



## Report to Buckinghamshire Council – Strategic Planning Committee

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<b>Application Number:</b>	22/03709/AOP
<b>Proposal:</b>	Outline application with access to be considered for redevelopment of the site comprising up to 100 residential units (Use Class C3) and the provision of green open space, together with associated landscaping and parking, widening of access and alterations to 149-151 Lower Road to accommodate widened access, and an internal link road to Booker Park School
<b>Site location:</b>	Bucks C C Sports And Social Club, Lower Road, Stoke Mandeville, Buckinghamshire,
<b>Applicant:</b>	Buckinghamshire Council
<b>Case Officer:</b>	Mrs Sue Pilcher
<b>Ward affected:</b>	AYLESBURY SOUTH EAST
<b>Parish-Town Council:</b>	STOKE MANDEVILLE
<b>Valid date:</b>	10 November 2022
<b>Determination date:</b>	
<b>Recommendation:</b>	The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the referral of the application to the Secretary of State given the objection to the development from Sport England. In the event that the application is not called in by the Secretary of State, for the application to be approved subject to the satisfactory completion of a Memorandum of Understanding, the details of which have been set out in this report, and subject to the conditions as proposed (with any amendments or additions as considered appropriate) by Officers and receipt of no new material representations or if these are not achieved for the application to be refused.

**1. Summary & Recommendation/ Reason for Planning Committee Consideration**

- 1.1. The proposed development consists of the redevelopment of the site comprising up to 100 residential units (Use Class C3) and the provision of green open space, together with associated landscaping and parking, widening of access and alterations to 149-151 Lower Road to accommodate widened access, and an internal link road to Booker Park School.
- 1.2. In terms of the material considerations, NPPF paragraph 11 is relevant and the presumption set out in paragraph 11d is triggered as the Council cannot currently demonstrate a 5 year supply of deliverable housing. In the context of paragraph 11(d)(i) there are no clear reasons for refusal in this case and therefore paragraph 11(d)(ii) applies. This states that permission should be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits.
- 1.3. It is acknowledged that there would be significant benefits in terms of both the contribution to housing supply and the provision of 40% affordable housing to which significant weight is given in the planning balance.
- 1.4. It is considered that there would be economic benefits in terms of investment in the construction of the dwellings themselves as well as the resultant increase in population which would contribute to the local economy, and also in respect of the on-going maintenance requirements of the open space and sports facilities. Given the sports facilities and clubhouse have not been used on this site for several years and that there is only on going maintenance in terms of cutting of the grass and security matters, it is not considered that there would be any material loss of employment at the site from its current use. Overall, this matter is afforded moderate weight.
- 1.5. The loss of the previous use of the site as providing sports and recreation facilities is acknowledged, and a full background to this has been provided in the report below, however, this use ceased in 2017/18 and in interpreting Policy I2 of the VALP this relates to the loss of existing facilities. Furthermore, significant open space would be provided within the site, including the provision of a sports pitch which would be for Booker Park School use and community use out of school hours, and a contribution would be made to improving off site sports and recreation facilities in the locality. On this basis it is not considered that there would be a conflict with Policy I2 of the VALP, or with the NPPF in this regard and therefore this matter should be afforded neutral weight in the planning balance.
- 1.6. Compliance with some of the other objectives of the NPPF have been demonstrated or could be achieved in terms of the impact on highways and flooding, on trees and landscape, providing safe communities and good design, on residential amenities and ecology and ensuring energy efficiency. These matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight is attributed neutrally.

- 1.7. In terms of biodiversity this development would provide a net gain of 12.16% habitat units and a net gain of 4% hedgerow units to which significant positive weight should be afforded.
- 1.8. This assessment identifies that various matters as set out in the draft MoU would need to be secured to make the scheme acceptable and mitigate its impact in accordance with relevant Development Plan policy and guidance as well as the NPPF if the council was minded to approve the application. These are set out in section 6 below.
- 1.9. In considering the overall planning balance it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal and in addition significant weight must be given to the supply of housing, including affordable housing and moderate weight to the provision of the biodiversity net gain indicated. It is therefore recommended that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the referral of the application to the Secretary of State given the objection to the development from Sport England. In the event that the application is not called in by the Secretary of State, for the application to be approved subject to the satisfactory completion of a Memorandum of Understanding, the details of which have been set out in this report, and subject to the conditions as proposed (with any amendments or additions as considered appropriate) by Officers and receipt of no new material representations or if these are not achieved for the application to be refused.

## **2. Description of Proposed Development**

### *Application site:*

- 2.1. The application site comprises a former Buckinghamshire County Council Sports and Social Club facility and is approximately 3.7ha in size, being comprised of two areas of land linked by a grassed connecting access. It is largely level with a gentle gradient which falls from a high of 91 metres AOD in the north-east corner to a low of 88 metres AOD to the south west. In the southern part of the site there are football nets and the site is open with fencing and hedging/planting to the boundaries. To the north-west of this part of the site lies Booker Park School (within Council ownership), to the east is a recently completed residential development and to the south-west is agricultural land which forms part of the AGT2 South West Aylesbury allocation in the VALP. Further to the south-west is the Princes Risborough railway line and beyond this is the route of HS2.
- 2.2. The northern parcel of land forming the larger part of the application site comprises an open area which formerly contained sports pitches and the tennis courts. A club house (members only bar and function room) building is located on the south-east boundary and there is a small garage/shed adjacent to this.
- 2.3. The site itself is accessed off the west side of Lower Road and this leads to an area of parking. It is currently used for the parking of vehicles (on the parking area and former

tennis courts area) associated with the staff at Stoke Mandeville Hospital which itself lies to the east of Lower Road.

- 2.4. The site is located within Flood Zone 1. The site is not within, or nearby, a conservation area and there are no listed buildings within the vicinity of the site, nor is it within an archaeological notification area. The majority of the site is within an amber zone, with a small proportion of the site to the north-west being within a green zone, for Great Crested Newts. There is a veteran tree to the furthest south-west boundary of the site.

#### *History of the Sports and Social Club*

- 2.5. When in first use, the site was a private sports ground that originally provided a recreational facility for Buckinghamshire County Council staff. Many large organisations enjoyed such facilities historically. Generally, across the UK, staff sports clubs were a large and important facility through the 1970s and 1980s but tended to close from the 1990s onwards due to the combination of business austerity measures and the reduction in household spending in pubs and clubs. Throughout the 1970s and 1980s BCC employees were automatically members of the club. This became optional in the 1990s. By the time of closure, the club had 56 members of a Council workforce of 3,000 (13,000 including schools).

- A northern field for various uses including football and cricket
- A southern field for various uses including as a football pitch
- A pavilion (now demolished) that contained changing rooms, toilets and a small cricket club room. The pavilion was closed in 2014 due to on going maintenance issues and costs of repair so from that date on there were no changing facilities
- A clubhouse containing the bar, function room and committee room
- Tennis courts
- Car park

- 2.6. The applicants have provided a supporting note detailing the background behind the closure of the sports and social club, this can be viewed in full in Appendix A4.0 of this report. The site was formerly used as the Buckinghamshire County Council Sports and Social Club as follows:

- 2.7. The decision to close the club was taken by the Cabinet Member for Resources on 28<sup>th</sup> July 2017 (reference R04.17). This is recorded in the 'Cabinet Member Decisions' section of the Buckinghamshire County Council Cabinet meeting on 25th September 2017. The report records that "The Cabinet Member: AGREED Option 2 – Close the whole Bucks Sports and Social Club building and external facilities with effect from 31 October 2017. Existing bookings up until 31 October 2017 will be honoured. The Cabinet Member took into account the representations that had been received."

2.8. Following the Cabinet decision, a call in request was considered at the meeting of the Finance, Performance and Resources Select Committee on 12<sup>th</sup> September 2017. In summary:

- The Council spent money on supporting and subsidising the site which was considered to be unsustainable and given the low usage of the by BCC staff and lack of use of the site for any required public service, the expenditure was not considered to represent value for money.
- In September 2017 many of the facilities at the club were recorded as 'no longer fit for purpose' and in some cases 'unsafe'. Changing facilities were no longer available for the football team, one of the main groups using the site and the tennis courts had (in 2017) not been used for several years and were no longer fit for purpose. The car park required a barrier to prevent fly tipping and unauthorised use of the site. The lack of available investment for modernisation meant that the prospect of making the club commercially viable through additional private functions was not realistic.
- Until 2014, the club had been managed by an independent committee. An audit investigation showed irregularities in the club accounts and its financial processes, including cash handling and book keeping.
- Following meetings in August 2016 with County Councillors, some club members and representatives from the football group, an agreement was reached that:
  - The Council would cease all financial subsidy of the club from April 2017
  - The Council would lease the club and site to a new legal entity to be in place from April 2017, governed by a clearly incorporated committee with a key role for County Councillors in its formation and operation
  - The lease would be FRI (Fully Repairing and Insuring)
  - Under the leadership of the new committee, the club would seek external funding for developing the changing facilities.

2.9. However, the transitional group made up of County Councillors and club members did not reach agreement on the future governance structure of the club and no legal entity or appropriate body was formed to which the Council can legally or responsibly hand over management of the club and site. The Council has held numerous meetings and invested a significant amount of time in supporting this process, which extended beyond the original transition date of April 2017.

2.10. In 2017 the Council considered that there were suitable alternative sports facilities in close proximity to the site which would mitigate the impact on the local community, and which were better placed to service the needs of the various sports groups that had used the site. In considering the recommendation to close the club the Finance, Performance and Resources Select Committee unanimously agreed that the decision should be referred back to the Cabinet Member for reconsideration and to consult again with service users and local Members and the Club Committee which had at that point

organised itself more effectively and could be in a position to take over the management of the Club and make it profitable. A period of three months was agreed with the Cabinet Member to report back to the Select Committee on his decision.

- 2.11. A report to the Finance, Performance and Resources Select Committee dated 19th December 2017 sets out the further work undertaken following the 12th September call in meeting. A letter was written to all key stakeholders and interested parties requesting any meaningful approaches to enable the club to sustain itself going forwards and various meetings, telephone conversations and emails took place with the Cabinet Member for Resources.
- 2.12. Two organisations submitted proposals for the future of the club which were reviewed by an independent evaluation panel consisting of Legal, Finance and Procurement professionals and the advice of the independent panel of experts was that neither of the two plans put forward represented an acceptable level of risk to the County Council. Stoke Mandeville Parish Council had also been contacted separately to ensure they had received the consultation letter and whether they required a specific meeting with the Cabinet Member for Resources to discuss their concerns however there was no request for further information. The Cabinet Member advised that as the evaluation report concluded that both bids represented an unacceptably high risk to the Council, the original decision to close the Bucks Sports and Social Club would still stand.
- 2.13. The last recorded use of the football pitches was in the 2017 season for the Buckinghamshire County Council football club. The clubhouse closed in January 2018.

### **3. Proposed development:**

- 3.1. Permission is sought for an outline application with all matters reserved except for access, for redevelopment of the site comprising up to 100 residential units (Use Class C3) and the provision of green open space, together with associated landscaping and parking, widening of access and alterations to 149-151 Lower Road to accommodate widened access, and an internal link road to Booker Park School.
- 3.2. The existing building and ancillary building on the site would be demolished. In addition, the side extension to No. 21 Lower Road, which is in Council ownership, would be demolished and the existing vehicular access to No.21 would be removed. These would both facilitate the accommodation of the widened access road for the development site. Areas of hardstanding comprising the old tennis courts and areas currently used for car parking will be removed from the site.
- 3.3. The indicative details received for the development propose a mix of dwelling types and sizes, some with garages and all would have rear gardens, with the maisonettes having community gardens. The mix would include one and two bed flats, 2-3 bedroom houses/maisonettes and 3-4 bedroom houses. The provision of 40% affordable housing (including a proportion of wheelchair accessible housing) is also proposed comprised indicatively as 16 x 1 bed, 16 x 2 bed, 5 x 3 bed and 1 x 4 bed units.

- 3.4. The Illustrative Masterplan indicates within the northern area, the provision of open space including a Local Equipped Area for Play within the central area of the site with the dwellings going around the outside of the site. There would be a pedestrian/cycle link to Roblin Close to the north. A vehicular link is proposed to Booker Park School through the site which would allow a one-way system to operate for the school. The southern area of land would provide a football pitch (which would be fenced) and this would be used by the pupils of the school and available for community use outside of school hours, secured through a community use agreement. There would be a connecting footpath/cycle link between the north and south areas of the site, and this would continue to the south-west and the land forming part of AGT2 South West Aylesbury allocation and to the south-east to the open space land associated with the residential development to the south.
- 3.5. Existing vegetation would be retained to the boundaries of the site and additional landscaping, including tree planting, is proposed within the northern area of the site. The Landscape and Visual Assessment indicates that the dwellings would have a maximum height of two and a half storeys.
- 3.6. During the course of the application amended plans have been received to address Officer's concerns regarding the drainage of the site, access arrangements, ecology, the indicative layout and provision of open space and play facilities.
- 3.7. The application has been accompanied by:
- Design and Access Statement (inc Crime Prevention Strategy, Landscaping Strategy and Parking Strategy)
  - Town Planning Statement
  - Transport Assessment
  - Travel Plan
  - Ecology and Trees Checklist
  - Flood Risk Assessment inc SuDS details
  - Drainage Strategy
  - Waste Management Strategy
  - Ecological Appraisal and BNG Metric
  - Energy Statement
  - Noise Assessment
  - Statement of Community Assessment
  - Gain Assessment and Biodiversity Metric Calculation
  - Planning Note – Closure of former BCC Sports and Social Club
- 3.8. The application is also accompanied by the following drawings:

- Site Location Plan Drawing no. 27
- Illustrative Masterplan Drawing no. SK19 Rev I
- Landscape Strategy Drawing no. 28 Rev B
- Preliminary Site Access Design Drawing no. PC3000-RHD-GR-SW-DR-001 rev P04
- Preliminary Site Access Swept Path Analysis – Refuse Vehicle Drawing no. PC3000-RHD-GR-SW-DR-0051 rev P04

#### **4. Relevant Planning History**

The application site:

Reference: 01/00247/APP

Development: Creation of a temporary access way for a period not exceeding 18 months to serve a temporary heli-pad for the air-ambulance (retrospective)

Decision: Approved                                      Decision Date: 5 April 2001

Reference: 85/02033/AV

Development: Extension

Decision: Approved                                      Decision Date: 1 April 1986

Reference: 07/02944/APP

Development: Retention of access for a further temporary period to serve temporary heli-pad for the air-ambulance (retrospective)

Decision: Approved                                      Decision Date: 18 March 2008

Reference: 20/02022/PREMTG

Development: Erection of 100 new homes including key worker homes

Decision: Policies and matters to be taken into account set out including VALP position, loss of facilities, affordable housing and mix of housing, access, connectivity and parking, residential amenities, layout, appearance and scale and landscaping.

Decision Date: 11 August 2020

Reference: 22/01250/COMM

Development: Follow up pre-application planning advice in relation to a potential outline planning application for the redevelopment of the former Buckinghamshire County Council Sports and Social Club.

Decision: Material matters to be taken into account referenced including loss of facilities, provision of affordable housing and contribution to housing supply, access and connectivity and residential amenity in particular.      Decision Date: 24 August 2022

#### **5. Representations**



- 5.1. There have been 134 objections received. These have been clearly set out in in Appendix A. The key concerns are impact on traffic and congestion, loss of open space, loss of sports and community facilities and impact on wildlife.

## **6.0 Policy Considerations and Evaluation**

6.1 For the purposes of the determination of this application the development plan for this area comprises the Vale of Aylesbury Local Plan (VALP) (2021) and Buckinghamshire Minerals and Waste Local Plan (MWLP) (2019). In determining the planning application, the Council has a statutory duty to have regard to the provision of the development plan so far as material to the application and any other material considerations (Section 70(s) Town and Country Planning Act 1990) and to determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 1990). VALP is considered to be an up to date plan. It was examined in accordance with paragraph 220 of the NPPF which states that the NPPF 2012 will apply for the purpose of examining the plans, where those plans were submitted on or before 24 January 2019. The starting position is the Development Plan in the knowledge that they are consistent with the NPPF 2012 and policies should be given full weight. If there is any conflict with a later version of the NPPF then that has to be considered as a material consideration.

6.2 As a material consideration of significant weight, the following documents are relevant:

National Planning Policy Framework (NPPF) (2023)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG) (2021)

Aylesbury Vale Area Design SPD (Adopted 2023)

Biodiversity Net Gain SPD (Adopted July 2022)

Affordable Housing Interim Position Statement (November 2019)

Sport Leisure Facilities Companion Document: Ready Reckoner (updated 2022)

6.3 The Stoke Mandeville Neighbourhood Plan is being progressed and is due to be submitted shortly to the Council to undertake a review prior to the Regulation 16 submission consultation. At the current time the Neighbourhood Plan holds limited weight in decision making.

## **7.0 Principle and location of development**

Aylesbury District Local Plan (VALP): S1 (Sustainable development for Aylesbury Vale); S2 (Spatial strategy for growth), S3 (Settlement hierarchy and cohesive development), NE6 (local green spaces) and I2 (Sport and recreation) and I3 (Community facilities, infrastructure and assets of community value)

### **Policy considerations**

- 7.1 The Stoke Mandeville Neighbourhood Plan (SMNP) is currently being prepared and it is anticipated that a Regulation 16 version of the plan will shortly be submitted to the Council for review prior to the Regulation 16 consultation being undertaken. The site is allocated within the Neighbourhood Plan as a Local Green Space and policy GI1 would apply and this states that such spaces are designated to be protected from development in accordance with Policy NE6 of the Vale of Aylesbury Local Plan 2013-2033 and the National Planning Policy Framework. New development will not be supported on land designated as a Local Green Space except in very special circumstances as outlined by national legislation and planning policy. Policy NE6 of the VALP states that within local green spaces, small-scale development within the following categories will only be supported providing that its provision does not conflict with the demonstrably special significance of the local green space and preserves the purpose of its designation. Such development should be:
- a. For the purposes of agriculture or forestry, the enjoyment of tranquillity and richness of wildlife, appropriate facilities for outdoor sport and recreational facilities or cemeteries
  - b. The replacement of existing buildings in the local green space by new buildings that are not significantly larger in volume, normally by no more than 25-30%.

Policy G13 of the SMNP identifies the settlement boundary which aims to prevent development on greenfield land outside of areas already allocated for housing in the VALP and to support the VALP in a number of identified ways as set out in the policy.

- 7.2 At the current time the Stoke Mandeville Neighbourhood Plan is not made, and so it does not form part of the Development Plan. At this stage of the Neighbourhood Plan process the policies carry very limited weight in decision making. Therefore, whilst the above policies are acknowledged, it is not considered that the development could be refused as being in conflict with the policy when it only holds limited weight in decision making.
- 7.3 Policy S2 of the VALP sets out the spatial strategy for growth with the primary focus of strategic levels of growth and investment being at Aylesbury (comprising Aylesbury Town and adjacent parts of surrounding parishes). The application site is located within the Parish of Stoke Mandeville and is within the settlement boundary of Stoke Mandeville (as set out in the draft Neighbourhood Plan) and forms part of the Stoke Leys estate, in the southern part of Aylesbury. Whilst the village of Stoke Mandeville is a large village in the settlement hierarchy, given the location of the site, it is associated and connected more with development at Aylesbury. Although this is not an allocated site, as set out in policy D1 of the VALP it is considered appropriate to consider the development of this site as forming part of the Garden Town and is considered to represent windfall development.
- 7.4 Policy D3 of VALP relates to proposals for non-allocated sites at strategic settlements, larger villages and medium villages and states that:
1. Small scale development and infilling

Development proposals in strategic settlements, larger and medium villages that are not allocated in this plan or in a made neighbourhood plan will be restricted to small scale areas of land within the built-up areas of settlements. Subject to other policies in the Plan, permission will be granted for development comprising:

- a. infilling of small gaps in developed frontages in keeping with the scale and spacing of nearby dwellings and the character of the surroundings, or
- b. development that consolidates existing settlement patterns without harming important settlement characteristics, and does not comprise partial development of a larger site

## 2. Larger scale development

Exceptionally further development beyond allocated sites and small-scale development as set out in criteria a) or b) above will only be permitted where the council's monitoring of housing delivery across Aylesbury Vale shows that the allocated sites are not being delivered at the anticipated rate. Proposals will need to be accompanied by evidence demonstrating how the site can be delivered in a timely manner. The proposal must contribute to the sustainability of that settlement, be in accordance with all applicable policies in the Plan, and fulfil all of the following criteria:

- c. be located within or adjacent to the existing developed footprint of the settlement except where there is a made neighbourhood plan which defines a settlement or development boundary, where the site should be located entirely within that settlement boundary
- d. not lead to coalescence with any neighbouring settlement
- e. be of a scale and in a location that is in keeping with the existing form of the settlement, and not adversely affect its character and appearance
- f. respect and retain natural boundaries and features such as trees, hedgerows, embankments and drainage ditches
- g. not have any adverse impact on environmental assets such as landscape, historic environment, biodiversity, waterways, open space and green infrastructure, and
- h. provide appropriate infrastructure provision such as waste water drainage and highways.

- 7.5 Having regard to the above policy, it is considered that this development would represent a larger scale development and therefore point 2 and criteria c – h are applicable. The Council's monitoring information which reviews delivery on all the VALP allocated sites indicates that whilst some sites may not be being delivered as anticipated, other sites are delivering more than anticipated. Overall, at this point in time (the relevant monitoring period being to end of the 2022/23 period) there is a slight surplus of delivery over the anticipated rates. However, as set out in the latest Five Year Housing Land Supply Position Statement (September 2023) overall Buckinghamshire Council is unable to demonstrate a

five-year supply of deliverable housing sites for the Aylesbury Vale area from a 31 March 2023 base date. This assessment identifies that Aylesbury Vale has a 4.5-year supply of housing sites for the five-year period 2023-2028. The proposal is considered to represent sustainable development, as set out in the remainder of this report, and there are not considered to be any reasons why the site could not be delivered, albeit that the appropriate procedures would need to be followed in respect of the Asset of Community Value (discussed below). Furthermore, it is considered that the development could accord with the criteria c-h above, accepting that further consideration will also take place through detailed design at the reserved matters stage. Having regard to these matters it is considered that the principle of the development would be acceptable.

7.6 The NPPF 2023, Section 8 promotes healthy and safe communities and safeguards community facilities and sports facilities in order to contribute to the community's health and well-being. It states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

7.7 The starting point of any assessment is the relevant policies within The Vale of Aylesbury Local Plan. Policy I2 addresses sports and recreation under which states that any proposals involving the loss of existing sports and recreation facilities will only be accepted provided a number of criteria are met. This is consistent with the requirements of the NPPF para 99.

7.8 In this instance given the history of the site and its subsequent closure it is important to consider whether Policy I2 is an applicable policy. This policy states, amongst other matters, that (extract below):

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.
- 7.9 The opinion of the Council's Parks and Recreation Officer is that the Bucks Sports and Social Club does not provide an existing facility. The applicant is also of the opinion that they are not existing sporting facilities and therefore Policy I2 is not relevant. It is noted that a number of the representations received object to the loss of the facilities and also that Sport England consider that their loss should be an important factor in the determination of the application and that Policy I2 is relevant. Clearly there are different views on whether Policy I2 is applicable or not. Ultimately this is the planning judgement of the decision maker.
- 7.10 Policy I3 of the VALP (Community facilities, infrastructure and assets of community value) states that the council will resist proposals for the change of use of community buildings and facilities for which there is a demonstrable local need, unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. In considering applications for alternative development or uses, the council will consider the viability of the existing use, that the site/use has been marketed for a minimum period of 12 months at a price commensurate with its use together with proof there has been no viable interest, marketing of the building or facility at a price commensurate with its use, the presence of alternative local facilities and the community benefits of the proposed use. This policy further states that in considering applications for residential development, the council will consider the need for new community facilities and community infrastructure arising from the proposal. Conditions will be imposed on permissions, or planning obligations sought in order to secure appropriate community facilities, or financial contributions towards community facilities, reasonably related to the scale and kind of development proposed.

### **Sports England Consultation and Policy I2**

- 7.11 The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out in Schedule 4 that we should consult with Sport England before the grant of permission where the development
- is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or
  - is on land which has been
    - o (aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or
    - o (bb) allocated for used as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or
  - Involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.

7.12 In this instance the site was last in use in 2018 and therefore Sport England are a statutory consultee on the basis of ground (aa). Sport England have their own guidance and requirements when it comes to sports provision in their 'Sport England Playing Fields Policy and Guidance' (December 2021) document. This document states that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of: all or any part of a playing field, or land which has been used as a playing field and remains development, or land allocated for use as a playing field, unless the development as a whole meets one or more of the five specific exceptions. The five exceptions are outlined below:

1. "A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.
2. The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
3. The proposed development affects only land incapable of forming part of a playing pitch and does not:
  - a) reduce the size of any playing pitch;
  - b) result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
  - c) reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
  - d) result in the loss of other sporting provision or ancillary facilities on the site; or
  - e) prejudice the use of any part of a playing field and any of its playing pitches.
4. The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:
  - a) of equivalent or better quality, and
  - b) of equivalent or greater quantity, and
  - c) in a suitable location, and
  - d) subject to equivalent or better accessibility and management arrangements.
5. The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field."

