwellings, as set out in Building Regulations Approved Document M4(2), and that a minimum of 15% of the affordable housing will meet the requirements for M4(3) wheelchair accessible housing as set out in Building Regulations Approved Document M4(3), unless it has been demonstrated to the Council's satisfaction that it would be unviable to do so. Such details shall be submitted for the approval in writing by the Local Planning Authority and the development shall be implemented fully in accordance with the approved details thereafter.

Reason: To ensure a satisfactory mix of homes are provided to meet current and future housing requirements, and the need for accessible, adaptable and wheelchair user dwellings, as required to accord with Vale of Aylesbury Local Plan policies H6a and H6c, and the NPPF.

- 31) No development shall take place until the applicant, or their agents or successors in title, have undertaken 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.

Reason: To ensure the development confirms with NPPF paragraph 205 and VALP Policy BE1 in relation to assessing any archaeological significance and ensuring a preservation record is made.

Informatives

- 1) The applicant is advised that off-site highway access works will need to be constructed under a Section 184 / 278 of the Highways Act legal agreement. This Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge, or other land forming part of the highway. Please visit the Council's website for further guidance or contact Highways Development Management via highwaysdm@buckinghamshire.gov.uk
- 2) No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
- 3) It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 4) Riparian Responsibilities: It should be highlighted that as a riparian owner, the applicant has responsibilities to maintain the watercourse ensuring that the flow is able to be maintained unimpeded. Therefore, works may need to be undertaken with regards to vegetation management and blockage removal. We would encourage the applicant to refer to the following guidance documents; Environment Agency Guidance on Riparian Responsibilities and the BC Guidance for Riparian Owners.
- 5) The Lead Local Flood Authority strongly recommend pre-application engagement prior to the submission of any drainage related matters at either reserved matters or discharge of conditions stage due to the complexity of the surface water drainage proposals. Please note that this service is offered on a charged basis, for more information and how to apply please see the Council's website.
- 6) The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit [Flood risk activities: environmental permits - GOV.UK](https://www.gov.uk/guidance/flood-risk-activities-environmental-permits)

(www.gov.uk) or contact the EA National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and they are advised to consult with the EA at the earliest opportunity.

- 7) As part of a reserved matters application information will be required to demonstrate that any development within 8m of the watercourse can meet the Environment Agencies requirements to not increase flood risk, harm the environment or impact on drainage under the Environmental Permitting (England and Wales) Regulations 2016.

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Mrs Susan Morgan:

“I echo the comments of objection made by the Oliffe Residents Association, local residents and the Town Council. I would like this application to be called to the Central Planning Committee for a decision to be made.”

Cllr Ashley Bond:

“very concerned about flooding issues”

Parish/Town Council Comments

Aylesbury Town Council:

“Aylesbury Town Council Object to this application. Whilst bringing derelict sites back into usage is desirable the Town Council has a major concern regarding water attenuation at this site. This does not appear to have been considered thoroughly enough in this application with no robust and detailed mitigations to alleviate the risks. The concerns are real for current residents that have just experienced an episode of severe flooding of neighbouring roads (particularly Oliffe Close) and will be a threat to new residents. The committee support the comments raised by CPDA adviser and share concerns for the already overwhelmed local amenities that would serve this development of Health services and education. Aylesbury Town Council would also request that the developer be asked to contribute towards new graded football facilities for the town by ring fencing Section 106 money for this much needed new facility and would note that there are some inaccuracies in the developers summary of the history and current position with regards to Aylesbury United FC (these can be provided on request)”

“...additionally note that we'd expect Sport England to be consulted on this application”.

Watermead Parish Council:

“Watermead Parish Council writes to inform you that at the Parish Council meeting of 19th November 2020 a resolution was passed to object in the strongest possible terms to this planning application for the following material considerations.

Policy GP8 (retained policy) of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents, when considered against the benefits of the proposal. We strongly believe the following should be considered under Policy GP8.

Increased Flood Risk to Watermead & Oliffe Close Development

The River Thames flows through the parish of Watermead. Due to the historic nature of the flooding within this region, when the planning consent was given in the mid 1980s, the development site was limited in size and 2 vast flood relief lakes were part of the requirement to alleviate the flood risk. In recent years, due to climate change and much more additional housing

on closely neighbouring land flooding of Watermead has increased by 30%; some reports now even say 40%.

The developer states that as they are proposing to build in Flood Zone 2 only. They advise that no Flood Risk Assessment (FRA) or Sequential Test is required. The developer also states that they intend to raise part of Flood Zone 2 to make it a Flood Zone 1.