7.13 Sport England have stated their concerns about local plan policy I2 and consider it inconsistent with para 99 of the NPPF which sets out the circumstances where sports facilities can be lost. They also consider that part g. of the policy does not accord with para 99 of the NPPF. It is noted that VALP has been examined under para 220 which means that the policies in the original National Planning Policy Framework published in March 2012 apply for the purpose of examining plans where those plans were submitted on or before 24 January 2019. However, it is noted that the relevant NPPF in 2012 para 74 is the same

as para 99. Sport England further state that potential investment into existing sport and recreation facilities at Walton Court (which is proposed as part of the leisure contributions that arise from residential development of the site) cannot be considered capable of meeting the exceptions above as it would not constitute appropriate replacement provision under the E4 exception within their playing fields policy and paragraph 99 of the NPPF. In light of the lack of proposed appropriate replacement provision for the loss of playing field and facilities, Sport England therefore objects to the application and have commented that should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State.

- 7.14 The advice of the Policy Team has been sought in terms of the interpretation of the policy and it has been clarified that the policy should apply to something currently in use or quite recently, or that to bring the site back into use would be quite simple like releasing keys to a pavilion. The policy wasn't intended to keep disused or sites in very poor state of condition protected from consideration for alternative use. This position is considered to be consistent with the relevant NPPG and the protection given to existing sports facilities.
- 7.15 The existing sports facilities which were for BCC staff primarily but also used by other clubs and groups, closed in 2017. Therefore, it is considered that it is a strong argument that the facilities are not existing facilities for the purpose of applying policy I2, or indeed paragraph 99 of the NPPF and that this has been the situation for a number of years (since 2017/2018). In addition, whilst it could be said that the sports grounds could be brought into use, the existing clubhouse building is in a poor state of repair and would not be able to be brought into use without considerable repairs and modernisation. This has been considered in detail in the history of the Sports and Social Club above.
- 7.16 Having regard to the above matters and details of the application and the site, it is your officer's judgement that Policy I2 is not a relevant policy for the determination of this application. Also given the view that these are not existing facilities there would not be a conflict with paragraph 99 of the NPPF
- 7.17 Policy I3 of the VALP relates to community facilities, infrastructure and assets of community value. This site has been designated as an 'Asset of Community Value' since 6th August 2020 and this will expire on 5th August 2025. The site is listed as a 'Sports Club Asset'. Policy I3 states that the loss of a community facility requires justification which demonstrates that the proposed development would result in an equivalent or better provision in terms of quantity and quality in a suitable location. When considering applications for alternative uses, the council will consider the viability of the existing use, that the site/use has been marketed for a minimum period of 12 months with proof there has been no viable interest, the presence of alternative local facilities and the community benefits of the proposed use.
- 7.18 It is clear from the information set out above that the site has been closed for many years and was subject to attempts to keep the social club open before it was closed. The buildings are either demolished or in a poor state of repair and no viable proposal has been put forward for their repair and re-use. It is acknowledged that the facilities are not being

replaced by other facilities in the locality as they are not considered to be existing facilities that have been lost. However, a financial contribution will be secured from the development (in terms of open space and recreation provision as would normally be required from this size of residential development) which would contribute towards the upgrading and renovation of the existing facilities at Walton Court which is in close proximity to the site.

- 7.19 With regard to the Asset of Community Value designation, the applicants have advised that it is not yet clear how the site will be developed if planning permission is granted. However, the applicant will need to follow Asset of Community Value legislation at the appropriate time. The current legislation would require the applicant to consider bids from the local community during a moratorium period.
- 7.20 Having regard to the above matters, overall it is considered that the site is sustainably located and furthermore the site is recognised in the VALP as being a sustainable location for development. As set out later in the report the Highway Authority are requesting that the MoU includes a package of off site mitigation measures. It is considered that these measures would reinforce the existing locational sustainability of the site further. In terms of the principle of acceptability of the development, having regard to the above policies it is considered that the proposal would be acceptable and in accordance with the Development Plan and with the NPPF.

### **Housing supply, Affordable housing and housing mix**

VALP policies S1 (Sustainable Development for Aylesbury Vale), D1 (Aylesbury Garden Town), D3 (Proposals for non allocated sites at strategic settlements, larger villages and medium villages), H1 (Affordable Housing), H5 (Self/Custom Build), H6a (Housing Mix), H6b (Housing for older people) and H6c Accessibility

### **Housing Supply**

- 7.21 The Vale of Aylesbury Local Plan requires the provision of 28,600 homes over the duration of the plan up until 2033 and the latest five-year housing supply figure for the Aylesbury Vale area is 4.5 years highlighting that the Council are not meeting the housing need for this area, as discussed above. The proposed development would make a significant contribution to housing supply. Paragraph 119 of the NPPF aims to “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing”. Although the application site is not allocated for residential development, it would contribute towards the windfall provision. The site is situated in a mainly residential area, meaning the proposed use would be compatible with the surrounding land uses.

### **Affordable Housing**



- 7.22 In respect of affordable housing the scheme does meet the thresholds for securing such provision on site as outlined in VALP policy H1 which requires a minimum of 25%. The applicants are proposing that a minimum of 40% affordable housing is secured on the site with a mix of housing as indicated in the table below. This mix is based on 93 dwellings, of which 38 would be affordable dwellings, as currently indicated on the illustrative masterplan, but noting that the description of development is for up to 100 dwellings, the final mix and numbers could be subject to change. In addition, the applicant has specified 2 bed units, so these could be split into 2 bed flats or houses. The housing mix will be secured by condition and the requirement for the affordable housing provision will form part of the MoU.
- 7.23 There is some discrepancy with the mix of dwellings for the affordable dwellings, compared with the mix indicated in the HEDNA but the applicant has had regard to the proximity of the hospital and providing accommodation for staff but also to the need to provide emergency accommodation and temporary accommodation. The final mix of affordable dwellings will be determined having regard to local needs and the HEDNA and in discussion with the Council's Affordable Housing Officer, at the detailed design stage. A tenure mix of 80% rented and 20% shared ownership would also be required for the affordable dwellings.
- 7.24 The affordable units would need to be spread throughout the site such that there would not be undue clustering, albeit noting that the site is not of a significant scale and with 40% affordable housing, there may be some concentration of such units.

<b>Affordable Housing</b>	<b>Number</b>	<b>Percentage</b>	<b>HEDNA %</b>
1 bed flat	16	42%	9%
2 bed flat	0	0%	6%
2 bed house	16	42%	36%
3 bed house	5	13%	39%
4 bed house	1	3%	10%
5 bed house	0	0%	0%
<b>Total</b>	<b>38</b>	<b>100 %</b>	<b>100%</b>

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

### **Housing Mix**

7.25 Policy H6a of the Local Plan requires new residential development to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. The housing mix should be reflective of the council's evidenced housing need. In terms of the remainder of the development a mix of dwelling types and sizes are proposed although the applicant has not provided an updated indicative mix following the increase in the number of affordable units proposed. However, at the detailed stage a range of dwelling types and sizes would be secured to be reflect of the HEDNA and to accord with policy H6a of the VALP. This will be secured by condition.

#### **Accessibility**

7.26 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 and all of the dwellings on the site will be required to meet the appropriate Building Regulations (through the imposition of a suitable condition engaging higher accessibility standards). This will ensure that suitably high standards of accessible housing is achieved. 15% of the affordable dwellings will be required to be wheelchair accessible and the remainder of the affordable units (and the rest of the market dwellings) would need to be adaptable. Providing this level of accessibility would accord with policy H6c of the VALP. The affordable units would need to be spready throughout the site such that there would not be undue clustering, albeit noting that the site is not of a significant scale and with 40% affordable housing, there may be some concentration of such units.

#### **Self/Custom Build**

7.27 With regard to VALP policy H5, this states that developments proposing 100 dwellings and above should provide a percentage of serviced plots for sale to self/custom builders. In this case up to 100 dwellings are proposed, with the illustrative layout indicating the provision of 93 dwellings. Should a scheme for 100 dwellings come forward then one dwelling would be need to be accommodated within the detailed design for the site at reserved matters stage. This can be secured within the MoU.

7.28 Having regard to the above matters it is considered that overall, the development would make a meaningful contribution to housing supply which would be a significant benefit and to which significant weight is given in the planning balance. The provision of 40% affordable housing, which would be in excess of the policy requirement, is also considered to be a significant benefit to which significant weight should be afforded. In addition, an appropriate mix of dwelling types and sizes could be secured at the detailed, reserved matters stage. On this basis, and having regard to the above matters, the development would accord with policies S1, D1, H5, H6a, H6b and H6c of the VALP and with the aims of the NPPF.

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

VALP policies T1 (Delivering the Sustainable transport vision), T4 (Capacity of the transport network to deliver development), T5 (Delivering transport in new development), T6 (Vehicle parking), Appendix B (Parking Standards), T7 (Footpaths and cycle routes) and T8 (Electric vehicle parking)

- 7.29 Policy T1 explains that the strategy to deliver sustainable transport in Aylesbury Vale is based on encouraging modal shift with greater use of more sustainable forms of transport and improving the safety of all road users. The council will seek to ensure that development proposals will deliver highway and transport improvements to ensure new housing and employment development identified in the Local Plan period does not create a severe impact on the highway and public transportation network and encourages modal shift with greater use of more sustainable forms of transport. The council will assist in delivering the pedestrian, cycle, public transportation and public realm improvements to deliver the Aylesbury Garden Town initiative as required to deliver sustainable, healthy and thriving communities. Policies T4 and T5 of the VALP seek to ensure that development proposals are sustainable with regard to their links to public transport, traffic generation and general accessibility to all users of the highway. Policy T6 governs the parking requirements. Policy T7 states that footpaths and cycle routes provide an opportunity to minimise and reduce the need to travel by car, maximise sustainable transport use, and decrease air pollution. These activities can also help to increase the health and quality of life of users and in dealing with planning applications the council will seek new or improved cycle access and facilities where necessary, including cycle storage, and will use planning conditions or legal agreements to secure such arrangement. Policy T8 requires provision to be made for electric vehicle parking for new development. These policies reflect the aims of the NPPF which refers to the need to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF. The NPPF requires that in assessing specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be effectively mitigated to an acceptable degree. Furthermore, it states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### ***Site Access***

- 7.30 The proposed access would be from the eastern boundary of the site off the B4443 Lower Road. The existing access would be widened and improved to allow for a larger carriageway to support two vehicles, including allowing separate lanes for vehicles to exit right or left from the site, and a singular footpath on the north-west side. The proposals involve using land from No.151 Lower Road (owned by Buckinghamshire Council) by removing a single

storey rear/side extension to allow for the widening of the road, the remainder of the dwelling and its garden would be retained.

- 7.31 A roadway through the site is also proposed which would link through to Booker Park School and allow a one-way, anti-clockwise traffic system for the school which would be gated to prevent general public use not associated with the school. This is proposed to alleviate the congestion experienced by houses during peak pick up and drop off hours to the residents living in Kynaston Avenue, in particular.
- 7.32 Highway Officers have reviewed the development proposed and amendments have been received to address concerns. These include removing the restriction on right turns out of the access as it was deemed unsuitable and unlikely to be of such benefit to the road network and safety to warrant such a proposal. Additional information was requested in respect of the impact of development traffic on further junctions.
- 7.33 A ghost-island right-turn facility is proposed along Lower Road to aid right-turn manoeuvres into the proposed development, and to reduce blocking of traffic travelling southbound along Lower Road. This would avoid additional delay along Lower Road, which is a busy congested route, and blue light route given the nearby access to an ambulance station, and is therefore welcomed by Highway Officers. Lower Road would need to be widened to accommodate the right-turn facility.
- 7.34 In terms of the exit out of the access, further discussion has taken place in respect of the restriction of right-turn movements exiting the site. The applicant has commissioned an independent Stage 1 Road Safety Audit (RSA) of the Lower Road site access arrangements, including the proposed cobbled reserve within the Lower Road carriageway which is intended to restrict any right-turn movements exiting the site. This identifies some road safety issues which are suitably addressed by the Designer's Response. However, this restricted right-turn out of the site is not a typical arrangement and Highways Officers have concerns that this layout could cause confusion and potential conflict. A cobble reserve proposed would not prevent vehicles turning right of the development access, if it is over-runnable, and this feature may still create a safety issue for vehicles and motorcyclists who might overtake in this location. In addition, a larger and more conspicuous island to accommodate the requisite signage and illumination may be difficult to accommodate within the Lower Road carriageway. Other relatively recent nearby residential development accesses onto Lower Road do not have such right-turn restrictions.
- 7.35 A junction modelling assessment has been undertaken which forecasts considerable delay times for vehicles turning right onto Lower Road, in the absence of a right-turn restriction. The future year junction modelling assessment with a right-turn restriction establishes that the development access is likely to operate with significant reserve capacity. Given that significant delay times for vehicles turning right out of the site are predicted, vehicles wishing to turn right out of the site may find it quicker to turn left and do a U-turn at the Stoke Mandeville Hospital Roundabout, and Highways Officers are of the opinion that vehicles should have the option of turning left (and doing a U-turn round the roundabout) or turning right. This would avoid the untypical cobble island arrangement within the Lower Road carriageway which may result in confusion and conflict and the removal of the formal

right-turn restriction from the proposals. It was also recommended that the access is widened to a two lane exit onto Lower Road to enable left-turners and right-turners to sit side-by-side to exit onto Lower Road and cater for those vehicles wishing to turn right out onto Lower Road when there are gaps in the peak traffic. Further details were submitted by the applicant showing that the above recommendations could be accommodated, and Highways Officers find the proposals now acceptable in this regard, including the provision of suitable visibility splays (2.4m by 58m can be achieved in both directions along Lower Road in accordance with Manual for Streets (MfS) guidance for the surveyed 85<sup>th</sup> percentile vehicle speeds of up to 36.9mph). The proposed access would also adequately cater for refuse vehicles as demonstrated by swept-path analysis.

- 7.36 Having regard to the above matters, Highways Officers are content that a safe and suitable access arrangement can be implemented within highways land and land under the applicant's control, and that the details can be secured via planning condition, and highways legal agreement including detailed design and further stages of RSA. On this basis the development would accord with the development plan and with the NPPF in this regard.

### ***Traffic generation***

- 7.37 A Transport Statement (TS) has been submitted with the application. Traffic modelling provided indicates that there would be no adverse impact on the highway network and whilst it is noted this application proposes up to 100 units, the TS concludes that an increase in 10 units from the modelled 90 would not have a significant impact on the transport network. On this basis the TS concludes that the scale and traffic generated from the proposal, along with the access improvement, would be appropriate for the function and standard of roads serving the local area. Highways Officers had asked for additional junction modelling to be undertaken and this has been provided. No objections to the development have been subsequently raised in respect of traffic generation from the site which can safely be accommodated within the highway network.
- 7.38 It is noted that the proposed development would nevertheless add to traffic on the local roads and the strategic traffic modelling undertaken by the Council's consultants takes account of the significant residential developments in this part of Aylesbury on the allocated sites and the provision of the link roads that will mitigate the cumulative impacts of developments in and around Aylesbury. On this basis it is considered reasonable to seek a financial contribution towards off site highway road improvements to offset the additional impacts of the proposed development. An appropriate financial contribution would therefore be sought as part of the Memorandum of Understanding.
- 7.39 The southern field of the application site will be made available for informal sport and leisure use, and the applicant notes that this could be laid out as a full-size adult football or rugby pitch, or as a number of smaller junior football pitches or training area, and that it would be used by Booker Park School during the school week. Any additional trips associated with this informal sport and leisure use are likely to occur during evenings and

on weekends outside of highway network peak periods and have not therefore been included within the traffic assessments, as these trips would not have a material impact on the operation of the surrounding highway network. Highways Officers are content with this approach and that traffic generation from the community use of the sports facilities would not have an unacceptable impact.

- 7.40 Having regard to the above, it is considered that the traffic impacts as a result of the development would be acceptable, and that appropriate mitigation can be secured to mitigate the impacts. On this basis the development would accord with the development plan in this regard and with the NPPF.

### ***Cycle and footpath links***

- 7.41 The proposed development incorporates cycle and pedestrian routes throughout the site including linkages to Roblin Close and Lower Road. Further indicative links are illustrated on the masterplan to the southern area of the site where the sports facility would be, to provide links to the south-east and south-west. Given that the site forms part of the wider Aylesbury Garden Town, it is considered that the application site should include suitable cycle and pedestrian infrastructure to enhance the connectivity and that the internal site layout will need to include suitable cycle and pedestrian infrastructure to serve the application site which would enhance the connectivity. On the basis that such connections have been indicatively provided for, it is considered acceptable for this matter to be pursued at the detailed design stage and the submission of reserved matters application(s).
- 7.42 Highways Officers have confirmed that the proposed pedestrian and cycle access in and out of the proposed development, including the provision of a 3m wide shared footway and cycle-way on the western side of Lower Road and a refuge crossing to connect the development with the Jet Way, on the eastern side of Lower Road is satisfactory. Officers are content that these cycle infrastructure proposals comply with Local Transport Note (LTN) 1/20. Improvements to the Jet Way from Stoke Mandeville to Aylesbury town centre, are being undertaken by the Council which will be the main cycle route for this development into town. Consequently, the Transport Strategy Team request funding towards this from the developments and a financial contribution on this basis is considered to be required and could be secured in the Memorandum of Understanding.
- 7.43 Appropriate provision for safe and secure cycle storage would also be required and this could be pursued at the detailed design stage and secured by planning condition.
- 7.44 In taking into account the above matters, it is considered that the development could accord with policy T7 of the VALP and with the NPPF in this regard.

### ***Car Parking, cycle storage and electric vehicle charging provision***

- 7.45 The submitted details indicate the provision of on street parking within the development, along with on plot parking for some of the dwellings. Layout is a reserved matter and therefore further details will be secured at the detailed design stage to ensure compliance

with policy T6 of the VALP. This would also include the provision of electric vehicle charging as set out in policy T8 of the VALP.

- 7.46 With regard to No.149-151 Lower Road, this is a children's home in the ownership of the applicant. There are currently two accesses to this property as historically it was a pair of semi-detached dwellings. The northern access would be closed as a result of the development and the southern access would remain along with the hardstanding to the front providing car parking. This area is only required for staff parking and visitors and therefore the level of provision is considered to be adequate with approx. 5+ cars being able to park.
- 7.47 In terms of the parking for Booker Park School, it is acknowledged that many parents, guardians, and carers dropping-off and picking-up children will continue to prefer parking spaces within as short a walking distance from the school as possible. The existing dedicated parking spaces within the school are therefore likely to be the most attractive and the introduction of the one-way exit through the development site should reduce congestion within the school, allowing more parents to use the existing facilities. In addition, much of the existing on-street parking on Winterton Drive and Kynaston Drive, where there are some existing parking restrictions to prevent indiscriminate parking, will remain closer to the school entrance, than the proposed development. Highways Officer are of the opinion that in the event that some over-spill school parking did occur within the new residential development, there should be capacity within the visitor parking bays during peak school drop-off and pick-up periods, and on this basis, it is not considered that a highway safety issue would be created.
- 7.48 As discussed above, the proposed sports facilities in the southern field are to be used by Booker Park School and available outside of school hours for community use and a condition is recommended to ensure that a community use agreement is in place and the facilities available for use once the development is completed. It is noted that in the representation received on behalf of the school that they can ensure access and free parking for users of the pitch facilities within the school premises to avoid on street parking and disturbance in the local area and this could also form part of the community use agreement.
- 7.49 Having regard to the above, it is considered that the development would be acceptable and that it could accord with policies T6, T7 and T8 of the Vale of Aylesbury Local Plan and with the NPPF.

### ***Refuse Collection***

- 7.50 In respect of the collection of refuse, tracking details have been provided of the access to ensure that the site could be adequately accessed by refuse vehicles. It is likely that for future occupiers bins would be provided for in external areas in a convenient location within the gardens for the dwellings and communal bin collection areas will also be provided as appropriate for the flats. Details of the provision of bin storage and collection areas would need to form part of the detailed reserved matters application.

### ***Travel Plan***

- 7.51 A Travel Plan has been submitted with the development, but this requires some amendment to be in conformity with the requirements of the BC Travel Plan Team and to ensure that the measures to reduce single occupancy car use and reduction in the use of the private car are achieved. The submission and approval of the Travel Plan can be secured by planning condition and the monitoring and review of the plan which would require a financial payment can be secured in the MoU.

### ***Transport conclusions***

- 7.52 In acknowledging the local objection to the development of the site, Officers have considered the sustainability of the location of the site, the historic and current use of the site and the proposed development. It is considered that the site is sustainably located with access to public transport and it is within walking distance of a number of facilities and amenities. Connections and linkages to adjacent land are proposed to improve accessibility within the site and to the surrounds. The traffic generated by the development onto the public highway would not be significant and the highway impacts would be mitigated through off site highway works for which financial contributions would be secured. Alterations to the access would ensure that the development has a safe and suitable access. Subject to securing details at the reserved matters stage, it is considered that the proposed development could be adequately served in respect of car parking provision, cycle storage and electric vehicle charging.
- 7.53 Policy TT1 (Active Travel) of the Stoke Mandeville Neighbourhood Plan states that development will be supported which provides a detailed Travel Plan including the implementation and funding by the developer and Buckinghamshire Council of measures to provide safe, convenient, and accessible routes for pedestrians and cyclists from the development site to a number of listed destinations. Policy TT3 states that amongst other things proposals which provide a travel plan outlining measures and contributions to improve bus travel provision and ensure adequate capacity will be supported. A travel plan has been submitted with the application which is considered to address the reliance on the private car and is supported in principle by the Council's Travel Plan Team subject to some amendments and an acceptable travel plan can be secured by condition, with the monitoring which requires a financial payment to be secured in the MoU. Policy TT1 further states that proposals will be supported that encourage, facilities and enable safe walking and cycling and the use of buses including the provision of new cycle paths and widening of footpaths. In this instance a financial contribution towards cycle routes in the locality can be secured within the MoU and there would be appropriate links to the existing cycle path and footpath at the entrance to the site.
- 7.54 Policy TT2 states amongst other things that proposals will be supported which include measures and contributions to improve traffic flow or reduce traffic through Station Road and Lower Road at peak times. A financial contribution towards improving off site highway improvements and reducing congestion is to be secured through the MoU.



- 7.55 Whilst the above policies can only be given limited weight at this time, it is considered that the development would accord with the aims of the policies of the neighbourhood plan.
- 7.56 Overall, it is considered that the development would accord with the aims of Policies T1, T4, T5, T6, T7 and T8 of the VALP and that it could be implemented without harm to highway safety and convenience. On this basis transport matters should be afforded neutral weight in the planning balance.

### **Natural environment**

VALP policies BE2 (Design of new development) and NE4 (Landscape character and locally important landscape) and NE8 (Trees, hedgerows and woodlands)

- 7.57 Policy BE2 of the VALP requires that new development proposals should be assessed to create well designed and sustainable new homes that add to the overall quality of the area. Policy NE4 of the VALP states that development must recognise the individual character and distinctiveness of particular landscape character areas set out in the Landscape Character Assessment (LCA), their sensitivity to change and contribution to a sense of place. Development should consider a number of criteria relating to the characteristics of the landscape character area. Policy NE8 seeks to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value. The NPPF sets out that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. Regard must be had to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible, as required by the NPPF.

#### *Landscape and Settlement Character Impacts:*

- 7.58 The site is located within an urban context with the wider character of the area being mainly residential but with the Booker Park School to the south-west and currently agricultural land to the south-west of the southern part of the site, noting that this land forms part of the South West Aylesbury allocation AGT2. The main part of the site lies within a settlement but the lower part to the south-west is identified as being within the Southern Vale Landscape Character Area. However, given the existing surrounding development it is not considered that there would be any material impact on the landscape character impacts of the Southern Vale area.
- 7.59 It is acknowledged that there would be significant local impacts given the change to the appearance of the site from playing fields to residential development, notwithstanding the sites historic use or currently partial use for car parking. However, the development of the site would be viewed in the context of existing built development and therefore it is not considered that there would be any significant harm to settlement character.