Proposed works including a Riverside Walk and the installation of a Local Equipped Area of Play (LEAP) are planned in Flood Zone 3 therefore a Flood Risk Assessment and Sequential Test is required and conflicts with the above statement made. This requirement is also confirmed by copy of letter from the Environment Agency dated 5th April 2020 uploaded to Buckinghamshire Council planning portal.

Any development that could potentially increase the flooding of elsewhere in the vicinity requires these documents to be submitted. The increased flood risk to houses in Oliffe Close and Watermead is too great to risk. Simply building higher within the high flood risk area will result in increased run-off and inadequate thought has been given to the effect of the proposed development on neighbouring properties.

During October 2020 flooding occurred in Oliffe Close, which has been reported in other objections to this planning application with photographic evidence provided. The neighbouring Best Western Hotel and Watermead Gym car parks were flooded as well as the football pitch because as intended it is flood plain. The gym was inaccessible. Further development can only make this much worse. To remove this flood plain facility would be extremely detrimental to neighbouring properties and to Watermead.

Holman's Bridge cannot cope with any additional infrastructure. The planning department must request that the applicant provides a re-modelling suggestion for Holman's Bridge. The bridge needs to be raised/widened to permit increased flow of the River Thame possibly preventing local flooding. An earlier proposal to do this was abandoned because it was wrongly assumed that it was a listed structure. It is not. When permission was given for the Football Club conditions were made to ensure that the development had a satisfactory appearance and, because the site included land within a floodplain there cannot be an undue impediment to flood water. Surely a development of 42 homes and associated infrastructure would be an obstruction, hindrance or obstacle. Total contradiction of the condition set.

According to Thomas Mackay (consultant for the applicant) the site has only flooded once. This statement is a real concern as the land in the very close vicinity has flooded, including people's homes on Oliffe Close nearly every year.

Buckinghamshire Council as the Lead Local Flood Authority have reviewed the information from the applicant and recommend refusal of this application, due to the site being at risk of all sources of flooding and inadequate assessment of the flood risk within the Flood Risk Assessment.

Buckinghamshire Council further confirmed that this site was assessed as part of the Aylesbury Vale Housing and Economic Land Availability (HELA) and it was determined that it was an unsuitable for development due to the existing flood risk.

Loss of Recreational Facility

This site is designated recreation & leisure land following change of use permission issued by AVDC in 1982. This permission is extant and no application for change of use has been made. It is

not a brownfield site as contended by the Applicants, but a recreation site which has become disused solely because of internal factors in the management of the football club.

Steady growth of Aylesbury requires more sports and leisure facilities for team games and public entertainment not less. The football ground should be renovated or replaced, not removed, and certainly not for housing in an area so vulnerable to flooding.

Highways

Traffic is another concern. Oliffe Close residents will have difficulty in merging into the road leading from the new development to access the A413; a very busy road at the best of times. They already experience difficulty in getting out of the close during peak times. Further development in the area can only exacerbate this problem.

However well-planned to encourage cycling and walking and use of public transport evidence from many other developments including the adjacent Buckingham Park and Watermead, is that by far the majority of residents will use their cars to reach schools, work and to travel outside Aylesbury on their daily commute. Buckinghamshire Council have also mirrored these concerns about traffic trips and movements from the development within their response.

We request that the Planning Officer consults with the Sustainable Drainage & Highways Officers for the above-mentioned reasons and requests that this application is heard at committee. Furthermore if addressed at committee, we ask that a site visit is carried out to highlight our concerns and reasons to refuse this application.”

Consultation Responses (Summarise)

Archaeology:

The application area was subject to archaeological trial trench evaluation in 2009 by Foundations Archaeology. The evaluation identified archaeological features across the site, including an inhumation which was radio carbon dated to the early 13th century. Due to the known presence of one human inhumation, and the potential for associated remains to be present, an archaeological excavation is required in advance of any development of the site to appropriately excavate, record and report on the archaeological remains. The extent of the archaeological works will need to be agreed with BCAS, and contain contingencies in case further burials are encountered.

If planning permission is granted for this development then it is likely to harm a heritage asset's significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 205 and VALP Policy BE1. With reference to the NPPF we therefore recommend that any consent granted for this development should be subject to the following conditions: No development shall take place until the applicant, or their agents or successors in title, have undertaken 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.