### ***Existing trees and landscaping***

- 7.60 In terms of planting, existing trees and hedging to the boundaries of the site would be largely retained and would be protected throughout development. Some trees within the site are to be removed to facilitate the development. This includes significant lengths of hedgerow to be removed from within the site including alongside the old tennis courts area currently used for car parking and also in the southern corner of the larger part of the site given that this would enable construction to take place and for future access.
- 7.61 The Council's Tree Officer considers that, should the development be supported, an updated tree survey will be required. The impact assessment identified a total of 14 tree features (excluding the seven category U features), which would be a broadly acceptable level of loss, providing that the landscaping scheme adequately compensates for this in acceptable locations as required within Policy NE8 of the VALP. Significant lengths of hedgerow are required to be removed in order to implement the proposals. Policy NE8 of the VALP states that *"Where species-rich native hedgerow (as commonly found on agricultural land) loss is unavoidable the developer must compensate for this by planting native species-rich hedgerow, which should result in a net gain of native hedgerow on the development site"*. As such, it would be expected that the length of hedgerow to be removed would be replaced elsewhere within publicly accessible areas of the site and there would be scope to achieve this as part of the reserved matters application.
- 7.62 There is an ancient Ash tree (by way of its large stem diameter/girth) on the site, to the south-east boundary. The tree report identifies it as a large probable former coppice on the alignment of a long-lived hedge but that it has insufficient features to be a veteran tree, but that it meets the threshold for an ancient tree. The Council's Tree Officer considers that the development of approx. 100 dwellings would not be deemed to be a "wholly exceptional" reason for its loss or degradation and as such Para. 180 of the NPPF applies, as does Policy NE8 of the VALP where it states: *"Development that would lead to an individual or cumulative significant adverse impact on ancient woodland or ancient trees will be refused unless exceptional circumstances can be demonstrated that the impacts to the site are clearly outweighed by the benefits of the development. Development that would result in the unacceptable loss of, or damage to, or threaten the continued well-being of any trees, hedgerows, community orchards, veteran trees or woodland which make an important contribution to the character and amenities of the area will be resisted"*.
- 7.63 It is acknowledged that the illustrative masterplan seeks to retain T3022. Notwithstanding the existing site usage, the buffer zone for the tree falls within the proposed gardens of a number of dwellings. It is noted that the Arboricultural Report makes reference to a 'betterment' of the buffer zone following removal of extant hardstanding within it and including part of it within a garden. However, the Tree Officer considers this to be unlikely to be the case for a number of reasons such as removing all hardstanding within the buffer which will require the use of machinery, residential use of the site which will inevitably lead to greater intensification of use, the inability to control activity or hard landscaping within the buffer zone at future date and the risk from residents who perceive an older tree as a threat potentially leading to pruning or removal. For these reasons the Tree Officer expects that the entirety of the buffer zone should sit outside of garden spaces, or areas where access is permitted. These concerns are noted however, there are benefits to the removal

of the hardstanding from around the tree and on the basis that the root protection area would be in the back garden and planning conditions could control the erection of outbuildings and fencing it is considered that some protection could be afforded to the tree. It is also acknowledged that the layout of the development is indicative at this stage and will be subject to further consideration. It is therefore considered that the future layout could have better regard to the buffer zone for this ancient tree which could be secured at the detailed stage. A planning condition could also ensure a specific demolition methodology to be secured to detail where buildings or hard surfacing are to be removed from within the buffer as it is preferred that sub-bases be retained within the buffer zone of the tree, with topsoil placed above this to reduce the likelihood of damage to existing roots.

- 7.64 With regard to the hedgerows, H3005 is a moderate category B hedge to the southern boundary of the site, which is shown to be retained. At present, the illustrative masterplan details a car park for the flats to be constructed in close proximity. The Council's Tree Officer would not support the loss of this hedge and so at the reserved matters stage, care should be taken to minimise the impact on this hedging.
- 7.65 There is also some concern about the proximity of the dwellings on the illustrative masterplan to trees T3034, T3036 and T3037 which are all high quality, category A Walnut trees, with heights ranging from 12.5 to 14 metres. Though the trees have been detailed as mature specimens, there is still potential for considerable new growth and as such this design represents an unsustainable long-term relationship. Walnuts dropping on cars may alone provide excessive seasonal nuisance issues, but walnuts falling onto driveways and footpaths may also cause slip hazards. It is this intensification of use immediately surrounding these trees and their proximity which is likely to affect the homeowners reasonable enjoyment of their properties. At the reserved matters stage the siting of the dwellings and access via driveways in the vicinity of retained trees to ensure their long term retention must be taken into account.

*Proposed planting*

- 7.66 Concerns by Officers had been raised to the proposed indicative planting on the masterplan. An amended plan has been received which provides for tree lined streets and there is also potential for significant planting within the central open space in particular. Such planting could include large mature sizes of, largely native, trees, as requested by the Council's Tree Officer. In addition, their comments to ensure that trees should be spaced in open spaces and car parks so that they provide the highest level of canopy cover and are afforded sufficient rooting space for their proper establishment could also be secure at the detailed design stage.

***Conclusions on Landscape and Settlement Character Impacts and existing and proposed trees/planting***

- 7.67 Given the generally urban context of the site and noting that the planting will be retained to the site boundaries, it is considered that the proposed development would not adversely

harm the landscape characteristics of the site or wider area or the settlement character. Landscaping is a reserved matter, but conditions are recommended to secure the submission of an appropriate landscaping scheme noting the existing planting and trees and also the implementation of the landscaping scheme and its maintenance along with tree protection measures. Having regard to the above matters it is considered that the development would accord with policies BE2, NE4 and NE8 of the VALP and with the aims of the NPPF and as such it should be afforded neutral weight in the planning balance in this regard.

## **Ecology**

### **VALP policy NE1 (Biodiversity and geodiversity)**

- 7.68 Policy NE1 of the VALP requires a net gain in biodiversity on major development to be sought by protecting, managing, enhancing and extending existing biodiversity resources, and by creating new biodiversity resources. Part h) of this policy expects new development to promote site permeability for wildlife and avoid the fragmentation of wildlife corridors, incorporating features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value on site.
- 7.69 An Ecological Appraisal has accompanied the application. This sets out that the site was initially surveyed in August 2020, with update survey work conducted in March 2022, based on standard extended Phase 1 methodology. In addition, a general appraisal of faunal species was undertaken to record the potential presence of any protected, rare or notable species, with specific surveys conducted in respect of Bats, Badger and Great Crested Newt.
- 7.70 The site itself is not subject to any statutory or non-statutory ecological designations. The site is located within 5km of Chilterns Beechwoods Special Area of Conservation (SAC), however it is not located within any Zone of Influence and therefore no mitigation is required to offset any recreational impacts. All other ecological designations in the surrounding area are physically well separated from the site and are therefore unlikely to be adversely affected by the proposals.
- 7.71 The site comprises buildings and hardstanding surrounded by areas of amenity grassland and planting. Features of ecological importance include a number of hedgerows, some of which are retained under the proposals. A number of semi-mature to mature trees are also present on site, as well as a single coppiced Ash that meets the age/size threshold for an ancient tree. The ancient tree and majority of the other trees will be retained and protected, along with the retained hedgerows, during construction. Impacts on the retained trees and hedgerows have been discussed above. The Ecology report states that the hedgerows and sections of the hedgerow to be removed will be compensated by new, native species-rich hedgerow planting and further that the remaining habitats within the site are not considered to form important ecological features and their loss to the proposals is of negligible significance.

- 7.72 The Ecology report states that the site generally offers limited opportunities for protected species and no evidence of any such species was recorded during the initial and update survey work. It further states that leading up to development, the site will be managed to prevent the habitats becoming more suitable, whilst precautionary measures are also proposed for implementation during construction. A low number of trees with low to high bat roosting potential were noted within the site, all but one of which are retained under the proposals. Birds were noted to be nesting within suitable habitat at the site. Appropriate mitigation measures, centred on the careful timing of works, will therefore be implemented to safeguard nesting birds during relevant site clearance works.
- 7.73 The Ecology report has been reviewed by the Council's Ecologist who had requested more information in respect of the survey work undertaken and also net gain evidence and a wildlife sensitive lighting strategy. Further supporting documentation was received and has been reviewed. An updated ecological survey has been performed. It is considered that appropriate mitigation within the Addendum to Ecological Appraisal (Aspect ecology, 31<sup>st</sup> March 2023) has been provided therefore it is recommended that this mitigation is secured through a planning condition. This would include recommendations of the assessment of T12 prior to being felled, soft removal of Building 4 and also an updated badger survey prior construction works commencing. The removal of invasive species such as Japanese Knotweed will be secured through the construction and environmental management plan. In addition, precautionary measures as recommended within the ecology report for reptiles and amphibians will be secured through a construction and environmental management plan.
- 7.74 In terms of biodiversity enhancement features, the Council's Ecologist requests that in line with recognised good practice and government policy on biodiversity and sustainability, all practical opportunities should be taken to harmonise the built development with the needs of wildlife. The Ecological Appraisal submitted proposes bird and bat boxes and bee bricks which would be acceptable. In addition, further features to reduce habitat fragmentation and increase diversity are recommended to include:
- Permeable fencing and gates for hedgehogs
  - Hibernacula for reptiles and amphibians to hunt for food, use as shelter and hibernate within during the winter
- 7.75 In respect of bats, these are sensitive to artificial lighting and therefore this should be designed in accordance with the 'Guidance Note 08/18: Bats and artificial lighting in the UK' (Institute of Lighting Professionals, 2018). The presence of, or potential for, roosts, commuting habitat and foraging habitat needs to be determined and their importance evaluated. Sources of lighting which can disturb bats are not limited to roadside or external security lighting, but can also include light spill via windows, permanent but sporadically operated lighting such as sports floodlighting, and in some cases car headlights. Where bat features or habitats are particularly important or sensitive it may be appropriate to avoid, redesign or limit lighting accordingly. Examples of mitigation measures include dark buffers, illuminance limits and zonation, appropriate luminaire specifications, sensitive site

configuration, screening, glazing treatments, creation of alternative valuable bat habitat on site, dimming and part-night lighting.

- 7.76 Bat surveys (2020 and 2022) have been undertaken to identify if the site has bat roosting potential. Bats commuting and flying around the buildings were noted at sunset though none were noted at sunrise. Given that no evidence of bats was found in the buildings no specific mitigation or licensing is required for the demolition of the buildings. However, the buildings do offer the potential for bat roosting and therefore reasonable precautions should be taken to minimise the risk to protected species in the unlikely event that they should be found during the course of the activity, and this can be secured within the management plan.
- 7.77 Bat roosting potential is also apparent for some of the trees on the site and all but one of the trees are to be retained. The tree to be felled (T1, crack willow, category U) in the south-west elevation of the southern field) has a low potential to support roosting bats and therefore a precautionary approach will also be required for the removal of this tree. This tree is in close proximity to T4 (Ash, category C) which is to be retained and has high bat roosting potential and so there will be retained and more suitable alternative roosting available.
- 7.78 No evidence for the presence of Badger within the site was recorded during the survey work undertaken, albeit two mammal push-throughs were noted along the western boundary in 2020, with an additional mammal push-through noted at the northern extent of H6 and a mammal burrow, likely rabbit, off-site in 2022. There is potential for Badger to utilise the off-site agricultural habitats and pass through the site on occasion. However, based on the habitat types present and the absence of evidence it is considered highly unlikely that this species utilises the site regularly. Nonetheless, a number of precautionary safeguards are proposed to ensure this species is protected during the construction phase of development.
- 7.79 Survey work was also undertaken to identify if Great Crested Newts are present within or nearby the site and in particular 2 off site ponds and 1 drain were identified within 500m of the site. The survey returned a negative result for ponds P1 and P2 such that GCN are unlikely to be present within these waterbodies. Pond P3 is located within a residential setting and separated from the site by arable land. Furthermore, the terrestrial habitat within the site is sub-optimal for GCN being dominated by buildings, hardstanding and amenity grassland. As such, the likelihood of encountering GCN during the construction of the proposed development is therefore low. On this basis, a proportionate approach is proposed to include precautionary measures to safeguard GCN in the event they are present, focusing on habitats where this species may be encountered, e.g. during removal of hedgerow sections, the brash pile and tall ruderal vegetation.
- 7.80 In terms of reptiles the site contains very few areas of suitable habitat, which is mostly constrained to small areas of tall ruderal, colonising ground, and the hedgerows. As these habitats cover a relatively limited area and are isolated from other suitable habitat, it is unlikely that a resident population of reptiles would be present on-site. However, occasional Slow-worm *Anguis fragilis* or Common Lizard *Zootoca vivipara* may pass through

on occasion and may potentially shelter within the brash pile. As such, a number of precautionary measures are proposed such that it is considered likely that the local conservation status of reptiles will be maintained post-development.

- 7.81 In respect of birds, most of the birds recorded at the site are not listed as having any special conservation status, although House Sparrow and Starling are included on the BTO Red list as a result of declines in UK breeding populations and are also Priority Species. However, the habitats present are common in the surrounding area and there is no evidence to suggest the site is of elevated value at a local level for these species, which in any case, are common in Great Britain and associated with residential areas. The proposals would result in the loss of hedgerows H1, H4 and H5, as well as some small sections of hedgerow to facilitate site access and development, and this could potentially affect any nesting birds that may be present at the time of works. Accordingly, a number of safeguards in respect of nesting birds are proposed and in the longer term, new nesting opportunities will be available for birds the provision of bird boxes could be secured by condition.
- 7.82 With regards to invertebrates, no evidence for the presence of any protected, rare or notable invertebrate species was recorded within the site. The site is dominated by buildings, hardstanding and regularly managed amenity planting, which are likely to support only a limited diversity of invertebrates. The site has several hedgerows and occasional patches of tall ruderal/bare and colonising ground but otherwise contains relatively few micro-habitats that would typically indicate elevated potential for invertebrates, such as a variable topography with areas of vertical exposed soil, areas of species-rich semi-natural vegetation; variable vegetation structure with frequent patches of tussocks combined with short turf; free-draining light soils; walls with friable mortar or fibrous dung. Accordingly, given the habitat composition of the site and lack of adjacent sites designated for significant invertebrate interest, it is considered unlikely that the proposals will result in significant harm to any protected, rare or notable invertebrate populations, and the site is not considered to support an important invertebrate assemblage.
- 7.83 Overall, it is considered that there is a reasonable likelihood of the presence of protected species or priority habitats and therefore the proposals are likely to have a negative impact upon biodiversity if unmitigated. It is to be noted that further information is not requested at this current stage in relation to the ancient tree with high bat roosting potential and the watercourse on site due to the proposed landscape plan providing a buffer between the features and the development. However, to avoid any impact to these features during and post construction, a Construction Environmental and Management Plan and a Habitat Management Plan (to avoid recreational impacts) would be required. In accordance with the Local Plan a 10m buffer is required alongside the watercourse and a buffer is required for the ancient tree.

*Biodiversity net gain calculation:*

- 7.84 The site currently comprises largely amenity grassland with some buildings and hardstanding and therefore the proposals present the opportunity to secure a number of biodiversity net gains, including additional native tree and hedgerow planting, new

wildflower grassland, new roosting opportunities for bats, and more diverse nesting habitats for birds. The applicant has confirmed a commitment to a 10% biodiversity net gain on the site.

- 7.85 The biodiversity net gain metric submitted indicates a net gain of 12.16% habitat units and a net gain of 4% hedgerow units. Policy NE1 of the VALP requires a net gain to be provided and therefore this proposal would represent a significant benefit in terms of net ecology gains for the site.

***Conclusions on ecology matters:***

- 7.86 In summary, the proposals have sought to minimise impacts on biodiversity and subject to the implementation of further survey work, appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm. Several matters will be required to be secured by planning conditions including the provision of the biodiversity net gain and associated reporting and a construction environment management plan along with details of any lighting to be proposed.
- 7.87 Having regard to the above, including the comments of the Council's Biodiversity Officer and the mitigation proposed, whilst there is the potential for some harm as discussed above, the mitigation would address this harm and therefore there would be a neutral impact. In terms of biodiversity net gain, having regard to the amount proposed, this is considered to be a moderate benefit. Having regard to the above matters, the proposal would accord with policy NE1 of the VALP and with the NPPF.

***Community facilities***

VALP policies I1 green infrastructure, I2 Sport and recreation, I3 community facilities

- 7.88 The VALP policies above, along with the NPPF, require developments to provide, safe and accessible development and to support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and to ensure that the natural environment is conserved and enhanced and that the site is suitable for its new use having regard to ground conditions.

***Open space and play facilities***

- 7.89 The principle of the development of this site has been set out in detail above and is not repeated here. It is accepted by Officers that the closure of the site was brought about due to the site being unviable and lack of a viable proposal by others to continue the use of the site in this way. The necessary local plan policy and NPPF guidance in this matter is considered to have been adequately addressed above.
- 7.90 In the supporting documentation with the application, it is stated that the central green square is designed as an area of active space, with seating, a children's play area and footpaths running through. The amenity and sports area will provide an open space for sports and recreation, with the potential to provide footpath and cycle way connections to the future developments which may be proposed to the southwest of the site. New habitats



will be created as part of SuDS proposals, which are likely to include enhanced planting and the avenue streets will be lined with trees to support urban greening with opportunities for environmental enhancement to the edges of the amenity and sports area to the southwest of the site, including scrub and tree planting, along with improve habitat creation. It is further stated that the landscaping and open space strategy has been designed with the community's needs in mind and to maximise the provision of open space. The back fields will be available for both the local community and school to use as an area of sports and leisure.

- 7.91 There would be an on site Local Equipped Area for Play (LEAP) and the masterplan indicates that this could adhere to standards and buffer distances to dwellings and in addition the LEAP should achieve an Excellent RoSPA rating, the details of which would come forward at the reserved matters stage and as part of the MoU.
- 7.92 The development would provide a significant amount of open space in the region of 50% and therefore it would make a contribution to the open space network in the vicinity of the site In addition in accordance with requirements for all new housing developments, the development would also make a financial contribution (to be secured in the MoU and based on the final mix of dwellings) towards the provision of off-site leisure and recreation facilities. In this case the contribution would be put towards the Council's proposals to bring the (currently mothballed) Walton Court sports pavilion back into use to enable full use of these playing fields. To this end the applicants are producing an illustrative plan of how the Walton Court Playing Fields could be better utilised and this would include the provision of 1 cricket pitch, 2 adult football pitches and 1 football junior pitch being proposed, where there is currently 2 mini pitches and 1 junior pitch. The changing pavilion at Walton Court has been mothballed and is no longer in use and teams currently using the site have to use the changing rooms on the adjacent Edinburgh Playing Fields. This proposal would see the pavilion being redesigned (to provide for cricket) and refurbished or potentially replaced if more cost effective.
- 7.93 The proposed sports facilities to be provided in the southern field are to be used by Booker Park School. A representation received on behalf of the school has confirmed that the school would be happy to commit to taking on responsibility for the operation and management of the playing field and that it would be available for community use outside of school hours and with competitive pricing to encourage community access and use of the facilities. In addition, they can ensure access and free parking for users of the pitch facilities within the school premises to avoid on street parking and disturbance in the local area. Whilst it is acknowledged that scale of the sports facilities would significantly diminish from what could be provided on the site with the appropriate investment, it is clear that this is unlikely to happen at the current time. The provision of the sports pitch would enable some sports usage to be retained for the community, albeit outside of school hours. A planning condition could ensure that a community use agreement is in place and the facilities available for use, once the development is completed.
- 7.94 The proposed development as a whole has the potential to provide good sports facilities for local residents and for Booker Park School through the provision of a sports pitch for

which there would be community use out of school hours, and through a financial contribution as discussed above.

- 7.95 The redevelopment proposals would enable the site to be brought back into productive use which would be to the benefit of the local community on the basis that a Community Use agreement could be secured. The strength of objection to the loss of the sports and social club site as it was several years ago is acknowledged, but some mitigation of its loss would be provided with the open space and community use (out of school hours) of the sports pitch.
- 7.96 It is acknowledged that the provision of the open space and the play facilities on site would also bring some benefits to the wider community but is primarily to mitigate the development. The sports facilities would be available out of school hours to the local community and noting the policy position above regarding the principle of the use of the sports and social club site, this matter could be given limited positive weight in the planning balance.
- 7.97 Policy CF3 of the Stoke Mandeville Neighbourhood Plan in summary states that development proposals will be supported which, amongst other things, financially support viable and operational facilities; and that sport and leisure facilities (provided by) or funded by development must meet a number of criteria. These include providing changing facilities, providing capacity, enable full access and not be limited to school out of hours or school holidays and include a plan to make them sustainable through long term management. Whilst this policy can only be given limited weight at this stage, it is considered that the financial contribution that is to be secured through the MoU would accord with the aims of this policy.

### **Education**

- 7.98 The Council's Education Officers have commented that primary and secondary schools in the area are currently at capacity with the estimated pupil growth from the planned housing growth in the area projected to put significant increased pressure on schools. The Local Authority would therefore require a financial contribution (in line with the Education Ready Reckoner and based on the final approved housing mix) towards its future expansion plans in line with the Vale of Aylesbury Local Plan (VALP) policy S1 and BC adopted S106 policy.
- 7.99 Education have further stated that over the last five years, the number of Special Educational Needs and Disabled (SEND) pupils with an Educational Health Care Plan (EHCP) has increased by 50% (i.e. 1805 pupils). Current projections forecast a further 32% increase in the number of EHCP pupils over the next five years. A key priority within Buckinghamshire's SEND Strategy 2022-27 is to ensure there are sufficient places available for SEND pupils. One of the key actions of the Strategy is to provide additional special school places at Booker Park School (which with Stocklake Park School is part of the Vale Federation of Schools) to enable the Council to meet its statutory duty and ensure suitable

provision in locations where the majority of need is concentrated, and which have good access to public transport.

7.100 The Local Authority is aware from its site records that should it wish to proceed in the future with an expansion of the school (Booker Park School) that it would need to ensure that the site had an additional playing field area to facilitate an expansion on the site. In addition to this, there are existing issues with congestion on the school access road and both of these matters would potentially provide a significant hurdle to any future expansion plans of the site to help the Council meet its statutory duty. Education Officers can therefore see the significant educational/community benefits of the development which makes provision for:

- a new link road and
- the school taking on the management of the playing field (including making it available to the community outside of school hours).

7.101 Having regard to the above matters it is considered that a financial contribution towards off site education facilities to provide for the additional education need arising from this development would be appropriate and this could be adequately secured within the MoU. The provision of the sports facility to be used by the school along with the provision of the access to alleviate congestion around and within the school site is seen to be a benefit which would also assist in allowing the progression of the Council's plans for the expansion of the school.

### **Health**

7.102 The proposed development would place a demand on local health facilities, and comments have been received on the application from the Bucks Healthcare NHS Trust stating that the proposed development for 100 new dwellings will increase the Aylesbury Vale population by 250. This will have an impact on acute and community health care in the following areas:

- Cancer Services
- Inpatient Beds
- Diagnostics (CT & MRI services)
- Therapy Services (Physiotherapy & Occupational Therapy)

7.103 The Trust is currently running at capacity in all of these areas and the consequences if additional provision is not made would result in a shortfall of the infrastructure necessary for both new and existing populations. On this basis a financial contribution to mitigate the impact of the development is requested. Discussions have taken place between the Council and the NHS Trust in respect of the need to address additional pressures on services arising from development and the response from the NHS Trust requiring the contribution is considered to be justified and reasonable to mitigate the development. Such a contribution

which would be based on the final mix of the development could be secured within the MoU.

- 7.104 The NHS Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (BOB ICB) have objected to this application on the grounds of insufficient primary medical care capacity locally. They anticipate an increase in population of approximately 250 new patients as a result of this housing growth who will require care from GP Practices in surrounding areas. This large development will put increasing pressure on the practices' infrastructure i.e. the need for more consulting rooms and administration plus larger / additional waiting areas and car parking. The effects of larger developments can be significant, particularly on a practice that is used to catering for small village communities and they anticipate that there would be a requirement for modification to existing infrastructure.
- 7.105 If this development is to go ahead BOB ICB would seek appropriate S106 contributions in order to help support the local health service infrastructure and this contribution which would need to be based on the final mix of development is considered to be justified and reasonable and such a contribution could be secured within the MoU.
- 7.106 Policy CF2 of The Stoke Mandeville Neighbourhood plan states that development proposals will be supported if, amongst other things, they offer no new medical facilities capacity within the Parish but commit to fund new medical facilities capacity within the Parish or an immediately adjacent Parish. In this instance financial contributions would be secured as part of the MoU towards health facilities in the locality.
- 7.107 Having regard to the above, it is considered that, subject to the completion of an MoU in respect of the above matters, the proposed development would accord with the VALP policies and it is concluded that the proposed development would create safe and healthy communities in accordance with the guidance set out in the NPPF.

### **Raising the quality of place making and design and making effective use of land**

VALP policies BE2 (Design of new development), BE4 (Density of new development) and NE4 (Landscape character and locally important landscape)

- 7.108 Policy BE2 of the VALP alongside the design guide on new houses in towns and villages provides a series of criteria by which new development proposals should be assessed to create well designed and sustainable new homes that add to the overall quality of the area. This accords with the NPPF in section 12 which states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment

and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space). Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides.

- 7.109 This is an outline application with means of access to be determined and all other matters to be reserved for future consideration at the reserved matters stage. The illustrative masterplan has been amended to address concerns regarding the layout of the dwellings and the extent of parking courts and the landscaping indicated. The layout of the development is focused around a central green square within which an area of open space with planting, and the LEAP would be provided, along with footpath crossovers. The dwellings would front this space and there would be relatively consistent building lines to enforce the layout of the square. The details submitted indicate that the majority of the buildings will be two storey with three 2.5 storey apartment blocks being located on key corners, providing focal points within the development and aiding legible routes through the site. The height and scale of the proposed dwelling houses would be reflective of that of existing development in the area.
- 7.110 The siting of the plots around the edge of the square would enable the proposed dwellings to have back-to-back relationships with gardens backing onto existing gardens. There would be natural surveillance of the central square and at the design stage regard can be had to the positioning of windows in those dwellings adjacent to the footpath links to ensure overlooking of these spaces. The applicant has indicated that all units will be dual aspect to maximise natural light and outlook and that the houses proposed will all have access to a private garden, with the flatted units having access to a communal area and the on site open space.
- 7.111 It is apparent from the illustrative masterplan that the flatted developments have parking courts to enable provision of car parking for these units. The Aylesbury Vale Design Guide SPD seeks to resist rear parking courts and they should only be provided where it is demonstrated that other solutions are not possible. The amended layout has reduced the size of the parking courts and the applicant has confirmed that they would be appropriated secured. In this instance the parking courtyards would be limited in size, could be appropriately secured and would be well overlooked by the dwellings they are to serve and adjacent dwellings. Further discussions and justification would be required at the reserved matters stage to address the parking courts once the detailed design and final number of units is known.
- 7.112 The external materials of the dwellings would be determined at the detailed planning stage but the applicant has indicated that the aim is to reflect the prevailing character in terms of appearance. The dwellings would also be designed to meet the Nationally Described

Space Standards and it will be ensured that the affordable units are not distinguishable from the open market housing in terms of overall design details, build quality and materials, nor by layout or separation from general market housing.

7.113 In accordance with Policy BE4 of the AVLPL, the density of new development should make the best use of land and be of a similar level in comparison to their surroundings. The proposed density of up to 100 units on the 3.7ha site creates a maximum density of 27 dwellings per hectare. In an urban area this would be on the lower level of what would normally be expected to see, however, this takes into account the open space available and the retention of the sports pitch. If just the northern field where the housing is to be located is considered (2.55ha) then the density would equate to 39dph. It is noted that the density of the residential scheme (Bloor Homes) to the south of the site is 32.76dph and that of the development on the west side of Lower Road, to the north-east of the site (Crest Nicholson) has a density of 22dph for its developable area. Although the existing, older, residential area surrounding the site to the north and west appears at a lower density, it is considered the density proposed would be acceptable in an urban area and would be comparable to recent developments approved (and now constructed). The development proposes a mix of dwelling sizes and types and overall would make effective use of the land in terms of its development potential.

7.114 New housing developments of more than 10 units will be required to meet the ANGSt (accessible natural green space standards) in Appendix C of the VALP to meet the additional demand arising from new residential development in accordance with Policy I1 of the VALP. Amenity green space will need to be provided on site and sports and recreation facilities can be provided as required (Policy I2) on the same site where these are compatible with publicly accessible green infrastructure. The applicants have advised that the proposal intends to provide over 50% of the site as open space. The indicative plans show that sufficient open space providing a minimum of 3,000m<sup>2</sup> Major and 3,500m<sup>2</sup> Incidental open space is provided, whilst taking into account the total areas of the proposed SUDS (1,725m<sup>2</sup>), which can't be included in such calculations, due to them not being accessible to all throughout the year. With the open space within the centre of the site, all of the dwellings would have access to this space, with its connections to the wider areas, the final details of which would come forward as part of the reserved matters scheme.

7.115 As discussed above in the report, existing hedgerows and trees to the field and site boundaries will be retained. Additional tree and hedge planting is proposed within the development proposal to mitigate for the loss of hedgerows and some limited trees within the site which are to be removed. The landscaping will be determined at the reserved matters stage but it is considered that the proposed planting and that retained could positively contribute to the design and appearance of the resultant development.

*Conclusions on quality of place making and design*

7.116 Overall, it is considered that the development would reflect good urban design principles and Secured by Design and that these matters can be further developed and addressed at the detailed planning stage. On this basis it is considered that the development of the site could achieve a well designed place and that it would make effective use of the land. As

such the proposal would be in accordance with polices NE4, BE2 and BE4 of the VALP and the NPPF.

### **Flood Risk and Sustainable Drainage**

VALP policies I4 (Flooding) and I5 (water resources and wastewater infrastructure)

- 7.117 Policy I4 of the VALP states that developments should minimise the impacts of and from all forms of flood risk having regard to management of flood risk, the need for flood risk assessment, the use of SuDS and they must have regard to the impact of climate change. Policy I5 states that the council will seek to improve water quality, ensure adequate water resources, promote sustainability in water use and ensure wastewater collection and treatment has sufficient capacity. Paragraph 167 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere. Developments need to demonstrate resilience to climate change and support the delivery of renewable and low carbon energy which is seen as central to the economic, social and environmental dimensions of sustainable development. This will not only involve considerations in terms of design and construction but also the locational factors which influence such factors. Development should be steered away from vulnerable areas such as those subject to flood risk whilst ensuring that it adequately and appropriately deals with any impacts arising.
- 7.118 The application site is located within Flood Zone 1 which is defined by the Environment Agency as being at low risk of flooding. A Flood Risk Assessment (FRA) has accompanied the application and the Council as the Local Lead Flood Authority has considered the information provided. The FRA confirms there is no risk of tidal flooding, the risk of fluvial flooding is considered to be very low with most of the site shown to remain unaffected by flooding in the 1 in 100-year event. This confirms the impact of flooding is minimal, in line with Policy I4. Surface water flood risk as a result of the proposals have also been considered. The proposed drainage strategy has been designed to accommodate the 1 in 100-year +40% climate change critical rainfall event, so there will be no increase in surface water flood risk to the site as a result of the Development Proposals.
- 7.119 During the consideration of the application the LLFA raised objections and requested further information be submitted to address these. This detail has now been provided in full and the LLFA have withdrawn their objections and are supportive of the scheme subject to the imposition of planning conditions which can be reasonably secured.
- 7.120 In terms of foul water, the developers will have to ensure that the development is appropriately serviced and that the necessary Building Regulations are attained. The Drainage Strategy submitted includes details of the foul water drainage strategy stating that it is intended to connect into a Thames Water manhole to the west of the site, although this may be subject to change. Whilst this has yet to be agreed and will be pursued as part of the technical details for the development, Thames Water have confirmed to the applicant that there is sufficient capacity within their asset to serve the proposed development.

7.121 Having regard to the above matters and noting lack of objection by the LLFA, it is considered that the development could be appropriately flood resilient and that surface water drainage and foul drainage can be accounted for and as such the development would accord with policies I4 and I5 of the VALP and with the NPPF.

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

VALP policy BE3 (Protection of the amenity of residents), NE5 Pollution, air quality and contaminated land, I1 (Green Infrastructure), I2 (Sports and Recreation) and I3 (Community facilities, infrastructure and assets of community value)

7.122 Policy BE3 of the VALP seeks to protect the amenities of residents and states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. The NPPF in its core planning principles seeks to secure a good standard of amenity for all existing and future occupants. Policy NE5 requires development to have regard to noise and light pollution, air quality and contaminated land in accordance with the NPPF which requires sites to take account of ground conditions and any risks from contamination. Policies I1, I2, I3 seek to ensure that appropriate sports and play facilities and open space and community facilities are provided for future residents.

7.123 This is an outline scheme with only the means of access into the site to be determined. The Design and Access Statement submitted indicates that development would be a maximum of 2.5 stories high and that all gardens will be at least 10m in depth with back to back distances in excess of 21m and the illustrative scheme does indicate that suitable amenity space could be provided for future occupiers with sufficient space between proposed and existing dwellings to address any overlooking and loss of privacy. It is considered that the illustrative masterplan adequately demonstrates that the proposal can be designed to avoid unneighbourly relationships between dwellings both within the development itself and with existing residential properties.

7.124 The rear gardens of the proposed dwellings are largely onto the rear gardens of the existing units surrounding the site and this would provide benefit in terms of the reduction in the exposed rear boundaries of the existing dwellings so that they are less vulnerable to crime.

7.125 A noise report accompanying the application concludes that in combination with noise from HS2 and the South East Aylesbury Link Road, it was calculated that the site was a “negligible” to “low” risk site, and that both external and internal noise levels would be at, or below, the guideline values recommended in BS 8233, except for bedrooms in the three properties closest to Lower Road, for which alternative means of providing background and cooling ventilation (likely mechanical) will be required. The assessment has included the impact of the school on the site from which intermittent noise is apparent. On the basis that the area of the school adjacent to the site is used for parking and there are areas of landscaping, it is not considered that the use of the school grounds would have an unacceptable impact on future occupiers in terms of noise and disturbance. The noise



report has been reviewed by Environmental Health who have raised no objections subject to the agreement of a detailed scheme of noise mitigation measures, where appropriate, and that this scheme may satisfactorily be dealt with during the determination of the subsequent detailed planning application. A planning condition can be imposed to ensure the detail of this necessary mitigation is approved.

7.126 Whilst there will inevitably be some noise and disturbance during construction works, this is temporary and a construction management plan could be secured by condition to ensure this is adequately controlled along with deliveries and dust suppression. The previous use of the site as sports and playing fields is also acknowledged and this would have resulted in some noise and disturbance to local residents.

7.127 The development is a residential proposal and therefore is unlikely to require any specific lighting, other than would come forward as part of the highway requirements for safety; there may also be a requirement for lighting for the sports pitch to the southern part of the site. Further consideration can be given to this matter at the detailed stage when the final layout and position of dwellings will be known. On this basis the appropriate need and type of lighting can be considered, which would also address the ecology impacts as discussed above.

7.128 Given the nature of the development and its siting it is not considered that it would adversely affect air quality in this location.

7.129 With regard to contaminated land, the land has previously been used for sports and recreation and it is not anticipated that there would be any concerns in respect of contamination. However, an informative is recommended to highlight the need for the developer to contact the Council should any contamination be found.

7.130 In respect of the provision of appropriate open space and play facilities for the future residents, this has been discussed in the report above.

#### *Conclusions on the amenity of existing and future residents*

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

## **Building sustainability**

### Policy C3 (Renewable Energy)

7.132 VALP policy C3 requires development to demonstrate how greater efficiency can be achieved in terms of the use of natural resources, including measures that minimise energy use, improve water efficiency and promote waste minimisation and recycling. In seeking to

achieve carbon emissions reduction, the Council will assess developments using an energy hierarchy including reducing energy use through sustainable design and construction measures, giving priority to decentralised energy supply and use of renewable energy.

- 7.133 An Energy Statement has accompanied the application which notes that energy demand will be reduced through improved fabric and system efficiencies for each unit. Air Source Heat Pumps are proposed to reduce reliance on fossil fuels. The report advises that these measures will result in a 63% carbon dioxide emission saving exceeding the minimum requirement of 10% as set by Vale of Aylesbury Local Plan. In addition, each dwelling would also have storage for waste and recycling.
- 7.134 The development would be required to be constructed using sustainable methods of construction and include electric charging points and this could be detailed at the design stage.
- 7.135 It is considered that the principles set out in the Energy Statement are acceptable and that further details of how the development can utilise renewable energy and promote energy efficiencies could be secured at the detailed application stage along with encouraging the development to be efficient in the use of water. On this basis it is considered that the development would accord with Policy C3 of the VALP and with the NPPF in this regard.

## **8.0 Developer contributions**

- 8.1 As noted above, there are a number of requirements, including financial contributions, which would need to be secured in an MoU to secure their delivery including the matters below:
- Financial contribution towards SEN, primary and secondary education provision
  - 40% affordable housing on site
  - A financial contribution towards off-site sport and leisure provision at Walton Court Playing Fields
  - On site provision of open space and a LEAP including their future maintenance
  - On site provision of a sports pitch and details of its management and a community use agreement for its use out of school hours
  - Travel Plan monitoring and review fee
  - Financial contribution towards off site highway improvements
  - Financial contribution towards cycle and pedestrian connectivity for the Jet Way
  - A financial contribution to mitigate the demand on local health facilities to Buckinghamshire Healthcare NHS Trust and the BOB ICB

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

8.3 In the context of this application the development is in a category to which the regulations apply. The requirement for all of the above-named measures, if the proposals were to be supported, would need to be secured through a Planning Obligation Agreement. These are necessary and proportionate obligations that are considered to comply with the tests set by Regulation 122 for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related to the scale and kind of development.

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

9.1 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:

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

9.2 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

9.3 At the current time the Council cannot demonstrate a five year supply of housing and therefore footnote 8 applies and consideration of the proposal using the tilted balance is appropriate whereby along with the presumption in favour of sustainable development additional weight must be given to contribution of the development to the supply of housing.

- 9.4 It is acknowledged that there would be significant benefits in terms of both the contribution to housing supply and the provision of 40% affordable housing to which significant weight is given in the planning balance.
- 9.5 There would also be moderate economic benefits as a result of population growth and from investment in construction and the local economy and from the management of the community use of the sports pitches, to which moderate positive weight is given.
- 9.6 Albeit that there is not an existing use of the site for sports and recreation, the loss of the previous use of the site for this purpose is acknowledged, and a full background to this has been provided in the report above. Having regard to material circumstances, it is not considered that there would be a conflict with Policy I2 of the VALP, or with the NPPF in this regard and therefore this matter should be afforded neutral weight in the planning balance.
- 9.7 Compliance with some of the other objectives of the NPPF have been demonstrated or could be achieved in terms of the impact on highways and flooding, on trees and landscape, providing safe communities and good design, on residential amenities and ecology and ensuring energy efficiency. These matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight is attributed neutrally. In terms of biodiversity this development would provide a net gain of 12.16% habitat units and a net gain of 4% hedgerow units to which moderate positive weight should be afforded.
- 9.8 This assessment identifies that various matters as set out in the draft MoU would need to be secured to make the scheme acceptable and mitigate its impact in accordance with relevant Development Plan policy and guidance as well as the NPPF if the council was minded to approve the application. These are set out in section 6 above.
- 9.9 Overall, having regard to all elements of policy conflict and compliance, the proposed development is considered to accord with the development plan, read as a whole. When weighed in the planning balance, the benefits arising from the development are considered to substantially outweigh its harms. The adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal and in addition significant weight must be given to the supply of housing, including affordable housing and moderate weight in achieving the level of biodiversity net gain indicated. It is therefore recommended that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the referral of the application to the Secretary of State given the objection to the development from Sport England. In the event that the application is not called in by the Secretary of State then, for the application to be approved, subject to the satisfactory completion of a Memorandum of Understanding, the details of which have been set out in this report and subject to the conditions as proposed (with any amendments or additions as considered appropriate) by Officers and receipt of no new material representations, or if these are not achieved for the application to be refused.

9.10 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act and is subject to the Public Sector Equality Duty (PSED) imposed by S149. This requires public sector authorities to have due regard to the need to advance 'equality of opportunity' between a person who share a relevant protected characteristics and persons who do not share it. In this instance, it is not considered that this proposal would impact on any of the protected characteristics nor cause direct discrimination.

9.11 The protection of property and the peaceful enjoyment of possession under Article 1 of the Human Rights Act, and the right to respect for private and family life under Article 8 of the Human Rights Act have been taken into account in considering any impact of the development on residential amenity and the measures to avoid and mitigate impacts. It is considered that the proposed development would not infringe on these rights.

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

10.1 In accordance with paragraph 38 of the NPPF (2023) the Council approaches decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

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

- The applicant was provided the opportunity to submit amendments and additional information to the scheme/address issues.

- The application was considered by the Strategic Site Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## **11.0 Recommendation**

11.1 The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the referral of the application to the Secretary of State given the objection to the development from Sport England. In the event that the application is not called in by the Secretary of State, for the application to be approved subject to the satisfactory completion of a Memorandum of Understanding, the details of which have been set out in this report, and subject to the conditions as proposed (with any amendments or additions as considered appropriate) by Officers and receipt of no new material representations, or if these are not achieved for the application to be refused.

Recommended conditions:

1. Details of the appearance, landscaping, layout and scale, (herein after called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development should be carried out as approved.

Reason: The application is for outline planning permission.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be carried out in general accordance with the details contained in the planning application hereby approved and plan numbers as set out below and in accordance with any other conditions imposed by this planning permission:
  - Site Location Plan Drawing no. 27
  - Illustrative Masterplan Drawing no. SK19 Rev I
  - Landscape Strategy Drawing no. 28 Rev B
  - Preliminary Site Access Design Drawing no. PC3000-RHD-GR-SW-DR-001 rev P04
  - Preliminary Site Access Swept Path Analysis – Refuse Vehicle Drawing no. PC3000-RHD-GR-SW-DR-0051 rev P04

Reason: To ensure that the development is carried out in accordance with the details considered by the local planning authority.

5. The details to be submitted pursuant to condition 2 of this permission shall include details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land. With reference to a fixed datum point. The building(s) shall thereafter be constructed in accordance with the approved slab levels.

Reason: To ensure a satisfactory form of development and to comply with policies BE3 and BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

6. The application(s) to be submitted pursuant to condition 2 shall include details of the mix of housing having regard to the Council's Housing and Economic Development Needs Assessment and to any local assessment and needs for housing identified at the time of the submission.

Reason: To ensure a satisfactory form of development and to ensure the appropriate mix of housing is provided and to accord with policy H1 and H6a of the Vale of Aylesbury Local Plan and with the NPPF.

7. Prior to any occupation of the development, a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to all the sports facilities and ancillary facilities hereby permitted and shall set out, but not be limited to, the following:
  - A description of the facilities being made available for community use;
  - Details of the proposed pricing policy;
  - Proposed hours of use of the facilities to be made available for community use;
  - Details of how access to the facilities shall be made available to users not associated with the school;
  - Details of the management responsibilities; and
  - Proposed mechanisms for review.

The development shall thereafter not be occupied other than in complete accordance with the approved Community Use Agreement.

Reason: To secure well managed, safe community access to sports facilities to accord with the aims of policy I3 of the Vale of Aylesbury Local Plan and with the NPPF.

8. For the avoidance of doubt and notwithstanding any indications illustrated on drawings already submitted, the details to be subjected pursuant to condition 2 shall include a landscaping scheme to address the following:
  - (1) A scaled plan showing all existing trees, shrubs and hedgerows to be retained, including crown spreads and trees and plants to be planted;
  - (2) The location, type and materials to be used for hard landscaping including specifications, where applicable for:
    - a) permeable paving
    - b) soil volume calculations for new trees
    - c) tree pit design
    - d) underground modular systems
    - e) sustainable urban drainage integration
    - f) use within tree Root Protection Areas (RPAs);
  - (3) A schedule detailing species, sizes and numbers/densities of all proposed trees/plants; including support measures, guards or other protective measures; biosecurity procedures including best working practices to reduce the spread of pests and disease.

(4) Specifications for operations associated with plant establishment and maintenance that are compliant with best practice such as methods to improve the rooting environment for retained and proposed trees and landscaping including watering, weed control and pruning.

(5) Types and dimensions of all boundary treatments.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees. Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure satisfactory landscaping of the site in the interests of amenity, to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in accordance with Policy NE8 of the VALP and the NPPF.

9. All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling to which it relates, prior to the occupation of the 80<sup>th</sup> dwelling constructed on the site for the amenity and other open space planting, or the completion of the development, whichever is the sooner. Any retained trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development and in accordance with Policy NE8 of the VALP.

10. Notwithstanding the detail submitted with the application, no works or development (including for the avoidance of doubt any works of demolition/site clearance) shall take place until an Arboricultural Impact Assessment and Arboricultural Method Statement (AMS) with Tree Protection Plan (TPP) has been submitted in accordance with current British Standard 5837 and approved in writing by the Local Planning Authority.

Ground protection measures including protective fencing shall be erected or installed prior to the commencement of any works or development on the site including any works of demolition and shall conform to current British Standard 5837 specification guidance. The approved fencing and/or ground protection measures shall be retained



and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced or protected areas without prior written agreement from the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

The AMS and TPP shall include:

- (1.) Detailed plans showing location of the protective fencing including any additional ground protection whether temporary or permanent;
- (2.) Details as to the location of proposed and existing services and utilities including sustainable drainage, where these are close to Root Protection Areas (RPAs);
- (3.) Details as to the method, specification and materials to be used for any "no dig" cellular confinement systems where the installation of no-dig surfacing is within the Root Protection Areas of retained or planted trees is to be in accordance with current nationally recognised best practice guidance British Standard BS 5837 and current Arboricultural Guidance Note 'Cellular Confinement Systems Near Trees' (area within the development to which it applies); demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- (4.) Details of all proposed Access Facilitation Pruning, including root pruning, as outlined in current British Standard 5837 guidance shall be carried out in accordance with current British Standard 3998.
- (5.) All phases and timing of the project, including phasing of demolition and construction in relation to arboricultural matters.
- (6) Siting of work huts and contractor parking; areas for the storage of material and the siting of skips and working spaces; the erection of scaffolding are to be shown on the submitted TPP.
- (7) A specific methodology for the removal of buildings within the buffer zone of ancient trees and any further precautions that are to be taken to protect the tree from dust and other pollution.
- (8) Tree Protection Sign-off by the retained Arboricultural consultant prior to commencement of on-site activities and a reporting log, detailing timescales for return visits.

Reason: This a pre-commencement condition which is required to ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction, in the long-term interests of local amenities and accordance with Policy NE8 of the VALP, BS5837 and the NPPF.

11. The details to be submitted pursuant to condition 2 shall include a scheme for cycle and motorbike parking and car parking, including electric vehicle charging spaces and stations, and manoeuvring for the development. The approved details shall be laid out and made available for use for the part of the development to which they relate prior to that part of the development being brought into occupation. Thereafter these areas shall not be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and having regard to car parking, cycle and motorbike parking and electric vehicle charging and to comply with policies T4, T8, T7 and T6 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

12. The detail to be submitted pursuant to condition 2 shall include details of all screen and boundary walls (including materials to be used), fences, gates and any other means of enclosure. The development shall thereafter be completed in accordance with the approved details which shall be retained as approved, prior to the occupation of the dwelling to which they relate or the completion of the development whichever is the sooner, unless otherwise altered for routine maintenance.

Reason: To ensure a satisfactory appearance to the development and having regard to residential amenities, impacts on wildlife and ecology and on trees and to comply with policies NE1, NE8, BE2 and BE3 of the Vale of Aylesbury Local Plan and the NPPF.

13. No other part of the development shall be occupied, until the means of access off Lower Road has been sited and laid out in general accordance with approved planning drawing PC3000-RHD-GR-SW-DR-D-0001-P04 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 of the development and to accord with policy T4 of the Vale of Aylesbury Local Plan and with the NPPF.

14. No other part of the development shall be occupied, until minimum vehicular visibility splays of 58m from 2.4m back from the edge of the carriageway from both sides of the access onto Lower Road have been provided, and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate visibility between the access and the highway for the safety and convenience of users of the highway and of the access and to accord with policy T4 of the Vale of Aylesbury Local Plan and with the NPPF.

15. No other part of the development shall be occupied, until the off-site highway works have been sited and laid in general accordance with the approved planning drawings 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 of the development and to accord with policy T4 of the Vale of Aylesbury Local Plan and with the NPPF.

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 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 and to accord with policy T4 of the Vale of Aylesbury Local Plan and with the NPPF.

17. Prior to the commencement of the development hereby permitted, including works on the construction compound, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include, but not be limited to, the following:
- a) Phasing of the development;
  - b) Layout of construction compound, designed to minimise impacts;
  - c) Details of construction access;
  - d) Management and timing of deliveries, including delivery hour outside of highway network peak periods;
  - e) Routing of construction traffic;
  - f) A method statement for undertaking pre commencement and post completion highway condition surveys and a programme for repairs to make good damage;
  - g) Vehicle parking for site operatives and visitors;
  - h) Loading/off-loading and turning areas;
  - i) Storage of materials;
  - j) Precautions/measures to prevent the deposit of mud and debris on the adjacent highway;
  - k) How compliance will be monitored, including site inspections and the recording compliance matters.

The CTMP shall then be implemented and adhered to as approved throughout the construction period.

Reason: This is a pre-commencement condition which is required in the interests of highway safety and to comply with the requirements of the National Planning Policy Framework and policies T4 and T5 of the Vale of Aylesbury Local Plan.

18. Notwithstanding the Travel Plan submitted with the outline application, prior to any development above ground, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the Travel Plan should include the Travel Information Pack to be provided to residents. Thereafter the development shall be implemented in accordance with the approved details prior to the occupation of the

development. For the avoidance of doubt the Travel Plan should address the Action requirements set out in the Council's Travel Plan Team comments of 23<sup>rd</sup> June 2023.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with National and Local Transport policy and to comply with Policies T4 and T5 of the Vale of Aylesbury Local Plan and with the National Planning Policy Framework.