Ecology:

Approve updated ecology assessment submitted in support of this application. Condition the recommendations of this report and request a CEMP and LEMP to secure measures to protect identified habitats & species and to secure the ecological enhancements proposed.

Environmental Health:

Whilst there are no fundamental environmental health objections to this application, as is recognised in the design and access statement, the properties on the western edge of the development may be subject to significant noise levels generated by traffic on the A413. It is therefore suggested that if approved this application is subject to a condition requiring the pre-commencement submission and approval of a written noise impact assessment, together with proposals for any necessary mitigation measures.

Parks and Recreation:

As this site is not and has not been available for use as a sports facility for some considerable time it is not considered to be an 'existing' sports and recreation facility and therefore not subject to the above VALP policy I2 criteria. Also, the Council's draft Playing Pitch Strategy identifies that future demand in terms of football pitch provision will be provided within other planned developments in the area.

CPDA:

Having reviewed the submitted documents and analysed the crime statistics - no specific concerns relating to this outline application.

Education:

Would require a financial contribution towards the expansion of the local primary and secondary schools to accommodate the significant development in the area including this scheme, in accordance with BC's adopted S106 policy.

LLFA:

No objection to the proposed development subject to planning conditions being placed on any planning approval for the detailed design, including appropriate geotechnical assessment, of the following features:

- the bund between the basin and existing properties to the east as identified on Sections Through Proposed Suds Features Sheet 2 (203985-SWH-ZZ-XX-DR-C-0061 P02).
- the bank forming the attenuation basin (and raised development platform) as identified on Sections Through Proposed Suds Features Sheet 1 (203985-SWH-ZZ-XX-DR-C-0060 P04)

Environment Agency:

Have reviewed the Flood Risk Assessment v3-2 July 2022 and appendices. The hydraulic model and the hydrology are now considered fit for purpose, and the assessment of climate change

allowances and floodplain compensation scheme satisfactory. The raised platform will mean the dwellings will be in Flood Zone 1. Therefore, no objection on flood risk grounds, subject to a planning condition. However, maintain objection relating to an inadequate assessment for nature conservation.

Highways:

Satisfied that safe and suitable access can be achieved, that the proposed development provides opportunities for non-car travel, and that the traffic impacts of the proposed development are acceptable and not severe in the context of the NPPF. The Highway Authority has no objection from a highway perspective, subject to the suggested planning conditions and highway informatives being included in any planning permission that may be granted.

Housing:

The former Aylesbury Vale area request a minimum of 25% of homes within a development of 11+ units to be affordable. The requested tenure split is 80% Affordable Rent and 20% Intermediate tenure (Shared Ownership preferred), based on the most up-to-date information on housing need. 15% of the affordable homes are to be designed to the M4(3) Building Regulations standard.

Health Care:

The BHT have requested a contribution of £82,153.00 towards hospital services to mitigate the impacts of a gap in funding.

Sport England:

As the playing field has not been used for at least five years, the consultation with Sport England is not a statutory requirement. Notwithstanding the non-statutory nature of the consultation, Sport England “strongly objects to the application because it is not considered to accord with any of the exceptions to Sport England’s Playing Fields Policy or with Paragraph 97 of the NPPF.”

Representations

Amenity Societies/Residents Associations

Aylesbury Society:

“Object in so much as the development will significantly reduce the size of the flood plain, leading to a detrimental affect on the surrounding residential areas and Watermead.”

Other Representations

Comments in support of the proposal can be summarised as:

- *Garden Way project can be incorporated into site linking other areas*
- *Benefit to Garden Town*