19. The development shall be carried out in accordance with the Noise Impact Assessment report prepared by Haskoning DHV UK Limited (reference PC3000-RHD-ZZ-XX-RP-Z-0003 dated 5/10/2022). Prior to development above ground details of the mitigation required to the properties identified within the report shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwellings the subject of the mitigation will not be occupied until the mitigation has been carried out in accordance with the approved details and it shall thereafter be retained as approved.

Reason: Having regard to nearby residential amenities and to accord with Policy BE3 of the Vale of Aylesbury Local Plan and with the NPPF.

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

Reason: In the interests of visual and residential amenity and highway safety and to comply with Policies T5, B2 and B3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

21. Within six months of the occupation of the first of the dwellings to be completed, full details of the performance of the buildings to show that they have been constructed and perform in line with the Energy Statement, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage sustainable development and to ensure compliance with policy C3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

22. The development shall be implemented in accordance with the agreed measures detailed in the Ecological Appraisal from Aspect Ecology dated March 2023.

Reason: To ensure that measures are undertaken in accordance with submitted plans for the benefit of important wildlife and to accord with Policy NE1 of the Vale of Aylesbury Local Plan and with the NPPF.

23. Notwithstanding the submitted information, prior to the installation of any external lighting on the site, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: Many species active at night are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established movement corridors or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and limiting negative impacts of light pollution would accord with Policy NE1 of the Vale of Aylesbury Local Plan and with the NPPF.

24. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: This is a pre-commencement condition which is required to ensure appropriate protection and enhancement of biodiversity, to make appropriate provision for natural habitat within the approved development and to provide a reliable process for

implementation and aftercare and to accord with Policy NE1 of the Vale of Aylesbury Local Plan and with the NPPF.

25. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management which will (without limitation) include the provision of biodiversity net gain within the Site as shown within the approved Biodiversity Net Gain Assessment and associated metric (May 2023)
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: This is a pre-commencement condition required to ensure that development is undertaken in a manner which ensures important wildlife is not adversely impacted and to accord with Policy NE1 of the Vale of Aylesbury Local Plan and with the NPPF.

26. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- SuDS components agreed in the outline application
  - Capacity and condition assessment of the ordinary watercourse with details of any necessary maintenance or updating works
  - Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
  - Demonstrate that water quality, ecological and amenity benefits have been considered
  - Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
  - Existing and proposed discharge rates and volumes

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

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 167 and 169 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

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

Reason: The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long-term maintenance of the drainage system as required under Paragraph 169 of the NPPF.

28. The residential dwellings hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' as a minimum prior to first occupation. In addition, 15% of the affordable dwellings shall be wheelchair accessible to comply with Building Regulations 2010 (as amended) optional requirement M4(3). Such provision shall be maintained for the lifetime of the development.

Reason: To ensure the adequate provision of accessible, including wheelchair accessible, and adaptable dwellings in accordance with Policy H6c of the Aylesbury Vale Local Plan.

Informatives:

1. The applicant is advised that the off-site 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](mailto:highwaysdm@buckinghamshire.gov.uk)

2. It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
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. 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.
5. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.
6. In accordance with paragraph 38 of the NPPF (2023) 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. 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. In this instance further detail and amended plans were submitted by the applicant which was found to be acceptable and the application has been approved under delegated powers.
- 5 The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Services Division of the Council.
- 6 You are advised that a Memorandum of Understanding has been completed in connection with this permission.
- 7 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees, scrub and other vegetation may contain nesting birds between 1st March and 31st August inclusive. Buildings, trees, scrub and other vegetation are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent



ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

- 8 Under the terms of the Land Drainage Act 1991 and the Floods and Water Management Act 2010, the prior consent of the Lead Local Flood Authority is required for any proposed works or structures in the watercourse. After planning permission has been granted by the LPA, the applicant must apply for Land Drainage Consent from the LLFA, information and the application form can be found on our website. Please be aware that this process can take up to two months.
- 9 If during development works contamination is encountered which has not been previously identified please contact the Environmental Health department immediately at [environmentalhealth@buckinghamshire.gov.uk](mailto:environmentalhealth@buckinghamshire.gov.uk) . Works must cease on site until an appropriate remediation scheme is submitted to and agreed in writing by the local planning authority. This is because failure to remediate site contamination during development could result in serious long-term health impacts to future users of the development.

## **Appendix**

### **A1.0 Local Member comments:**

**Cllr David Thompson** - I wish to object to this application on the following points.

1. Sport England. (17.11.22 report) Completely agree with the conclusions in their response as shown below: -

"In light of the lack of proposed appropriate replacement provision for the loss of playing field and facilities, Sport England objects to the application because it is not considered in accordance with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF. Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit."

We cannot accept the Savills response of the 18.05.23 that: - "If the application was made today, Sport England would no longer be a statutory consultee." This comment carries no weight in my view, as the application was lodged within the 5 year period and therefore the consultation with Sport England is therefore a statutory requirement and carries high weight in refusing this application.

2. Urban Design Comments. (25.01.23) In Dr Stefan Kruczkowski's Summary he states:-

"Using the BHL considerations for an outline application, we should be seeking to ensure that the structural elements of the proposals merit a 'green light'. Based upon the information provided I consider that the following structural elements of BHL would attract a 'red light':

- Natural connections,
- Walking, cycling and public transport.
- Making the most of what's there.

I have also highlighted concerns about:

- Green and blue infrastructure.
- Cycle and car parking.

This would give the scheme at least 9 'red lights'. BHL states that one or more red lights in an indication to "stop and rethink. On the basis of the information submitted and available, I object to this application. A different design approach is required."

Savills answered most of his points in their response -RESPONSE TO URBAN DESIGN COMMENTS 16TH MAY 2023, recorded on 18.05.23, but crucially did not reply / comment on the 9 'red lights' comment, which to me is again a high weight reason for refusal.

3. ECOLOGIST COMMENT (25.11.22) Holding Objection. Insufficient information has been provided. Further information is required:

- Biodiversity net gain evidence
- All survey work and assessments are required to be provided before determination of the application i.e., this includes the identified point of entry to the site.
- Wildlife sensitive lightening strategy is required
- Biodiversity enhancement feature details.

This application should not be heard until this information has been provided, in particular:- Biodiversity net gain evidence.

4. Due to the high level of public reaction against this application, (88% of those who responded to the public consultation), I feel that this application should be heard by the Strategic Sites Planning Committee and not the Central Planning Committee.

**Cllr Roger King** - I object to this application as it removes a precious public open space, quite rare in this part of town. Aylesbury is a designated Garden Town but we have seen little evidence of retained or new green spaces. Sports facilities are also thin on the ground. The additional homes

will put further strains on services such as utilities, education and health and transport infrastructure. Lower Road is already congested and the only route into town is via the Gyrotory system. These plans cannot be described as sustainable. Due to the high level of public reaction and objections against this application, (88% of those who responded to the public consultation), I feel that this application should be heard by the Strategic Planning Committee and not the Central Planning Committee and certainly should (*not?*) be delegated to officers.

**Cllr Sue Chapple** -: I wish to object to this application on the following points:

1. Sport England. (17.11.22 report) Completely agree with the conclusions in their response as shown below: -

"In light of the lack of proposed appropriate replacement provision for the loss of playing field and facilities, Sport England objects to the application because it is not considered in accordance with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF. Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit."

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- Biodiversity enhancement feature details

This application should not be heard until this information has been provided, in particular: Biodiversity net gain evidence.

4. Due to the high level of public reaction against this application, (88% of those who responded to the public consultation), I feel that this application should be heard by the Strategic Sites Planning Committee and not the Central Planning Committee.

**Cllr Denise Summers** - Sport England. (17.11.22 report) Completely agree with the conclusions in their response as shown below:

- "In light of the lack of proposed appropriate replacement provision for the loss of playing field and facilities, Sport England objects to the application because it is not considered in accordance with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF. Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit."

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This application should not be heard until this information has been provided, in particular:

- Biodiversity net gain evidence.

3. Due to the high level of public reaction against this application, (88% of those who responded to the public consultation), I feel that this application should be heard by the Strategic Sites Planning Committee and not the Central Planning Committee.

## **Town/Parish Council's comments**

### **A1.1 Stoke Mandeville Parish Council (6 December 2022)**

At its planning committee meeting held on the 22nd November 2022, it was agreed that the parish council wishes to OBJECT to the application for the following reasons:

1. Consultation with the Community Flawed – The consultation map shows only the streets on the periphery of the site were consulted whereas the site has implications for a vast number of people on the Stoke Mandeville Parish.

2. Highway Safety & Traffic Management – Any estate and school traffic effects on already congested roads i.e., Lower Road, Kynaston Avenue, and Winterton Drive.

3. Negative Effect on the Environment – From an open area of grassland to an extensive housing area when there is a real need for an area of leisure activities.

4. Lack of Need for Development – Emphasis on 30% key worker/affordable housing – statistics show that according to MTVH there are 171 purpose-built keyworker houses available within 5 minutes' walk of Stoke Mandeville hospital. There is no allocation for housing on this site and other sites in the area provide all the development required by national strategic policies so there is no justification for building on this green space.

5. Detrimental Impact on Neighbouring Amenities – Loss of open space, sports and leisure facilities, traffic generation, and air quality.

6. Loss of Employment Use – The houses at the access junction on Lower Road and Lower Road used as Children’s Home.

7. Doesn’t Meet the Need for Sustainable Development – It does not “meet the needs of the present without comprising the ability of future generations to meet their own needs.” because it does not provide sport, community and leisure facilities which are much more needed than housing in the Parish. Once this area is built on, it limits its future use and the amenity is lost forever. Para 12 of the NPPF says: “Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.” See below for detailed areas of the VALP with which this proposal is in conflict.

8. Results of Community Consultation – Overwhelmingly point to a refusal as 88% of consultees were against the development, even in the relatively narrow scope of the consultation. A local residents group has since collected over 600 signatures on a petition to save the site for community use in opposition to the Council’s plan to build housing and re-shape the green space.

9. Consideration – Why is the application being put to the Planning Committee when it would have been more appropriate for it to be considered by the Strategic Sites Committee which deals with a wide strategic development on sites that have a significant impact beyond the specific local area and sites fundamental to the implementation of an adopted or emerging Local Plan.

10. Conflicts with -

- National Planning Policies i.e., NPPF Para 12: “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

We do not believe there are sufficient material considerations presented in this proposal.

- the following considerations in the VALP (Pg 31):

“In assessing development proposals, consideration will be given to:

- b. providing a mix of uses, especially employment, to facilitate flexible working practices so minimising the need to travel
- c. delivering strategic infrastructure and other community needs to both new and existing communities
- d. giving priority to the reuse of vacant or underused brownfield land.

- e. minimising impacts on local communities
- f. building integrated communities with existing populations
- g. minimising impacts on heritage assets, landscapes, and biodiversity
- h. providing high-quality accessibility through the implementation of sustainable modes of travel including public transport, walking, and cycling
- i. providing access to facilities including healthcare, education, employment, retail, and community facilities
- j. meeting the effects of climate change and flooding.”

This proposal actively takes away facilities, will have a negative impact on communities which have benefited and could benefit more from the facilities on the site, is not giving priority to vacant or underused brownfield land as this is not brownfield and it was in full community use until the Council locked the space behind bars.

The proposal does not provide employment except any short-term employment from the building itself and has a big impact on the landscape and biodiversity of this area which has less and less green space left.

It actively removes access to community facilities and the potential to offer healthcare, education, and employment by using the site more diversely to provide community services.

Building over green space is a cause of climate change as it removes a carbon sink and replaces it with carbon intense building materials.

In addition, the proposal contravenes Paragraphs 92, 93, 98 and 99 of the NPPF.

Conflicts with: Local Plan (Vale of Aylesbury Local Plan)

- Conflicts with the VALP on Pg 293:

“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 are 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

And, although the Council has argued that the Sports and Social Club is defunct and no longer used, it has not abided by the VALP (Pg 294) which says:

“11.27 The council therefore generally aim to resist proposals that would result in the erosion of the valuable community facilities and services in the Vale, unless it can be clearly demonstrated that there is no long-term requirement for their retention. In the case of a proposal affecting a commercial venture which operates as a community facility, it is important that the existing use is no longer commercially viable and to prove that a genuine attempt has been made to market the enterprise as a going concern.”

There has been no effort to market the enterprise as a going concern.

Conflicts with: The draft Stoke Mandeville Neighbourhood Plan which specifically designates this site as a Local Green Space according to the criteria in the NPPF Paras 101 and 102 and the Parish Council notes the stipulation in Para 103 that Local Green Space is subject to the same protection as Green Belt.

Conflicts with: • The 15th September 2021 paper from the LGA entitled “Securing investment in public sport and leisure facilities and services is key to the nation, tackling health inequalities and supporting climate change targets.”

11. Transparency: If the committee was minded to approve the application, that in the interests of transparency the application should be deferred and delegated to the Secretary of State for determination.

Note: Cllr Paul Irwin has appointments to the Bucks Playing Field Association and to the Stoke Mandeville Stadium Committee both of which are potential conflicts of interest.

## **A1.2 Aylesbury Town Council (12 December 2022 and 19 July 2023)**

Land use, loss of much needed recreation land

Aylesbury and the wider vale suffers from a lack of good quality sports facilities, the loss of this land would further exacerbate this dismal situation for our current and future residents of the expanding towns.

The Aylesbury Vale local football facilities plan recognises this fact, in the lower road area there are plans for 2 large developments AGT 1 & 2, these developments do nothing to address this need, this is on top of the already extensive developments along Lower Road.

The idea of developing the sports facilities at Walton Court simply does not meet the additional need that this and other housing developments has created, it is still a loss of sports facilities and it is not appropriate for the income from land sale in Stoke Mandeville Parish to be used to fund an Aylesbury Special Expenses item.

The loss of Bucks Sport and Social Club means that there is no public green space between Cottesloe Park and Eskdale Community Centre, a distance of almost exactly 2km in a straight line.

Affordable Housing & Social Housing

The idea of 30% affordable housing is welcome, but we should not forget that this land is publicly owned, it was used for the public good until Buckinghamshire CC closed it and excluded the people from using it, Aylesbury has been expanded massively over the decades, despite this



development the waiting list for social housing has not moved, we still have thousands of people and families waiting for truly social housing.

To use this land truly in the public interest, if, regrettably, permission is given for any housing, Aylesbury Town Councils Planning and Licensing committee would like to see that development be 100% social housing, that way this development would actually be in the public interest and for the benefit of those most in need.

#### Infrastructure

Education, health & transport, all of these essential public services are under pressure due to the developments in and around Aylesbury, the local GPs surgery is struggling, the local primary schools are full, Lower Road is a blue light route for Ambulances transporting patients to both Stoke Mandeville Hospital and High Wycombe, until the road improvements are actually in place and open, the transport connections are not satisfactory.

This area like many in Aylesbury suffers from omission, in this case there is a singular lack of any community space, this development removes the only prospect of a community centre in the area, we believe that a community centre should be a central part of this development should it be granted permission by the Buckinghamshire Council, this would be an investment in the community and a benefit for generations to come. The application is surrounded by Stoke Leys Estate, Wescott Estate, the new Hospital Estate and the new building off Lower Road - some 1,600 houses. If these were being built together then a community centre facility would be required. This one should be retained

Conclusion - Aylesbury Town Councils Planning and Licensing Committee OBJECTS to application 22/03709/AOP. The application removes sport and social facilities already in the area, and the prospect for replacing them, the alternative facilities are simply not good enough because it still removes a facility, the application does nothing for Social Housing provision in the area, puts further strain on services such as education and health, puts further strain on transport infrastructure, it cannot in any way be described as sustainable.

## **A2.0 Representations**

A2.1 The following representation has been received from The Aylesbury Society:

Our objections are based on the following: The extra homes will put a strain on utilities, education, health provision & transport, all of which are under pressure due to the developments in and around Aylesbury. Local GPs surgeries are struggling, as are local primary schools. Transport for Bucks say that this development will generate an additional 50 plus vehicle movements at peak times and that all traffic will have to exit left and if going south will have to 'u' turn at the hospital roundabout. Lower Road is already congested and the only route into town is via the Gyratory system. It is also a blue light route for Ambulances transporting patients to both Stoke Mandeville Hospital and High Wycombe. This development will greatly add to congestion. Forthcoming road improvements will not alleviate congestion on either Lower Road or Wendover Road.

Aylesbury is a designated Garden Town yet this precious green space is to be swallowed up with more housing. Green spaces are needed in urban areas such as this and not on the periphery of the town or along the relief roads. Many neighbourhoods in Aylesbury suffer from having no community space. This development removes the only prospect of a community space in the area. We feel that this application should be heard by the Strategic Planning Committee and not the Central Planning Committee and certainly should not be delegated to officers.

A2.2 The following representation has been received from Stoke Mandeville Junior and Senior Football Club (29 November 2022):

Object to the plans produced by Bucks Council for building one hundred dwellings on the site which was formally used for recreational sport.

The football club will publicly support proposals for a community-based hub ensuring our members play a key role in the sustainability of a community run site.

Stoke Mandeville Football Club play a vital role in our local community. Not only do we help people stay fit and healthy physically and mentally, but we also support and develop individual local sporting talents, alongside bringing people from the local community together.

We give young people the opportunity in Stoke Mandeville to meet new friends from different backgrounds, as well as ensuring we help parents with the opportunity to meet with other parents, who they otherwise may not have met.

The club provide adults and children with the opportunity to share their dreams and learn new skills, whether it be helping with coaching, teamwork, administration, the struggles of life or just a voice to listen.

Grassroots sports clubs offer so much more than just the sport they are involved with, Bucks Council have done their utmost to stop this and take it away from the Parishioners on this site.

The football club is happy to present a list of six hundred plus existing members which is due to increase to one thousand by 2025.

Stoke Mandeville Football Club OBJECTS to this proposal wholeheartedly in support of the community.

A2.3 Representations have been received from Booker Park School:

(10 February 2023) - object to the planning application. The Application Site: The application site is in two main parts. The northern part of the planning application site currently comprises vacant buildings; areas formerly in use as grass playing pitches; and areas of hardstanding, including some formerly used as sports pitches and courts. The former Buckinghamshire County Council Sports and Social Club is understood to have closed approximately five years ago. However, it is noted that parts of this land appear to be in use currently for car parking. We are not aware of any planning permission having been granted for that use, so we are unclear as to its authorisation. The southern part of the application site comprises an open field, with a history of use for sports and recreation including a full-sized playing pitch and goal posts.

Principle of the development: The application proposes residential development with open space on the northern part of the site. This includes a new access which may be helpful to safe and efficient movement of vehicles to and from the school, which is welcome. Whilst we have some sympathy with the overall position of Sport England (see below), our clients have no objection in principle to these elements of the proposed development, subject to a detailed layout which secures the boundary of the school premises. Our client's objections relate primarily to the arrangements for the playing field forming the southern part of the application site. That said, we note that the Council has a supply of housing land sufficient to meet identified need for more than five years. The application site is not allocated for residential development in the adopted Local Plan. Despite the case made by the applicant in the submitted Planning Statement, this site would not appear to form part of the windfall allowance of 760 homes identified in the Local Plan, which was calculated in relation to past delivery of small sites of four homes or fewer (see for instance Local Plan paragraphs 3.83 – 3.86). All of this indicates that although the proposals could make a positive contribution towards housing supply, at the same time there is no great imperative to release this site. In turn, this reduces the weight which should be given to housing delivery from this site when balanced against any negative impacts of the application.

Sport England: We note the objection from November 2022 lodged by Sport England to the application. Sport England are clear that in their view the proposals do not satisfy any of the exceptions to the loss of playing field and related facilities set out in their policy E4; and also would not meet the requirements of NPPF paragraph 99. These are significant policy obstacles – and indeed present practical problems for the application. In the event that the local planning authority wished to approve the application notwithstanding Sport England's objections, then it would first have to refer the application to the Secretary of State. Our clients recognise Sport England's objections to the application, and indeed can offer additional information which is relevant to their concerns.

Local Plan policy I2: We also note the applicant's approach to policy I2, together with the concerns raised by Sport England in this regard. The applicant simultaneously argues both that:

- a) policy I2 is not relevant because there are no "existing" sports facilities on the site; and
- b) the proposals satisfy criterion g) of policy I2 by enhancing the open space network as a whole and assisting in achieving the Council's Green Infrastructure Strategy.

The applicant's assertion in point a) would mean interpreting policy I2 literally, as follows: the moment sports facilities ceased use, policy I2 would not apply. In our view this interpretation cannot be correct. The applicant's case seems to rest heavily on the fact that the sports and social club closed some years ago. However, even if "existing" was taken to mean only within the last five years, our clients contend that parts of the site have most definitely been used for sports and recreation within that timescale – albeit not under the original club arrangements (see further below). Consequently, our clients believe that Local Plan policy I2 does apply to this application.

Booker Park School involvement in the application site: Booker Park School has for some years been involved in the use and maintenance of parts of the application site. Prior to and following the closure of The Buckinghamshire Sports and Social Club (BSSC) in 2017 / 2018, the school had had an agreement with Buckinghamshire County Council for use of parts of

their facilities for sports activities, sports days and events, in addition to utilising the parking areas for overflow parking for their staff and also visitors. In particular, the school used the playing field adjacent to its south-eastern boundary – which now forms the southern area of the planning application site – up to 2020. The school was responsible for maintaining the security regarding gate opening and closing daily; plus the maintenance of the sports pitch including grass cutting, white lining and generally making the area fit for use by pupils with special needs. Discussions have taken place between the Booker Park School and Buckinghamshire Council's Schools Commissioning team. There is an identified and increasing need for additional school places for pupils with special educational needs across the area. A viability study has indicated that the school could meet some of that need – possibly up to 128 new places. However, that would require constructing a new teaching block on what is currently a small external outdoor activity area within the school grounds. Outdoor physical activity is a very important element of pupils' educational needs; but the school already has a deficit of playing field area below the Department for Education recommended minimum standard. Therefore this is a significant hurdle to overcome if the expansion of the school through a new teaching block is to go ahead. In 2020 the school was informed by Buckinghamshire Council property division that the main (northerly) part of the BSSC facility was under review, with the possibility that it might be redeveloped for housing, along with an additional access road to the school. With regards to the playing field adjacent to the south-east of the school site, our clients expressed an interest in taking on full responsibility for this land. Working with the Schools Commissioning team, our clients compiled a proposal highlighting the benefits of securing the field for the school. The Schools Commissioning team provided this proposal to Buckinghamshire County Council's property division, who reacted favourably, including expressing the view that this could support their planning application for the redevelopment of the area to the north for housing. Unfortunately, these discussions and the proposals do not appear to have been carried forward in the development of the planning application. The Planning Statement submitted with the application crossrefers to the Statement of Community Involvement. Paragraph 3.8 of the Planning Statement includes the following comment:

Booker Park School 3.8. Early engagement has also been conducted with the neighbouring Booker Park School on the principle of a through road, and one way system connecting to the site to alleviate current congestion which was welcomed. It is also likely that, if used for sports and leisure in the future, the school will often use the informal open space at the southern end of the site.

However, the Planning Statement makes no mention of our client's position on proposals for the playing field forming the southern part of the application site.

Security: Our clients are aware that Stoke Mandeville Parish Council would like to keep the land as open green space with unrestricted access for members of the public, including dog walkers. Whilst their desire to maintain open land and sports facility provision is understood, our clients would strongly oppose such free and unmanaged access as this would present safeguarding issues. The school has recently had to upgrade its security due to multiple out of hours violations into the facility. This has included improvements to perimeter fencing, as well as installing electric security entrance gates to stop the use of the car parks and surrounding driveways within the school for antisocial behaviour and extensive

damage, including drug taking. These measures have been largely successful, though there continue to be incidents arising from those parts of the boundary with the former Bucks Sports and Social Club. The history of the application site was that of a relatively secure facility, with limited access for users. Following closure of the club incidents have increased, despite there being barriers to entry. If the areas adjacent to the school were to be turned into land with free and open access, our clients are very concerned that anyone could view and seek to gain entry to the school at any time. The presence of a “Possible pedestrian / cycling connection” alongside the school’s southern boundary (as shown on the Illustrative Masterplan SK19 rev E) only serves to highlight that concern. In addition, if the playing field were maintained as an unsecure, open-access facility then the school would be unable to use it for sports provision for its pupils, many of whom are vulnerable and sensitive to noise and disturbance. This is because of reasons which include: • the health risks posed by dog fouling; • lack of control over maintenance activities such as heavy machinery use – all current machinery operations at the school are carried out outside of school session times.

Our client’s proposal: We would draw the attention of the local planning authority to our client’s proposals for the field forming the southern part of the application site, as outlined in section 6 of this letter. In summary the school would take control of the land so that they can:

- manage the playing field for both school and community use - our clients already manage multiple facilities, demonstrating their capability to take such a task on
  - manage car parking for community use within the school premises – avoiding impacts on local roads and residents’ amenity
  - progress towards the provision of an all-weather pitch - Sport England recognise that all weather pitches enable more intensive use than grass pitches
  - be able to further improve the security of the school premises
  - be able to progress proposals for the expansion of school teaching facilities on site
- thereby meeting the growing requirement to meet the needs of pupils with special education needs.

These proposals represent a holistic approach to the situation, and an efficient use of land. This offers a good balance between maintaining open land and maximising its use for sport and recreation; and at the same time delivering on the educational and safeguarding needs of pupils. The all-weather pitch would maximise the contribution of the land to sports provision, helping to mitigate the impacts of the housing proposals on the northern part of the site.

Conclusions: In summary, our clients object to the planning application in its current form, on the grounds that proposals to use the southern playing field for general and unmanaged public recreation would: present a safeguarding risk to the school and its students; and miss an opportunity to bring that area under the control of the school, providing for the expansion of the school in a way which continues to meet needs of its pupils for sport and recreation, and at the same time enable wider community use outside of school hours. These objections – and those of Sport England – do not appear to be outweighed by the provision of new housing, given that the site is not allocated for housing allocation in the adopted Local Plan, and the current housing land supply situation in excess of five years. In the alternative, our client’s proposals for constructing and managing an all-weather pitch on the southern field

could help to overcome Sport England's objections to the application; and help the application demonstrate that it meets criterion h. of Local Plan policy I2.

Therefore our clients recommend that:

- a) the planning application is refused in its current form; and
- b) the applicants take a different approach to the future of the southern playing field, along the lines suggested above.

(29 August 2023) – We note the 'Further information' statement by the applicant's agent in their letter dated 13 July 2023, published in connection with the application. Overall, the letter reflects the progress which has been made in discussions between the applicant and our client. We can confirm the following points:

Land transfer and management responsibilities - Our client is satisfied with the 'Proposed new boundary for Booker Park School' as shown on submitted Illustrative Masterplan drawing ref SK19 revision f.

Our client is happy to commit to taking on responsibility for the operation and management of the playing field within that new boundary, which includes the playing pitch itself. As part of the management of the playing field, our client will provide a commitment to make the playing pitch available for community use:

- a) outside school hours (including evenings, weekends and public holidays if appropriate)
- b) with competitive pricing to encourage community access and use of the facilities
- c) ensuring access and free parking for users of the pitch facilities within the school premises, to avoid on street parking and disturbance within the local area.

In taking on responsibility for the playing field, our clients confirm that they are happy for a planning condition to be imposed requiring a community use scheme to be submitted and approved by the planning authority.

We are not yet clear how this will be achieved, especially given the complications of the outline nature of the application; and recognising that the applicant and planning authority are one and the same organisation. We look forward to further discussion with all parties on this point, with the overall objective of ensuring that any purchaser / developer is required to deliver on these requirements, as well as those identified below.

Fencing - It will be necessary to provide specialist fencing of an appropriate height along the south-western, south eastern and north-eastern boundaries of the playing field, in order to:

- a) ensure adequate security for Booker Park School; and
- b) remove the possibility of conflict between playing pitch users and members of the public, particularly those using the proposed path corridor.

Therefore our client requires that if the application is granted planning permission, planning conditions are imposed and/or obligations are secured to ensure that the developer provides such fencing at the outset. As long term custodians of the playing field, it will be necessary to agree the detailed specification of the fencing with our client in advance of its approval by the planning authority and subsequent implementation.

Conclusions - In light of the above, our client is prepared to withdraw its objections, subject to further discussions to finalise what planning conditions, obligations and possibly other legal mechanisms are required to ensure the delivery of the playing field.

A2.4 134 representations objecting to the development have been received raising the following concerns:

Impact on sports/recreation, green/open space, community use:

- Should develop brownfield sites first
- Site should be preserved as green space
- Every field in the area is being built on
- Site should provide a welcome relief from surrounding development, area of calm
- Existing fencing around the site should be taken down so the site can be used by local residents
- Should take the opportunity to make site a beacon of community health in nature
- Site should be given back to the local community for sport, well-being and the environment the community to enjoy
- Site has the potential to be developed into a thriving hub that can support residents
- Could be a hub for community with multiple uses
- Safe space for children
- Winterton Avenue/Kynaston Drive of over 200 houses has never enjoyed a dedicated recreation area
- Lack of open space in area
- The green space and LEAP should be repositioned to be closer to Roblin Close with a wider entrance to Roblin Close which would create the feeling that this new park has always been part of the area; should be a shared space  
If back space is used by school, access would be restricted throughout the school term it should be left for community
- Should accord with Stoke Mandeville Neighbourhood Plan, listed as a protected green space
- Contrary to NPPF para 11 (presumption in favour of sustainable development) and 92-99 (healthy and safe communities)
- Contrary to Garden Town ethos – loss of green space and recreation and continue to lose trees, hedgerows and wildlife at an alarming rate due to new developments and HS2.
- Listed as an asset of community value
- Site should remain a public asset
- Site should be sold to Stoke Mandeville Parish Council
- BC has promised to invest in local communities particularly parks and play areas and this is what is needed on this site

- Green space proposed for development is inadequate and unsuitable for children to kick a ball on or play cricket
- A full sized football pitch that meets FA regulations could not be accommodated on the back field
- Need for more sports facilities
- Aylesbury has a huge shortage of community spaces, sports, leisure and accessible green spaces
- If area is to be developed it should be for a doctors, school, function building or other community facility

#### Highways and transport:

- Proposed school route would become a rat run with a detrimental impact on the school environment and pupils
- Traffic surveys not done during busiest period between September and November so do not count
- Impact of HGVs not accounted for nor their impacts on junctions
- Lower Road already congested, impact would be exacerbated
- BC should improve transportation infrastructure instead of developing this site
- Proximity to ambulance station with increased traffic affecting blue light vehicles
- Barrier to prevent right turns out of site in narrow road would affect traffic flow
- School traffic would park in site and cause congestion  
Additional school route not needed, better to use existing roundabout with one way route, existing route has always been enough
- Parking area for NHS staff is clearly needed, field also used by the hospital helicopter
- No provision for a footpath from the junction to the site going towards Aylesbury (no room)

#### Residential amenity and infrastructure:

- No air quality surveys
- Traffic surveys not done during busiest period between September and November so do not count
- Impact of HGVs not accounted for nor their impacts on junctions
- Lower Road already congested, impact would be exacerbated
- BC should improve transportation infrastructure instead of developing this site
- Proximity to ambulance station with increased traffic affecting blue light vehicles
- Barrier to prevent right turns out of site in narrow road would affect traffic flow
- School traffic would park in site and cause congestion  
Additional school route not needed, better to use existing roundabout with one way route, existing route has always been enough
- Parking area for NHS staff is clearly needed, field also used by the hospital helicopter



- No provision for a footpath from the junction to the site going towards Aylesbury (no room)
- Loss of privacy
- Loss of natural daylight
- Adverse impact on air quality
- 88% of people who responded to the consultation held by BC objected to the proposals, local views ignored
- Substation mentioned would have a significant impact on public health
- Would result in increased flooding, this is an area known to flood
- Would result in increased pollution
- Local schools are oversubscribed
- Local GPs are oversubscribed

#### Housing:

- Further houses not required
- Area is already overdeveloped
- Affordable housing not required given other developments nearby
- Currently more than 170 key worker/social dwellings not being occupied in the local area
- Provision of affordable housing misleads the public on loss of this site
- Numerous housing developments in Stoke Mandeville with no new amenities
- Houses should be eco friendly

#### Wildlife:

- Hedgerows bordering the site have been there for at least 50 years and should be protected
- Space is needed for wildlife
- Impact on hedgerow to rear of building which provides wildlife habitat for several species
- Shed/garage has bats roosting in it

#### Other matters:

- Concerned that the improved facilities could be provided at Walton Court.
  - o Impact on trees bordering field
  - o Not physically room to extend pitches
  - o No parking available for existing facilities
  - o Dog mess on fields
  - o Duke of Edinburgh Playing Fields should continue to benefit children and trees should be preserved

- Local population have suffered with HS2 and no benefit
- In adequate advertising of application
- Was a well used and loved green space purposefully run down and fenced off by the Council
- Existing building was allowed to deteriorate through lack of maintenance by the Council
- Why did the Council spend money refurbishing the toilets inside the clubhouse within the months immediately prior to the closure of the club being announced?
- Was a member of the club for 40 years as a Bucks Council employee and continued as an Associate member, but Associate Members were not allowed to renew membership. A newsletter used to be issued by the Council, stopping this would have had an effect on declining membership.

### **A3.0 Consultation responses:**

**Buckinghamshire Healthcare NHS Trust** (14 September 2023) – Summary: The proposed development for 100 new dwellings will increase the Aylesbury Vale population by 250. This will have an impact on acute and community health care in the following areas:

- Cancer Services
- Inpatient Beds
- Diagnostics (CT & MRI services)
- Therapy Services (Physiotherapy & Occupational Therapy)

The Trust is currently running at capacity in all of these areas and the consequences if additional provision is not made would result in a shortfall of the infrastructure necessary for both new and existing populations. This is explained in more detail further in this response

The CIL tests under Regulation 122 (2) provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;

*The provision set out in this consultation response is required to ensure that the new population can have good access to cancer services, diagnostic services, therapy services and inpatient beds*

- (b) directly related to the development;

*The provision set out in this consultation response is directly related to the development as evidenced by the computations enclosed which calculate the cost of the required provision by population head. In all cases where a service is currently running at existing capacity, for example, outpatient services, alternative solutions have been sought before concluding a provision is required.*

- (c) fairly and reasonably related in scale and kind to the development.

*In all cases the calculations for the capital projects required have only incorporated the element of the project cost relating specifically to mitigate the impact of the new development on acute and community health care provision.*

*In accordance with the CIL tests the provision required to mitigate the impact of the development is £130,905. This is broken down as follows:*

<b>Key Area</b>	<b>Cost £'000</b>
Cancer Services Expansion	12
Inpatient Beds	83
Community Diagnostic Centre	28
Therapy Unit	8
Total Mitigation	131

n.b Further details are provided in the consultation response on line.

**Crime Prevention Design Advisor** (15 December 2022) - no specific concerns in terms of the outline planning application should the illustrative layout be submitted for reserved matters then the following would have to be addressed in the subsequent planning applications:

Connectivity: There are several points of access into and out the site. As this is an infill development the importance of its connectivity to the neighbouring developments is recognised, however the site could become excessively permeable assisting offenders to come and go without the risk of being seen. As the scheme develops it is important that;

- house types and floor plans address the need for surveillance over these routes ensuring that willing and capable guardians are present;
- defensive space and landscaping deters anti-social behaviour and provides 'stand-off' from movement associated with these routes, ensuring residents of the neighbouring plots remain willing guardians;
- all routes are appropriate and direct ensuring they take people where they want to go and in doing so ensuring they remain well used safe routes and preventing the emergence of desire lines.

Rain Gardens - The rain gardens at the south of site are positioned alongside two sets of rear garden boundary treatments. This could be a significant concern in terms of both crime and anti-social behaviour. Rear and side boundaries are the point of entry for the majority of burglaries and here the design would provide a legitimate excuse for people to be in this location with minimal surveillance present. This area is likely to lack ownership. All would need to be addressed if the current layout was submitted at RM to prevent an objection Thames Valley Police.

Communal parking - Rear courtyard parking is shown for blocks assumed to be communal. Rear parking should be secured to prevent unauthorised access into this area and the building itself. Active surveillance should be present.

- Future floor plans must address the positioning of active surveillance to the private parking area as well as the public realm. 'Active' in terms of crime prevention refers to those rooms most likely to be occupied including the lounge and kitchen areas.
- Sufficient physical security should be present to ensure there is secure line at the front fascia of the building that will allow access controls to be applied adequately to the building and preventing visitors presenting themselves at the resident's communal entrances.

To aid the applicant moving forward to subsequent applications and to prevent any future objections from Thames Valley Police the following general guidance is provided. This guidance is not an exhaustive list and additional consultation is recommended prior to subsequent submissions.

**Landscaping** - Landscaping should deliver strong visual cues relating to changes from public to private realm, providing defensive space for privacy and 'stand-off'. This should include private boundaries and parking areas. The landscaping plans should not restrict sightlines across the development. The positioning and variety of trees and shrubs should take into the consideration the positioning of surveillance from neighbouring plots and also passing activity.

**Active Surveillance** - Active surveillance should be present across the development especially from private dwellings out to the public realm. Active surveillance is that available from active rooms in the dwelling, defined as those most likely to be occupied and able to deter or observe an offender, these including kitchens and lounge areas. Bedrooms are likely to be unoccupied throughout the day and when occupied at night will have windows and curtains drawn. Bathroom windows requiring privacy glass offer no surveillance potential. Particular attention should be paid to corner plots ensuring active rooms are present on both exposed elevations removing blind spots along the public realm. 'Crime and anti-social behaviour are more likely to occur if criminals can operate, including travelling to and from the location, without fear of being seen' Ref. Safer Places – Surveillance

**Footpaths and Cycle Paths** - Footpaths and cycle routes should be as open as possible providing clear sightlines to enable the user to assess the route ahead and sufficiently wide enough to allow people to pass comfortably. They should have a sufficient level of surveillance along the route to help safeguard it from being used by those intent on crime and anti-social behaviour. They should be positioned to the front of dwellings where surveillance is present. 'Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime' Ref. Secured By Design, Homes 2019, Footpath Design. Where possible foot/cycle paths should run alongside the road way, albeit with sufficient space or demarcation for safety reasons, to maximise this surveillance from passing activity. The position of other footpath and cycles routes across the development should be considered carefully and whilst connectivity is sought, excessive permeability should be avoided as this will benefit offenders. Footpaths and cycle routes should reflect where people will want to go, in doing so removing the risk of future desire lines and unauthorised routes developing in inappropriate locations. Providing an excessive number of route possibilities will dilute the level of legitimate usage on any one route that might deter those intent on crime and anti-social behaviour. The positioning of the buildings must provide a high level of surveillance to the roadways, footpath and cycle paths as they enter and leave the development.

Parking - Vehicles should be visible from the dwellings they serve to ensure the most appropriate capable guardian is present to safeguard them and deter criminal behaviour. Where possible in curtilage parking should be provided. Where vehicles are parked alongside the dwelling in curtilage or otherwise, windows in the side elevation should be present and blank elevations should be avoided. Any courtyard parking should display a strong sense of ownership, suitable surveillance and serve only a small number of plots. Parking barns/ports, whilst appearing to offer a more aesthetically pleasing way to address parking actually provides no physical security to vehicles using them, whilst obscuring sightlines making these areas more vulnerable to crime and anti-social behaviour. Underground and under-croft parking should be avoided unless appropriately and robustly secured. Visitor parking should not be located within a private resident's courtyard parking areas and should be positioned along the public realm eg on street parking and where the surrounding properties can provide a high level of surveillance.

Lighting - Lighting throughout the development should meet the general standards of BS5489-1:2020. Lighting should be present and where possible provided from column lighting, with suitable diffusers fitted to push the light to the ground preventing light spill/pollution. Lighting from the ground up causes shadowing, which for the purpose of crime prevention obscures facial recognition. Furthermore low level, bollard lighting or similar, is more likely to be damaged. Lighting should be appropriate to the level of activity associated with the location. Eg. Play areas, it may be appropriate to not light a younger child's play area. Un-adopted areas of the development should not be provided with a poor quality lighting scheme and no individuals should be able to affect the light provided. This is often the case where communal un-adopted areas are powered by feeds from neighbouring plots.

Play Parks - Play Parks should be inclusive to the development located where there is a suitable level of surveillance from the surrounding properties to help safeguard them. The tenancy of these properties should benefit from the facilities ensuring they will be willing and capable guardians.

Communal Dwellings - The physical security of communal dwellings must be addressed in subsequent applications ensuring the future occupants are provided with the same level of physical security as those in individual dwellings. Details regarding access controls, visitor entry systems and provisions for postal services must be provided. Through the door deliveries for postal services should be avoided as they are often facilitated by a 'trades' button providing a legitimate excuse for offenders to gain entry to a development. No 'trades' or timed release button should be present on any development as they fundamentally undermines the physical security provided. Applicants should address the potential for an offender to be internal to the development and not just the threat from an external entity. For larger developments compartmentation should also be provided through the design, layout and access controls. Residential communal corridors should be private areas and accessible only to those that have a legitimate need to access them, again it may be appropriate to restrict access to residents not located in this area. The physical security of an entrance door set should meet the minimum standards of PAS 24:2016, however dependant on the number of dwellings served the minimum requirements of LPS 1175 SR2 Issue 7 or equivalent may be appropriate to ensure their durability. Emergency break glass to exit units (usually green in colour) should be avoided and alternatives provided to ensure access controls can be quickly reinstated after a legitimate or false activation.

Further guidance can be found within Homes 2019 produced by Secured By Design. Lift/Stairwell cores should not be merged i.e. two or more cores accessing the same area. Merged cores provide permeability through the development undermining access controls and creating a circular movement within the development which is beneficial to crime and anti-social behaviour.

Utility Meters - Private utility meters must be located where they are easily accessible and visible from the public realm. They must not be located behind a secure boundary or within the rear garden or rear access routes. Locating the boxes in private areas creates a risk of distraction burglary for occupants, particularly elderly or vulnerable residents. Utility boxes must not be deliberately hidden, as this gives a burglar or criminal a legitimate excuse of "trying to find the meter to read it", whilst being in private spaces.

Bin and cycle stores - Residential bin and cycle stores should ideally be located within the secure boundary of the property. Where this is not possible, they should be located where they are covered by good natural surveillance, but cannot be used as a climbing aid over a boundary. Internal bin stores should be robustly secured with a single leaf door to a minimum standard of LPS 1175 SR1 or equivalent. Plots without a garage must have secure cycle storage provided within the rear garden of the plot.

**Ecology** (1 December 2023) - This application is supported by an Ecological Appraisal from Aspect Ecology, dated March 2023. This is an updated assessment and is considered to be an accurate account of the species and habitats present on site at the time of the survey. Species-specific enhancements and mitigation measures are set out within this report. These will need to be secured with a planning condition. Further protection measures are required to ensure the construction phase of the proposal does not impact the species and habitats identified. A Construction Environmental Management Plan Biodiversity (CEMP) will need to be secured to ensure no harm is caused as set out within the PEA. A lighting strategy will be required to ensure no impact on habitats and species as identified within the PEA. The Biodiversity Net Gain report from Aspect Ecology dated November 2023 has been updated using DEFRA metric 4.0. The application demonstrates a measurable gain in habitat and linear units and is acceptable in policy terms. The measures detailed in the BNG report and accompanying site plan will need to be secured via a Landscape and Ecological Management Plan.

Condition1: Control to implement development in accordance with agreed document.

The development shall be implemented in accordance with the agreed measures detailed in the Ecological Appraisal from Aspect Ecology dated March 2023.

Reason: To ensure that measures are undertaken in accordance with submitted plans for the benefit of important wildlife.

Condition 2: Lighting design strategy for light-sensitive biodiversity Prior to construction, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: Many species active at night are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established movement corridors or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. Limiting negative impacts of light pollution is also in line with paragraph 185 of the NPPF.

#### Condition 3: Construction Environmental Management Plan (CEMP)

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of “biodiversity protection zones”.

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure appropriate protection and enhancement of biodiversity, to make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare.

#### Condition 4: Landscape and Ecological Management Plan (LEMP)

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

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

The LEMP shall also include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that development is undertaken in a manner which ensures important wildlife is not adversely impacted.

(14 June 2023) – Holding objection. Insufficient information has been provided, further information is required: A copy of the BNG metric.

Previous BC Ecology comments dated 25<sup>th</sup> November 2023 stated:

*Holding Objection. Insufficient information has been provided.*

*Further information is required:*

- *Biodiversity net gain evidence*
- *All survey work and assessments are required to be provided before determination of the application i.e this includes the identified point of entry to the site.*
- *Wildlife sensitive lightening strategy is required*
- *Biodiversity enhancement feature details*

Further supporting documents have been provided:

- Biodiversity net gain assessment (Aspect ecology, 12<sup>th</sup> May 2023)
- Addendum to Ecological Appraisal (Aspect ecology, 31<sup>st</sup> March 2023)



These proposals involve erection of up to 100 dwellings with associated works and infrastructure. There is a reasonable likelihood of the presence of protected species or priority habitats and therefore the proposals are likely to have a negative impact upon biodiversity if unmitigated. In support of this application an Ecological Appraisal (Aspect Ecology, 2022) has been submitted.

It is to be noted further information is not requested at this current stage in relation to the ancient tree with high bat roosting potential and the watercourse onsite due to the proposed landscape plan providing a buffer between the features and the development. However, to avoid any impact to these features during and post construction a Construction Environmental and Management Plan and a Habitat Management Plan (to avoid recreational impacts) would be required. In accordance with the Local Plan a 10m buffer is required alongside the watercourse and a buffer is required for the ancient tree.

Onsite habitats - An updated ecological survey has been performed.

Appropriate mitigation within the Addendum to Ecological Appraisal (Aspect ecology, 31<sup>st</sup> March 2023) has been provided therefore it is recommended subject to determination of the application, to secure through a planning condition. Which will include recommendations of the assessment of T12 prior to being felled, soft removal of Building 4 also updated badger survey prior construction works commencing.

The removal of invasive species such as Japanese Knotweed will be secured through the construction and environmental management plan.

Precautionary measures as recommended within the ecology report for reptiles and amphibians will be secured through construction and environmental management plan.

Biodiversity Net Gain - A biodiversity net gain assessment has been provided. A copy of this metric is required to be fully reviewed.

Biodiversity enhancement features In line with recognised good practice and government policy on biodiversity and sustainability, all practical opportunities should be taken to harmonise the built development with the needs of wildlife. As per the Ecological Appraisal (Aspect Ecology, 2022) the below features have been proposed:

- Bird boxes
- Bee bricks
- Bat boxes

It has also been identified that the below features are also recommended to reduce habitat fragmentation and diversity:

Hedgehogs: Boundaries and barriers within and surrounding the development, including fencing, railing and gates need to be made permeable to hedgehogs through the provision of 'Hedgehog Highways'. Hedgehog holes can be created by 13x13cm holes at ground level within fences, or by leaving a sufficient gap beneath gates and/or leaving brick spaces at the base of brick walls. Alternatively, hedgehog friendly gravel boards are suitable (as shown below sourced by Kebur Garden Materials and Jacksons Fencing). To ensure holes are kept open 'Hedgehog Highway' signage should be provided (as shown below sourced by Peoples Trust for Endangered Species and/or the British Hedgehog Preservation Society) and secured above the holes.

Reptiles and Amphibians: Hibernacula should be created on-site to provide features for reptiles and amphibians to hunt for food, use as shelter and hibernate within during the winter. Hibernacula can be created using a variety of materials, including, grass piles/compost, loose stones and soil as wells log/brush piles. Hibernacula should be located within proximity to habitat features used by reptiles and amphibians, including sunny spots such as southward facing banks, dense vegetation/ hedgerows and waterbodies such as ponds. Examples of suitable designs and methodologies for creating hibernacula can be located within, but not limited to, the Great Crested Newt Conservation Handbook, Froglife 2001 (see diagram below) and the RAVON + ARG UK Grass Snake Egg-laying Heaps Flier, 2019.

It is imperative that the biodiversity features are integrated into suitable structures, rather than vulnerable, isolated and temporary boxes for example, in order to help ensure the success of such features. The location and model of the features need to be clearly marked on the approved plans and drawings. Alternatively, these features can be secured by condition if this application is approved.

Artificial Lighting - Bats may be impacted by artificial lighting as a result of the proposed development. Artificial lighting design needs to be designed in accordance with the 'Guidance Note 08/18: Bats and artificial lighting in the UK' (Institute of Lighting Professionals, 2018).

The presence of, or potential for, roosts, commuting habitat and foraging habitat needs to be determined and their importance evaluated. Sources of lighting which can disturb bats are not limited to roadside or external security lighting, but can also include light spill via windows, permanent but sporadically operated lighting such as sports floodlighting, and in some cases car headlights.

Where bat features or habitats are particularly important or sensitive it may be appropriate to avoid, redesign or limit lighting accordingly. Examples of mitigation measures include dark buffers, illuminance limits and zonation, appropriate luminaire specifications, sensitive site configuration, screening, glazing treatments, creation of alternative valuable bat habitat on site, dimming and part-night lighting. Refer to Guidance Note 08/18 by the Institute of Lighting Professionals for more details.

The Lightening plan can be secured at a planning condition stage.

Badger - Development should be in accordance with the badger recommendations identified within the ecology report:

*"Badgers are dynamic animals and levels of Badger activity can rapidly change at a site, with new setts being created at any time. Given that no evidence of Badgers has been recorded within or adjacent to the site it is considered that Badgers do not currently pose a constraint to development. Nonetheless, Badgers are dynamic animals and levels of Badger activity can rapidly change at a site, with new setts being created at any time. It is therefore recommended that an update survey is carried out prior to commencement of site works in order to confirm the current status of Badgers at the site."*

Reptile - Precautionary measures are required to provide within the Construction Environmental and Management Plan.

Birds - The site has been identified to having low number of birds' nests therefore, a bird informative has been provided below. Development should be in accordance with the provided bird recommendations within the Ecological Appraisal (Aspect Ecology, 2022).