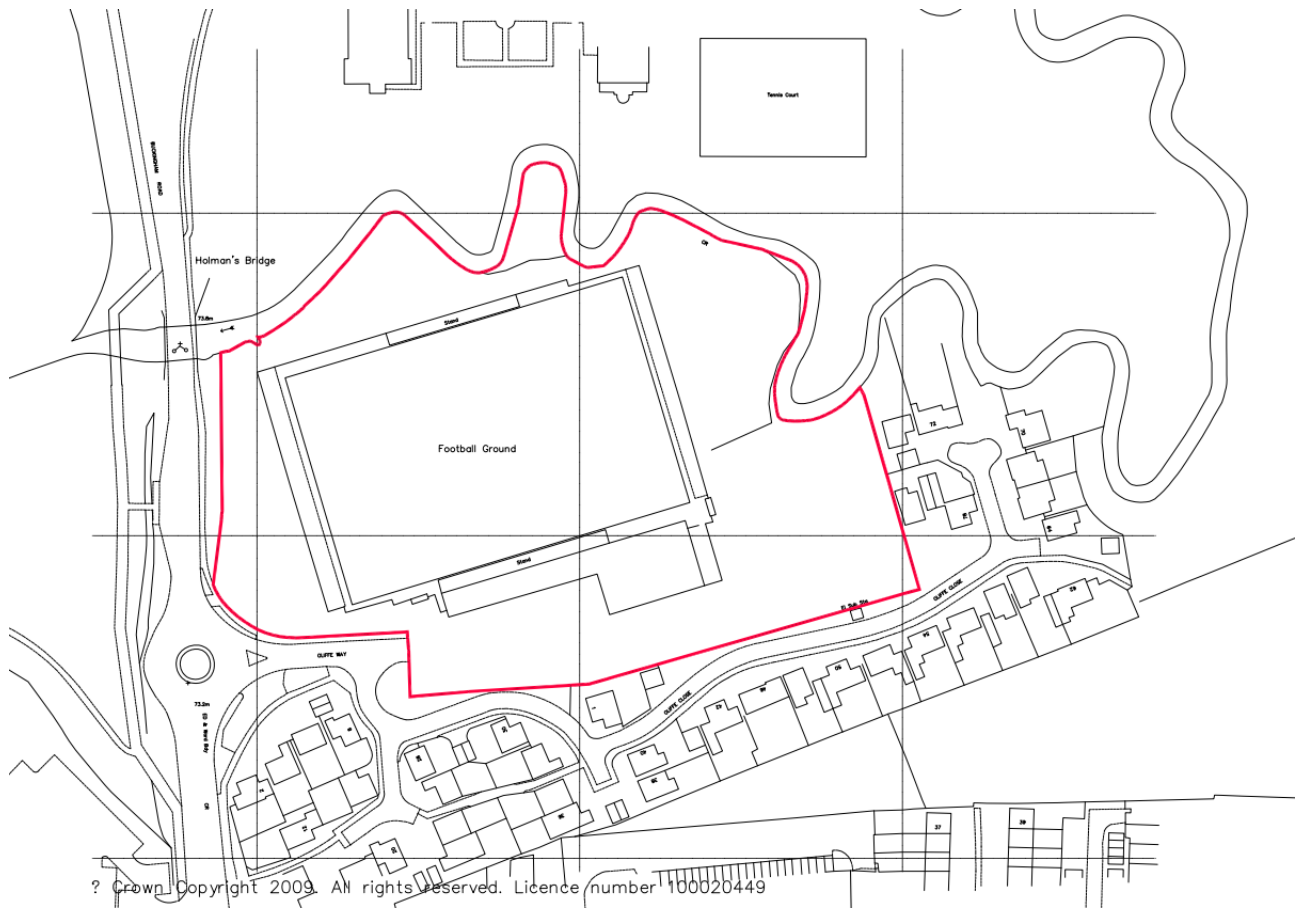
Neutral comments can be summarised as:

- *Housing mix could be more representative*
- *Flooding comments in local area*
- *The Garden Way needs to be taken into account opportunities for connections*
- *General quality of highway and transport impacts*
- *Comments on historical use of the site and benefit of sport on mental health*

Objection comments can be summarised as:

- *Oppose loss of local leisure land and football club site*
- *£106 million should be used to find the club a new site and sport facilities*
- *Club was evicted a permanent home needs to be provided they did not leave voluntarily*
- *Frequency of local flooding is a concern*
- *Site floods frequently as do surrounding houses*
- *Reduction in size of flood plain*
- *Flood Risk Assessment is misleading*
- *Traffic congestion and traffic impact will be made worse.*
- *Lack of sport opportunities for local people, club forced from the site.*
- *Climate change concerns*
- *Development will strain local infrastructure and impact on local bridge*
- *Need for a sequential test to be done*
- *Concerns over water consumption in local area*
- *Construction impact concerns*
- *Impact upon existing trees and their retention is a concern*
- *Houses squeezed onto the site are inappropriate*
- *Development is contrary to Garden Town objectives*
- *Town has a lack of high quality sport facilities*
- *SUDS comments should be adhered to (noting comments received prior to revised comments)*
- *Development will lead to flooding on local roads and estates*
- *Drainage and Sewerage problems are highlighted scheme does not improve situation for local people*
- *This represents a small green area that should be protected*
- *Covenant on land should prevent housing*
- *Proposed buildings are not in keeping with local area*
- *Aylesbury does not need more housing*
- *No facilities left for children in the area*

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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