Invasive Species - Some invasive species have been identified within the application site. The Habitat management plan (this will be used to secure biodiversity net gain and biodiversity enhancement features) is require providing detail on species measure to control or eradication these species, in accordance with the Ecological Appraisal (Aspect Ecology, 2022).

Informative - Protection of breeding birds during construction (as per D.3.2.2 of BS42020:2013 Biodiversity – Code of practice for planning and development)

*The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. [Buildings, trees, scrub and other vegetation] are likely to contain nesting birds between 1st March and 31st August inclusive. [Buildings, trees, scrub and other vegetation] are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.*

(25 November 2022) – Summary: Holding Objection. Insufficient information has been provided. Further information is required:

- Biodiversity net gain evidence
- All survey work and assessments are required to be provided before determination of the application i.e this includes the identified point of entry to the site.
- Wildlife sensitive lightening strategy is required
- Biodiversity enhancement feature details

These proposals involve erection of up to 100 dwellings with associated works and infrastructure. There is a reasonable likelihood of the presence of protected species or priority habitats and therefore the proposals are likely to have a negative impact upon biodiversity if unmitigated. In support of this application an Ecological Appraisal (Aspect Ecology, 2022) has been submitted.

It is to be noted further information is not requested at this current stage in relation to the ancient tree with high bat roosting potential and the watercourse onsite due to the proposed landscape plan providing a buffer between the features and the development. However, to avoid any impact to these features during and post construction a Construction Environmental and Management Plan and a Habitat Management Plan (to avoid recreational impacts) would be required. In accordance with the Local Plan a 10m buffer is required alongside the watercourse and a buffer is required for the ancient tree.

Onsite habitats - The provided ecology report has stated further surveying is being or has been performed for the widening of the entry point onto the application site. This survey is required

before determination of the application and is required to be included within the biodiversity net gain metric.

Biodiversity Net Gain - Biodiversity Net Gain (BNG) is an approach to development, and/ land management, that aims to leave the natural environment in a measurably better state than it was beforehand. The Environment Act 2021 sets out the key components of mandatory biodiversity gain:

- Amends Town & Country Planning Act (TCPA);
- Minimum 10% gain required calculated using the Biodiversity Metric & approval of a biodiversity gain plan;
- Habitat secured for at least 30 years via planning obligations or conservation covenants;
- Delivered on-site, off-site or via a new statutory biodiversity credits scheme; and
- National register for net gain delivery sites

There is a transitional two-year implementation period with the mandatory requirement expected to come into place in November 2023. During the transition period, the proposals need to demonstrate measurable gains in biodiversity in accordance with the National Planning Policy Framework (NPPF) and relevant Local Planning policies, with an aspiration to achieve the minimum 10% net gain stated above.

Biodiversity Metric - The Biodiversity Metric is a means of assessing changes in biodiversity value (losses or gains) brought about by development or changes in land management. It is a habitat-based approach to determining a 'proxy' biodiversity value. The current version is Biodiversity Metric 3.1 or the Small Sites Biodiversity Metric.

This development needs to demonstrate measurable net gains using the latest version of the Biodiversity Metric and the following evidence submitted:

- a) Biodiversity Metric. The information in the metric should be directly related to the Biodiversity Impact Plan and the Proposed Habitats Plan. A copy of the metric in the form of the completed spreadsheet should be submitted. Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the comments column or provided separately in a report. A copy of the excel spreadsheet needs to be provided.
- b) Biodiversity Impact Plan. Produced using the information from the Preliminary Ecological Appraisal or Ecological Impact Assessment. The plan should clearly show the areas covered by each of the existing habitat types and the area in hectares of each habitat type (or for each habitat parcel, as some habitats may be scattered throughout the site).
- c) Proposed Habitats Plan. This can be taken from the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans (if they are available). The plan should clearly show what existing habitat types are being retained and enhanced, and what new habitat types will be created; it should be colour coded so that each habitat type is easily identifiable, and the area of each habitat type should be quantified in hectares. Other proposed biodiversity enhancements should also be shown on this plan.

d) Biodiversity Impact Assessment. Following the Biodiversity Net Gain Good Practice Principles for Development (CIEEM, CIRIA, IEMA, 2016), including full justification of how the principles have been applied as part of the net gain assessment.

Biodiversity enhancement features - In line with recognised good practice and government policy on biodiversity and sustainability, all practical opportunities should be taken to harmonise the built development with the needs of wildlife. As per the Ecological Appraisal (Aspect Ecology, 2022) the below features have been proposed:

- Bird boxes
- Bee bricks
- Bat boxes

It has also been identified that the below features are also recommended to reduce habitat fragmentation and diversity:

Hedgehogs: Boundaries and barriers within and surrounding the development, including fencing, railing and gates need to be made permeable to hedgehogs through the provision of 'Hedgehog Highways'. Hedgehog holes can be created by 13x13cm holes at ground level within fences, or by leaving a sufficient gap beneath gates and/or leaving brick spaces at the base of brick walls. Alternatively, hedgehog friendly gravel boards are suitable (as shown below sourced by Kebur Garden Materials and Jacksons Fencing). To ensure holes are kept open 'Hedgehog Highway' signage should be provided (as shown below sourced by Peoples Trust for Endangered Species and/or the British Hedgehog Preservation Society) and secured above the holes.

Reptiles and Amphibians: Hibernacula should be created on-site to provide features for reptiles and amphibians to hunt for food, use as shelter and hibernate within during the winter. Hibernacula can be created using a variety of materials, including, grass piles/compost, loose stones and soil as wells log/brush piles. Hibernacula should be located within proximity to habitat features used by reptiles and amphibians, including sunny spots such as southward facing banks, dense vegetation/ hedgerows and waterbodies such as ponds. Examples of suitable designs and methodologies for creating 4 of 7 hibernacula can be located within, but not limited to, the Great Crested Newt Conservation Handbook, Froglife 2001 and the RAVON + ARG UK Grass Snake Egg-laying Heaps Flier, 2019. It is imperative that the biodiversity features are integrated into suitable structures, rather than vulnerable, isolated and temporary boxes for example, in order to help ensure the success of such features. The location and model of the features need to be clearly marked on the approved plans and drawings. Alternatively, these features can be secured by condition if this application is approved.

Artificial Lighting: Bats may be impacted by artificial lighting as a result of the proposed development. Artificial lighting design needs to be designed in accordance with the 'Guidance Note 08/18: Bats and artificial lighting in the UK' (Institute of Lighting Professionals, 2018). The presence of, or potential for, roosts, commuting habitat and foraging habitat needs to be determined and their importance evaluated. Sources of lighting which can disturb bats are not limited to roadside or external security lighting, but can also include light spill via windows, permanent but sporadically operated lighting such as sports floodlighting, and in some cases car

headlights. Where bat features or habitats are particularly important or sensitive it may be appropriate to avoid, redesign or limit lighting accordingly. Examples of mitigation measures include dark buffers, illuminance limits and zonation, appropriate luminaire specifications, sensitive site configuration, screening, glazing treatments, creation of alternative valuable bat habitat on site, dimming and partnight lighting. Refer to Guidance Note 08/18 by the Institute of Lighting Professionals for more details.

Badger Development should be in accordance with the badger recommendations identified within the ecology report: "Badgers are dynamic animals and levels of Badger activity can rapidly change at a site, with new setts being created at any time. Given that no evidence of Badgers has been recorded within or adjacent to the site it is considered that Badgers do not currently pose a constraint to development. Nonetheless, Badgers are dynamic animals and levels of Badger activity can rapidly change at a site, with new setts being created at any time. It is therefore recommended that an update survey is carried out prior to commencement of site works in order to confirm the current status of Badgers at the site."

GCN: Further information or mitigation is not required.

Reptile: Precautionary measures are required to provide within the Construction Environmental and Management Plan.

Birds: The site has been identified to having low number of birds' nests therefore, a bird informative has been provided below. Development should be in accordance with the provided bird recommendations within the Ecological Appraisal (Aspect Ecology, 2022).

Invasive Species: Some invasive species have been identified within the application site. The Habitat management plan (this will be used to secure biodiversity net gain and biodiversity enhancement features) is require providing detail on species measure to control or eradication these species, in accordance with the Ecological Appraisal (Aspect Ecology, 2022).

Informative - Protection of breeding birds during construction (as per D.3.2.2 of BS42020:2013 Biodiversity – Code of practice for planning and development) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. [Buildings, trees, scrub and other vegetation] are likely to contain nesting birds between 1st March and 31st August inclusive. [Buildings, trees, scrub and other vegetation] are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

**Education (29 November 2023)** - Primary and secondary schools in the area are currently at capacity with the estimated pupil growth from the planned housing growth in the area projected to put significant increased pressure on schools. The Local Authority would therefore require a financial contribution towards its future expansion plans in line with the Vale of

Aylesbury Local Plan (VALP) policy S1 and BC adopted S106 policy. Education contributions are calculated in accordance with our Ready Reckoner (costs as at 4<sup>th</sup> Quarter 2023) and the final approved bedroom per dwelling mix, as per the below table:

Provision Type	Flats			Houses			
	1 Bed	2 Bed	3+ Bed	1 Bed	2 Bed	3 Bed	4+ Bed
Primary	£475	£3,187	£5,356	£1,062	£3,978	£8,159	£11,368
Secondary	£311	£1,649	£4,450	£653	£2,645	£8,246	£13,473

Over the last five years, the number of Special Educational Needs and Disabled (SEND) pupils with an Educational Health Care Plan (EHCP) has increased by 50% (i.e. 1805 pupils). Current projections forecast a further 32% increase in the number of EHCP pupils over the next five years. A key priority within Buckinghamshire’s SEND Strategy 2022-27:

[https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/GD000712\\_SEND\\_Education\\_Sufficiency\\_Strategy\\_v5\\_web.pdf](https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/GD000712_SEND_Education_Sufficiency_Strategy_v5_web.pdf) is to ensure there are sufficient places available for SEND pupils. One of the key actions of the Strategy is to provide additional special school places at Booker Park School (which with Stocklake Park School is part of the Vale Federation of Schools) to enable the Council to meet its statutory duty (see Phase 2 proposals on page 15 of the Strategy) and ensure suitable provision in locations where the majority of need is concentrated and which have good access to public transport.

The Local Authority is aware from its site records that should it wish to proceed in the future with an expansion of the school that it would need to ensure that the site had additional playing field area to facilitate an expansion on the site. In addition to this, we are aware that there are existing issues with congestion on the school access road, both of these matters would potentially provide a significant hurdle to any future expansion plans of the site to help the Council meet its statutory duty. The Council can therefore see the significant educational/community benefits of the development which makes provision for (i) a new link road and (ii) the school taking on the management of the playing field (including making it available to the community outside of school hours). Note however, that it is important that any proposed public footpath running through/across the field would need to be fully secured from the pitch to prevent any safeguarding issues arising.

**Environmental Health** (29 November 2022) - I have reviewed the Noise Impact Assessment report prepared by Haskoning DHV UK Limited (reference PC3000-RHD-ZZ-XX-RP-Z-0003 dated 5/10/2022) submitted in support of this application: I have no significant disagreement with the key conclusion of the study that the site is capable of residential redevelopment. I do note, and agree with, the recommendation that some habitable rooms within some properties (see Figure 10 on page 21) will require alternative means of ventilation in order to protect the amenity of future occupiers from excessive environmental noise. Accordingly, I have no objection to the granting of outline permission for residential development of this site subject to the agreement

of a detailed scheme of noise mitigation measures, where appropriate, as outlined above. This scheme may satisfactorily be dealt with during the determination of the subsequent detailed planning application.

**Highways** (3 February 2023) – Access: The site would take access off the B4443 Lower Road which is subject to a 30mph speed limit, and parking / waiting restrictions are not present along this stretch of Lower Road. The development will be served via a priority T-junction at the location of the existing site access and this will be widened to enable two-way traffic movements. Visibility splays of 2.4m by 58m can be achieved in both directions along Lower Road in accordance with Manual for Streets (MfS) guidance for the surveyed 85<sup>th</sup> percentile vehicle speeds of up to 36.9mph. The proposed access would also adequately cater for refuse vehicles as demonstrated by swept-path analysis.

A ghost-island right-turn facility is proposed along Lower Road to aid right-turn manoeuvres into the proposed development, and to reduce blocking of traffic travelling southbound along Lower Road. This would avoid additional delay along Lower Road, which is a busy congested route, and blue light route given the nearby access to an ambulance station and is therefore welcomed. Lower Road would need to be widened to accommodate the right-turn facility, as shown on Preliminary Site Access Design Drawing PC3000-RHD-GR-SW-DR-D-0001 (contained within Appendix D of the TA), and I would recommend that an updated drawing is provided to show the extent of highways land and land under the applicant's control. This is required to demonstrate that a suitable access arrangement can be achieved. Furthermore, whilst the proposed ghost-island right-turn facility is similar to that at the existing residential accesses to the south along Lower Road, I will require a Stage 1 Road Safety Audit (RSA) to be carried out for the right-turn lane, and all the other highway works shown on the Preliminary Site Access Design Drawing, including the proposed pedestrian refuge to the north of the development access, which is in close proximity to an existing bus stop.

At present, there is an informal advisory left-turn out only on to Lower Road, and it is proposed that vehicles departing the site would be formally restricted to left-turns out only on to Lower Road. Vehicles wishing to travel southbound along Lower Road would likely perform a U-turn at the Stoke Mandeville Hospital access / B4443 Lower Road / Winterton Drive Roundabout. To restrict right-turn movements, '*no right turn*' (Sign Diagram 612, Traffic Signs Manual, 2019) signage, and '*left turn only*' carriageway markings would be provided at the development access. Furthermore, a cobbled reserve is proposed, adjacent to the access within the Lower Road carriageway, which is intended to further restrict any right-turn movements exiting the site onto Lower Road. However, a cobble reserve would not prevent vehicles turning right of the development access, if it is over-runnable, and this feature may create a safety issue for vehicles and motorcyclists who might overtake in this location. I will require a Stage 1 RSA to be carried out for this no-left turn arrangement.

Notwithstanding the above, this current left-turn arrangement which is indicated via a '*left turn only*' carriageway marking is likely to be informal, as this is a private access road. However, if this



left-turn out only is pursued and the access road becomes public highway, then a Traffic Regulation Order (TRO) will be required to formalise and enforce the left-turn only exit arrangement.

Pedestrian access to and from the development would be provided from Lower Road, via a 2m wide footway along the northern side of the access road which would connect to the northbound bus stop on Lower Road. The footway on the western side of Lower Road would be widened to 2m and a new pedestrian refuge crossing provided to link to the Jet Way on the eastern side of Lower Road. The Council's Transport Strategy Team has however advised that the applicant's proposals do not provide adequate cycling access, and that a 3m wide shared path should be provided on the northern side of the access road, and that a 3m wide shared use path should be provided on the western side of Lower Road to connect to the signalised crossing by Asda. They note that it is important to have access from the development onto the Jet Way and adequate cycle crossing facilities, as children may need to cycle up to Stoke Mandeville School and so that people can cycle into town. At the very least, if cyclists are expected to stay on the road on the access road, they need to be able to safely get on and off the Jet Way in order to enter and exit the site. In addition, a 3m wide path should be provided up to the pedestrian refuge which must be wide enough to comfortably accommodate cyclists.

I would like the applicant to explain how their cycle infrastructure proposals comply with Local Transport Note 1/20 and to investigate the Transport Strategy Team's cycling recommendations. I also understand that the area to the south of the application site is part of Aylesbury Garden Town (AGT), and the application site should therefore include suitable cycle and pedestrian infrastructure to enhance the connectivity between AGT and Lower Road. The Transport Strategy Team has further advised that they are looking to make improvements to the Jet Way from Stoke Mandeville to Aylesbury town centre, which will be the main cycle route for this development into town, and therefore funding will be sought towards this.

The applicant has submitted a Framework Travel Plan and the Council's Travel Plan Officer comments are provided under separate cover.

Trips / Traffic Impacts - The applicant's TA utilises TRICS® to identify the likely trip generation of the proposed development, and notes that the proposed development has the potential to generate approximately 46 and 53 two-way vehicle movements in the morning and evening peak hours respectively. The TA discounts the existing trip generation of the sports and social club and does not include any trip discount for the Travel Plan. Trip distribution is based on 2011 Census data and assignment of development traffic on the local highway network has utilised routeing from Google Maps for a weekday morning peak hour, as the applicants notes, *'this is the time of day that the surrounding network would potentially experience the largest number of vehicle trips generated by the proposed development'*. All vehicle trips departing the site would route via a turn left out onto Lower Road. I am satisfied with this approach.

The development traffic impact has been assessed using the Aylesbury Transport Model for 2036 to coincide with the end of the Vale of Aylesbury Local Plan (VALP) period. This is due to

significant residential developments in south-west Aylesbury and changes to the strategic highway network, including the South East Aylesbury Link Road (SEALR). The proposed development has been added to and run through the model, and a 2036 cumulative assessment to take account of developments and changes to strategic highway network has been undertaken. The Aylesbury Transport Model has been used for a consistent approach with other developments in the area.

As a worst-case scenario, the 2036 with development traffic modelling assumes that one-way vehicular access is provided from Booker Park School through the site onto Lower Road. Modelled flows thus include any traffic exiting from the School, in addition to traffic associated with the residential development.

Development traffic flows used in the model were provided based on the trip rates, applied to an earlier version of the scheme comprising 92 residential units. Whilst it is noted that consent is sought for up to 100 residential units, the impact of eight additional units would be marginal, and well within the level of accuracy of any strategic traffic model. Furthermore, the forecast trip generation takes no account of the impact of the Travel Plan. The forecast traffic flows are therefore considered appropriate for use in assessments of the scheme.

The development traffic impact has been assessed at the Development access / Lower Road Junction and the Stoke Mandeville Hospital access / B4443 Lower Road / Winterton Drive Roundabout for the weekday morning and evening peak hours. The applicant has not assessed the development traffic impact at the following three junctions and an explanation for their omission is required:

- Churchill Avenue / Stadium Approach Roundabout.
- Stoke Road / Wendover Road / Walton Street Gyratory.
- Lower Road / SEALR Roundabout.

Results of the junction assessments are considered in the context of the Ratio of Flow to Capacity (RFC), and also the average delay and queue lengths experienced by vehicles, and the applicant notes that, *'Junctions are considered to operate within theoretical capacity if approaches experience RFCs of 0.85 or below, and below operational capacity when approaches experience RFCs below 1.00'*. However, the accepted industry approach is that at RFCs of 0.85 or above, a junction is over-capacity, and delays and queues occur which can result in significant impacts, and these worsen as the RFC approaches 1.00.

A Junctions 9 PICADY traffic model was initially prepared for the Development access / Lower Road Junction. This arrangement tested the vehicular access, based on the assumption that traffic departing the site could exit to both the north and south onto Lower Road. The initial assessment forecast significant delay for vehicles turning right from the site onto Lower Road, due to the significant increase in background traffic on Lower Road forecast by the Aylesbury Transport Model. The delays experienced by right-turning vehicles resulted in queuing along the site access arm in the morning peak hour. Further assessments were therefore carried out by the

applicant to test two exit lanes from the site onto Lower Road. These assessments still forecast considerable delay times for vehicles turning right onto Lower Road, and it would remain quicker for southbound drivers to turn left out of the site, and U-turn at the Stoke Mandeville Hospital Roundabout, than wait to find limited gaps in traffic to turn right out of the site. As a result, the design option for the Development access proposes that vehicles exiting the site should turn left onto Lower Road only, and the modelling assessment of this option establishes that the Development access would operate with significant reserve capacity.

Junctions 9 ARCADY modelling has been used to assess the performance and capacity of the Stoke Mandeville Hospital access / B4443 Lower Road / Winterton Drive Roundabout. The results of the 2036 future baseline using traffic flows from the Aylesbury Transport Model and 2036 future baseline plus development scenarios demonstrate that the junction would experience increases in queuing and delay in the 2036 future year, irrespective of the proposed development. The applicant notes that, *'in all cases, the junction is forecast to perform within operational capacity'*. However, in the morning peak hour, the Lower Road North approach to the junction is forecast to operate with an RFC of 0.92 in the future baseline, and the proposed development would result in a 0.01 increase in RFC to 0.93 on this approach, which is considered over-capacity. Also, the Lower Road South approach is forecast to reach an RFC of 0.85 in the 2036 future baseline evening peak hour and the proposed development would result in forecast RFC increasing to 0.89 on this approach. All other junction approaches are forecast to remain below capacity, with the Winterton Drive approach benefiting from the assumed diversion of School related trips through the development site.

It is observed that the *'with development'* scenario would result in an increase in maximum average vehicles queues by 1.4 PCUs on the Lower Road North approach in the morning peak hour, and 2.5 PCUs on the Lower Road South approach in the evening peak hour, when compared to the future baseline scenario. The modelling assessment establishes that the traffic generated from the proposed development would have a negligible impact on the overall performance of the Stoke Mandeville Hospital Access / Lower Road / Winterton Drive roundabout. As a result, the applicant concludes that traffic associated with the proposed development would not have any detrimental impact on the local highway network. However, I believe that this assessment underestimates the queuing in this location and the increase in queuing as a result of development traffic, and that this roundabout should be modelled with the Churchill Avenue / Stadium Approach Roundabout, due to their close proximity. In addition, I understand that there is an agreed junction model for Hampden Field (planning application ref: 16/00424/AOP) which should be used.

The traffic modelling takes account of the significant residential developments in south-west Aylesbury and changes to the strategic highway network, including the South East Aylesbury Link Road (SEALR), and it is therefore reasonable to seek a financial contribution towards SEALR as part of this planning application. £618,893 was sought for up to 190 residential dwellings on the land to the south of the sports and social club site (15/01619/AOP). Similarly, a financial contribution of £381,107 was sought for 117 dwellings near to the Station Road Junction (15/04341/AOP) and £407,166 for 125 dwellings on land to the east of the sports and social club

(16/04608/AOP). Therefore, the sports and social club should provide a financial contribution of £325,732 towards SEALR or other relevant highway schemes.

**Parking and Site Layout** - The applicant's Planning Statement indicates that car parking at the proposed development would be provided in line with the Buckinghamshire Parking Guidance and specifically Residential Zone A. However, the adopted parking standards contained with the Vale of Aylesbury Local Plan (VALP) will need to inform future Reserved Matters application seeking to determine matters of Layout. In addition, the current Illustrative Masterplan which includes a total of 175 car parking spaces for 93 dwellings comprising a mix of 1, 2, 3, and 4-bed dwellings does not appear to include sufficient visitor parking and many of the dwellings do not have dedicated on-plot parking. Additional visitor parking to comply with the adopted parking standards and provision of greater on-plot parking will need to inform future Reserved Matters applications and on-plot tandem parking should be minimised to ensure parking is practical and useable. Such applications should include parking and manoeuvring, electric vehicle charging, and cycle parking in accordance with the adopted parking standards.

The Illustrative Masterplan indicates that suitable access, turning, and manoeuvring space for a refuse vehicle can be achieved for the quantum of development. An internal layout to comply with Manual for Streets and provide sufficient refuse access would be dealt with as part of a future Reserved Matters application. In addition, pedestrian and cycle access through to the new residential estate to the south should be explored, as part of a future Reserved Matters application.

**Green open space and sports pitches** - The southern field of the application site will be made available for informal sport and leisure use, and the applicant notes that this could be laid out as a full-size adult football or rugby pitch, or as a number of smaller junior football pitches or training area, and that it is likely to be used by Booker Park School during the school week. Any additional trips associated with this informal sport and leisure use are likely to occur during evenings and on weekends outside of highway network peak periods, and have not therefore been included within the traffic assessments, as these trips would not have a material impact on the operation of the surrounding highway network. However, parking should be provided, and the use of residential visitor parking within the internal residential site layout may be appropriate, or it may be appropriate to utilise parking at Booker Park School, subject to adequate parking availability and provision being demonstrated. The level of parking will need to be justified, and it may be possible for the applicant to draw on evidence and parking surveys at similar existing sports pitches in the local area, or the intended users. A pedestrian access between Booker Park School and the site is shown on the Illustrative Masterplan, which would provide a useful pedestrian link for school use of the sports and leisure field, and a link to the parking within Booker Park School, should this be pursued.

**Internal link road to Booker Park School** - An access from Booker Park School through the site onto Lower Road is proposed, including a one-way system through Booker Park School where School traffic would exit onto Lower Road. The aim is to alleviate the existing traffic congestion in the vicinity of the School and this one-way vehicular access has been included within the traffic

modelling of the traffic impact along Lower Road. A pedestrian access between Booker Park School and the site could result in School traffic entering the development off Lower Road, and parking within the development site. The applicant has not provided any commentary on this potential issue within their TA and I would like them to consider this matter.

(3 August 2023) – Access: The applicant has commissioned an independent Stage 1 Road Safety Audit (RSA) of the Lower Road site access arrangements, including the proposed cobbled reserve within the Lower Road carriageway which is intended to restrict any right-turn movements exiting the site. This identifies some road safety issues which are suitably addressed by the Designer's Response. However, this restricted right-turn out of the site is not a typical arrangement and I do have concerns that this layout could cause confusion and potential conflict. A cobble reserve would not prevent vehicles turning right of the development access, if it is over-runnable, and this feature may still create a safety issue for vehicles and motorcyclists who might overtake in this location. In addition, a larger and more conspicuous island to accommodate the requisite signage and illumination may be difficult to accommodate within the Lower Road carriageway. Other relatively recent nearby residential development accesses onto Lower Road do not have such right-turn restrictions.

A junction modelling assessment has been undertaken which forecasts considerable delay times for vehicles turning right onto Lower Road, in the absence of a right-turn restriction. The future year junction modelling assessment with a right-turn restriction establishes that the development access is likely to operate with significant reserve capacity. Given that significant delay times for vehicles turning right out of the site are predicted, vehicles wishing to turn right out of the site may find it quicker to turn left and do a U-turn at the Stoke Mandeville Hospital Roundabout, and I would rather let vehicles find their own way. This would avoid the untypical cobble island arrangement within the Lower Road carriageway which may result in confusion and conflict and the formal right-turn restriction should be removed from the proposals. It is also recommended that the access is widened to a two lane exit onto Lower Road to enable left-turners and right-turners to sit side-by-side to exit onto Lower Road, and cater for those vehicles wishing to turn right out onto Lower Road when there are gaps in the peak traffic. A similar access arrangement to the other relatively recent nearby residential development accesses onto Lower Road is recommended, though the proposed pedestrian refuge across the access may need to be removed to provide the two entry lanes, and a raised table could be provided across the site access to give pedestrian priority.

I am content that a safe and suitable access arrangement can be implemented within highways land and land under the applicant's control, and that the details can be secured via planning condition, and highways legal agreement including detailed design and further stages of RSA.

The proposed pedestrian and cycle access in and out of the proposed development, including the provision of a 3m wide shared footway and cycle-way on the western side of Lower Road and a refuge crossing to connect the development with the Jet Way, on the eastern side of Lower Road is satisfactory. I am content that these cycle infrastructure proposals comply with Local Transport

Note (LTN) 1/20. The Transport Strategy Team have however previously advised that they are looking to make improvements to the Jet Way from Stoke Mandeville to Aylesbury town centre, which will be the main cycle route for this development into town, and requested funding towards this from new developments. I consider that a financial contribution of £500 per dwelling would be reasonable.

I understand that the area to the south of the application site is part of Aylesbury Garden Town (AGT) and it is felt that the application site should include suitable cycle and pedestrian infrastructure to enhance the connectivity between AGT and Lower Road. The internal site layout will need to include suitable cycle and pedestrian infrastructure to serve the application site which would enhance the connectivity between the AGT sites and Lower Road, including links into the AGT sites and alternative routes for the AGT sites. This should be considered in future Reserved Matters applications.

The applicant has submitted a Travel Plan 2<sup>nd</sup> Draft (PC3000-RHD-ZZ-XX-RP-Z-0002) dated March 2023 and the Travel Plan Officer's review which includes some requested changes is provided under separate cover. I would note that the submission and implementation of a detailed Travel Plan to address the Travel Plan Officer's review and to secure £5,000 for the monitoring of the Travel Plan (for a period of five years) can be secured via the Memorandum of Understanding.

Trips and Traffic Impacts: The applicant has undertaken an updated junction modelling assessment of the Stoke Mandeville Hospital Access / Lower Road / Winterton Drive Roundabout and the Churchill Avenue / Stadium Approach Roundabout in combination, due to their close proximity, and has used an agreed junction model for Hampden Fields (planning application ref: 16/00424/AOP). The applicant notes that the proposed development at the former Bucks CC Sports and Social Club would result in less delay than was accepted for planning application ref: 16/00424/AOP and that further assessment or highway mitigation is therefore not viewed to be necessary.

The strategic traffic modelling takes account of the significant residential developments in south-west Aylesbury and changes to the strategic highway network, including the South East Aylesbury Link Road (SEALR), and this new link road forms part of a strategic approach to mitigate the cumulative traffic impacts of developments in and around Aylesbury. It is therefore reasonable to seek a financial contribution towards SEALR or other relevant highway schemes to mitigate the cumulative traffic impacts of development, and a financial contribution of £325,732 is sought in line with previous planning applications in this area, and should be secured via the Memorandum of Understanding.

Parking and Site Layout: It is noted and the applicant agrees that proposed car parking, visitor parking, electric vehicle charging and cycle parking provision will be considered in future Reserved Matters application, in accordance with Vale of Aylesbury Local Plan (VALP) parking standards. In addition, an internal layout to comply with Manual for Streets and provide sufficient refuse access would be dealt with as part of a future Reserved Matters application.

I note that a possible pedestrian and cycle connection is shown on the latest Illustrative Masterplan (drawing SK19-F), in the north-eastern part of the site through to Roblin Close, and this link onto this lightly-trafficked residential side road is welcomed to assist with pedestrian and cycle permeability. This should be considered at the Reserved Matters stage. A pedestrian and cycle access through to the new residential estate to the south should also be considered in future Reserved Matters application.

Green open space and sports pitches: The use of the sports pitches by Booker Park School during school hours would not have a material impact on the highway. Any additional trips associated with community use of the sports pitches outside of school hours are likely to occur during evenings and on weekends outside of highway network peak periods, and are unlikely to have a material impact on the operation of the surrounding highway network. However, community use will generate additional parking demand and parking should be provided within the Booker Park School site to ensure adequate off-street parking provision for the sport pitches and minimise over-spill on-street parking. This on-site parking should be secured in-perpetuity as part of the management scheme for the sports facilities within the Memorandum of Understanding.

Internal link road to Booker Park School: It is acknowledged that many parents, guardians, and carers dropping-off and picking-up children will continue to prefer parking spaces within as short a walking distance from the school as possible. The existing dedicated parking spaces within the school are therefore likely to be the most attractive and the introduction of the one-way exit through the development site should reduce congestion within the school, allowing more parents to use the existing facilities. In addition, much of the existing on-street parking on Winterton Drive and Kynaston Drive, where there are some existing parking restrictions to prevent indiscriminate parking, will remain closer to the school entrance, than the proposed development. In the event that some over-spill school parking did occur within the new residential development, there should be capacity within the visitor parking bays during peak school drop-off and pick-up periods, and I do not believe this will create a highway safety issue.

Summary: Having considered all of the information and formed my own view, I am satisfied that the proposed development would not have a detrimental impact on the operation and safety of the highway network. The Highway Authority has no objection from a highway perspective, subject to the following suggested Memorandum of Understanding obligations, planning conditions, and highway informatives being included in any planning permission that may be granted:

Memorandum of Understanding: This should secure:

- A financial contribution of £325,732 towards SEALR or other relevant highway schemes. This is required to mitigate the cumulative traffic impacts of this development in the context of other developments in and around Aylesbury.
- The submission and implementation of a detailed Travel Plan and £5,000 for the monitoring of the Travel Plan for a period of five years (£5,000 in total from this site). This is required to promote and maximise the use of sustainable modes of transport and

reduce single occupancy car journeys in accordance with National and Local Transport and Planning Policy.

- The submission and implementation of a parking scheme for the use of parking within the Booker Park School site in association with the community and wider public use of the application site sports field. This is required to ensure adequate off-street parking provision for the sport pitch and minimise over-spill on-street parking. This on-site parking should be secured in-perpetuity as part of the management scheme for the sports facilities.
- A financial contribution of £500 per dwelling towards improvements to the Jet Way. This is required to enhance cycle and pedestrian connectivity along the Jet Way from Stoke Mandeville to Aylesbury town centre, which will be the main cycle route for this development into town.

Conditions:

Condition 1: No other part of the development shall be occupied, until the means of access off Lower Road has been sited and laid out in general accordance with details to be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority and constructed in accordance with Buckinghamshire Council's highway access standards. For the avoidance of doubt, the right-turn restriction should be removed from the proposals.

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

Condition 2: No other part of the development shall be occupied, until minimum vehicular visibility splays of 58m from 2.4m back from the edge of the carriageway from both sides of the access onto Lower Road have been provided, and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

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

Condition 3: No other part of the development shall be occupied, until the off-site highway works have been sited and laid in general accordance with the approved planning drawings 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 of the development.

Condition 4: 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.

Condition 5: 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 Policies T6 and T8 of the Vale of Aylesbury Local Plan.

Condition 6: 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.

Condition 7: 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.

Condition 8: 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.

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

#### Highway Informatives

1. The applicant is advised that the off-site 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](mailto: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.

(28 November 2023) - In my previous highway comments dated 3<sup>rd</sup> August 2023, I noted that, '*I am content that a safe and suitable access arrangement can be implemented within highways land and land under the applicant's control, and that the details can be secured via planning condition, and highways legal agreement including detailed design and further stages of Road Safety Audit (RSA).*'

The applicant has submitted a revised Preliminary Site Access Design (Drawing PC3000-RHD-GR-SW-DR-D-0001-P04) showing an all movement junction without the right-turn restriction out of the development onto Lower Road, and I am satisfied that a safe and suitable access arrangement is proposed. Satisfactory refuse vehicle tracking turning in and out of the access is shown on drawing PC3000-RHD-GR-SW-DR-D-0051-P04.

In the light of the above, I would recommend that suggested planning condition 1 is updated as follows:

Condition 1: No other part of the development shall be occupied, until the means of access off Lower Road has been sited and laid out in general accordance with approved planning drawing PC3000-RHD-GR-SW-DR-D-0001-P04 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 of the development.

I would also reiterate suggested highway informative 1 as follows:

1. The applicant is advised that the off-site 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](mailto:highwaysdm@buckinghamshire.gov.uk)

(5 December 2023) - This note seeks to update the position in respect of the financial contribution towards SEALR or other relevant highway schemes which is expected from this planning application.

In the highway comments dated 3<sup>rd</sup> August 2023 it was noted that, *'The strategic traffic modelling takes account of the significant residential developments in south-west Aylesbury and changes to the strategic highway network, including the South East Aylesbury Link Road (SEALR), and this new link road forms part of a strategic approach to mitigate the cumulative traffic impacts of developments in and around Aylesbury. It is therefore reasonable to seek a financial contribution towards SEALR or other relevant highway schemes to mitigate the cumulative traffic impacts of development, and a financial contribution of £325,732 is sought in line with previous planning applications in this area, and should be secured via the Memorandum of Understanding.'*

Whilst a financial contribution request is still required to mitigate the cumulative traffic impacts of this development in the context of other developments in and around Aylesbury, the quoted figure of £325,732 was based on other previous planning applications in this area, dating back to 2015. This figure is now out of date as a result of a differing current economic climate, including inflated construction costs to delivery highway schemes, and an increased financial contribution towards SEALR or other relevant highway schemes is therefore expected from this planning application. The exact figure is currently subject to review and the applicant will be notified of this as soon as possible.

**Housing** (24 November 2022) – Quantum: 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. Neighbourhood Plans may require a greater percentage. Where a site forms part of a larger site of a size which is capable of being developed, the amount of affordable housing being sought will be applied on a cumulative basis (H1d). The applicant has indicated a willingness to provide affordable housing above the minimum 25% required by VALP policy. This would of course be welcomed.

**Mix and Tenure:** In accordance with VALP Policy H1a 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 regarding local market conditions. The most current evidence for VALP supports a tenure split of 80% affordable rent and 20% intermediate housing and an affordable housing mix illustrated in Table 102 of VALP (Policy H6a). Where a notable variation to this tenure split and/or housing mix is sought these conditions will need to be evidenced. With regards to intermediate housing our preference is currently for shared ownership. Both 2 and 3 bed houses are preferred. We would welcome discussions regarding the tenure and mix of any additional affordable units being proposed.

**Accessibility:** VALP Policy H6c requires that all dwellings meet at least Category 2 (accessible and adaptable) of Approved document M of the Building Regulations 2010 with a minimum of 15% of the affordable housing required to be nominated by the council for M4(3) wheelchair accessible housing (dependant on the suitability of the site to accommodate wheelchair users and its proximity to services and facilities and public transport) unless it is unviable to do so which will need to be demonstrated by the applicant and independently assessed. In such cases wheelchair accessible housing means a dwelling meets the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) as per Category 3 – wheelchair user dwellings of Schedule 1 of the Building Regulations 2010 as amended (or the nearest equivalent standards in any future modification to these documents). The M4(3) dwellings should ideally have their own direct ground floor access and be offered for affordable rent.

**Design:** We ask that unit sizes should be broadly in line with the Nationally Described Space Standards. They should not be distinguishable from the open market housing in terms of overall design details, build quality and materials, nor by layout or separation from general market housing. Affordable housing should be well distributed across the site. Consideration should also be given to the types of property the site will abut as placing new affordable housing adjacent to that on another site or phase could also be considered clustering. Clusters should not normally exceed 15 houses or 18 if including flats. A road or garden boundary does not separate clusters.

**Occupancy:** The council's nomination rights, and the occupancy of the affordable housing, will be controlled through the s106 agreement. The Council works in partnership with registered providers in Aylesbury Vale to support the delivery of the affordable homes.

Should the outline application be approved the applicant will need to supply an affordable housing plan at reserved matters stage showing the location, tenures, sizes, mix and the wheelchair user dwellings that will be supplied, reflecting the points above.

**NHS Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (BOB ICB)** (6<sup>th</sup> December 2023) - object to this application on the grounds of insufficient primary medical care capacity locally. We anticipate an increase in population of approximately 250 new patients as a result of this housing growth who will require care from GP Practices in surrounding areas. This large development will put increasing pressure on the practices' infrastructure i.e. the need for more consulting rooms and administration plus larger / additional waiting areas and car parking. The effects of larger developments can be significant, particularly on a practice that is used to catering for small village communities and we would anticipate that there would be a requirement for modification to existing infrastructure using CIL contributions. In the majority of cases, primary care services are already operating under extreme pressure and physical constraints, such as the lack of space hamper the delivery of additional services. The GP Practices in surrounding areas are at full capacity. Access to GP appointments is a national issue and we are working to promote different ways of offering consultations to cope with the increase in demand. Nationally primary care providers will need to look at new models of care, using the skillsets of different types of clinical professions to offset the demand from increased patient numbers. Further development in the area will create more pressure on GP services and put existing patients at risk if the current practices are unable to cope with any additional workload. If this development is to go ahead BOB ICB would seek appropriate S106 contributions in order to help support the local health service infrastructure. BOB ICB estimates that this development would require an increase in floorspace of 16.6 m<sup>2</sup> (Gross Internal Area) to serve the projected population increase. At current building costs of £5,692 per m<sup>2</sup> this would require developer contributions of value £94,395.

**Local Lead Flood Authority** - (25<sup>th</sup> November 2022) - The LLFA objects to the proposed development due to insufficient information regarding the proposed surface water drainage scheme. Please note, the LLFA does not provide comments on foul drainage as this is not within our remit. This letter will therefore discuss only surface water drainage.

Flood Risk: The Risk of Flooding from Surface Water Map (RoFSW) provided by the Environment Agency shows that the site lies mostly in an area of very low risk of surface water flooding (meaning there is less than 0.1% likelihood of flooding occurring in a given year). However, the north-western corner of the southerly portion of the site is at high risk of surface water flooding meaning there is greater than 3.3% likelihood of flooding occurring in a given year. It should also be noted that the southwestern corner of the northern parcel of the site is at low risk of surface water flooding. An online version of this mapping data is available to view through the Environment Agency's Long term flood risk information mapping.

The Infiltration SuDS Map provided by the British Geological Survey 2016, indicates that the water table is anticipated to be between 3 and 5 metres below the ground surface for the majority of the site. It should be noted that groundwater levels in the west and southwestern parts of the site are anticipated to be within 3m of the ground surface. This means that there is a high risk of groundwater flooding in these areas, and this may have implications on both surface and sub-

surface assets; as such, further investigations must be undertaken, and suitable measures implemented.

Surface water drainage: The applicant is proposing to manage surface water runoff generated by the proposed development by providing attenuation and promoting infiltration within a basin. This will be supplemented with an overflow to the existing Thames Water surface water sewer (MH3404) at the Qbar greenfield rate (5.05l/s).

Discharge Rates - To comply with the National Planning Policy Framework paragraph 167 the development should not increase flood risk elsewhere, as such the site should aim to discharge at Greenfield runoff rates or as close as reasonably practicable. Table 1.1 of the Drainage Strategy states that the greenfield runoff rate of the site is 5.05l/s and the site will discharge at this rate, thus according with Paragraph S2 of the Non-Statutory Technical Standards for SuDS (DEFRA, 2015). It is stated that the calculations of this rate are included in Appendix D, however, the LLFA have not received these. The LLFA request that these calculations are provided to understand the parameters used to calculate the greenfield rate.

Drainage Hierarchy/Ground Investigations - Ground Investigations - The drainage scheme relies on infiltration as a means of surface water disposal; however, ground investigations have not been completed to support this approach. The applicant has stated that the underlying geology is chalk and therefore suitable for infiltration, however, the provided borehole logs suggest that the predominant geology is clay with chalk and flints throughout which would suggest infiltration may not be viable. The provided borehole logs are not site specific and therefore geology may vary onsite.

Infiltration Rate Testing - The applicant is required to complete site specific testing in accordance with BRE 365. Tests must be completed in the location (or as close as practically possible) and to the effective depth of the proposed infiltration component. Tests must be completed a minimum of three times and water should drain until nearly empty. The time taken for the trial pit to drain from 75% full to 25% full is then used to calculate the infiltration rate. The worst calculated rate from the three tests is then used to inform the storage calculations. In line with Chapter 25 of the CIRIA SuDS Manual, full infiltration based schemes which are reliant on a rate of less than  $1 \times 10^{-6}$  m/s are not permissible. For slower rates the LLFA may accept a partial infiltration (Type B) drainage schemes. In line with Chapter 25 of the CIRIA SuDS Manual, infiltration rates which have been extrapolated are not permissible. The LLFA also require the applicant to provide trial pit logs to demonstrate the encountered geology.

Ground Water Monitoring - The applicant must demonstrate a minimum of 1m freeboard between the base of the infiltration components and the highest groundwater level. According to Section 13.2 of the CIRIA SuDS manual (2015) this distance is required 'so as to minimise the risk of groundwater rising into the infiltration component and reducing the available storage volume, to protect the functionality of the infiltration process by ensuring a sufficient depth of unsaturated material and to protect the groundwater from any contamination in the runoff.' As groundwater fluctuates seasonally and ground water recharge is highest over the winter period (from November until April); ground investigations must take place over the winter period to demonstrate peak seasonal highs. Should infiltration be found to be inviable, the drainage scheme must be redesigned in line with the Drainage Hierarchy. If ground investigations are

unable to be conducted at this stage in the planning process, then the applicant must demonstrate an alternative viable method of surface water disposal.

Drainage Hierarchy - Section 5.4.2 of the FRA states that there are no watercourses within 500m of the site, therefore meaning that discharge to a watercourse is unachievable. Having reviewed the site, it is apparent that there is a drainage ditch to the west of the southern portion of the site, which may be suitable for the discharge of overflow from the basin. The applicant is encouraged to investigate this further and update the drainage strategy if this presents a viable drainage solution in order to comply with the drainage hierarchy. It should be noted that to make a connection to this watercourse, consent may be required from the LLFA, further details are provided in an informative below. Should a connection to this drainage ditch be feasible, a walkover survey of the ordinary watercourse will be required to demonstrate the downstream connectivity. This must be mapped on a site plan, with supporting photographs of the watercourse along this route. The applicant should also be made aware that a capacity and condition assessment will be required at a later stage in planning, and details of any necessary updating works must be provided. It should be noted that if there is not sufficient capacity within the watercourse, additional SuDS components may need to be incorporated into the surface water drainage scheme, or an alternative discharge receptor should be investigated.

Calculations: The applicant has provided calculations demonstrating that the proposed system does not flood up to the 1 in 100 +40% climate change storm event. The calculations show that for the critical storm duration (360-minute winter storm) a total of 779.7m<sup>3</sup> attenuation is required. The proposed basin will provide approximately 1155m<sup>3</sup>. However, these calculations have been based upon a design infiltration rate of 1.6x10<sup>-5</sup>m/s as the geology has been assumed to be chalk. As previously discussed, the LLFA are of the opinion that the geology of the site is predominantly clay based on borehole logs and the BGS Geology Viewer. Therefore, the infiltration rate is likely to be significantly lower. The calculations must be rerun following ground investigations to be reflective of the site conditions. The LLFA also request clarification regarding the Max Outflow (l/s) figure of 13.2. The applicant has stated that the discharge rate will be 5.05l/s, thus clarification is required as to whether this figure is the total infiltration and overflow rate. The calculations also include details of a pump; however, the Drainage Strategy does not specify the use of a pump to convey discharge. We discourage the use of a surface water pumping station, especially where an alternative discharge receptor may eliminate the need for one, however where necessary we request that sufficient storage is provided and an inclusion of a warning system in the event of a pump failure. We will also require a maintenance plan for the pumping station. The LLFA also request clarification regarding the proposed discharge flow rate from the pump as the proposed discharge rate (5.05l/s) has not been accounted for in the calculations.

Urban Creep - An urban creep value of 10% should be applied to surface water drainage schemes to take account of any future increases in impermeable areas within the site. For example, this includes patios, conservatories, and small extensions (Section 24.7.2, CIRIA SuDS Manual, 2015).

Additional SuDS Components: The proposed permeability of the hardstanding areas is unclear, the LLFA would encourage the applicant to consider permeable paving. Permeable paving can offer a form of attenuation but can also provide an additional level of filtration, subsequently

improving water quality. If the applicant is unable to achieve a 1m freeboard at this site or if infiltration is not viable, the applicant should consider the use of Type C (tanked) permeable paving to provide additional storage and minimise the amount of impermeable hardstanding on site. We also encourage the applicant to incorporate small above ground SuDS Components such as rain gardens/planters and tree pits within the surface water drainage scheme, further information regarding rain gardens can be found in the UK Rain Garden Guide.

**Drainage Layout:** An indicative drainage layout has been provided. This must be revised in line with any revisions made to the scheme in response to the LLFAs comments and must show the connectivity of the system. It is currently not clear how surface water runoff from each catchment area will be conveyed to the proposed basin, nor how overflow will connect to the surface water sewer. As mentioned above, a pump has been included within the calculations, if this is required it must be shown on the drainage layout with details of the proposed discharge rate.

**Maintenance:** An indicative maintenance schedule for the surface water drainage system needs to be provided; it should include what maintenance tasks will be completed, who will be responsible for undertaking maintenance and how often the maintenance tasks will be completed.

**Outstanding Information:** The following information is required in support of the application at this stage of the planning process. This summary does not constitute an exhaustive list of the information required and should be read in conjunction with the LLFAs formal comments above.

- Calculations of the greenfield rate
  - Investigation into the presence of a drainage ditch ordinary watercourse to the west of the site:
    - o Walkover survey clearly shown on a map with supporting photographs
  - Ground investigations including:
    - o Infiltration rate testing in accordance with BRE 365
    - o Groundwater monitoring (December-April)
  - Updated calculations using site-specific infiltration rates demonstrating that the proposed system does not flood up to the 1 in 100 +40% climate change storm event. A 10% urban creep allowance must be applied
    - o Clarification regarding "Max Outflow" figure
    - o Clarification of outflow from pump
  - Investigation into the use of permeable paving for areas of hardstanding
  - Updated drainage layout showing connectivity of the system and any revisions made to the scheme
  - Indicative maintenance schedule
- I look forward to receiving the additional information requested above.

(9 June 2023) - The LLFA objects to the proposed development due to insufficient information regarding the proposed surface water drainage scheme. Please note, the LLFA does not provide comments on foul drainage as this is not within our remit. This letter will therefore discuss only surface water drainage.

Surface water drainage - Following the LLFAs previous letter, the applicant has revised the



scheme to attenuate surface water within two connected basins prior to discharge to a swale at a rate of 5l/s. Flows will then be directed via the swale to a drainage ditch along the western of the southern parcel of the site. However, further information is required in support of the application at this stage.

A walkover survey of the ordinary watercourse will be required to demonstrate the downstream connectivity. This must be mapped on a site plan, with supporting photographs of the watercourse along this route. The applicant should also be made aware that a capacity and condition assessment will be required at a later stage in planning, and details of any necessary updating works must be provided. It should be noted that if there is not sufficient capacity within the watercourse, additional SuDS components may need to be incorporated into the surface water drainage scheme, or an alternative discharge receptor should be investigated.

Ground Investigations - The applicant has provided results of infiltration rate testing to demonstrate that infiltration is not a viable means of surface water disposal onsite. Therefore, the proposal to discharge to an ordinary watercourse complies with the drainage hierarchy.

Discharge Rate - To comply with the National Planning Policy Framework paragraph 167 the development should not increase flood risk elsewhere, as such the site should aim to discharge at Greenfield runoff rates or as close as reasonably practicable. Table 1.1 of the Drainage Strategy states that the greenfield runoff rate of the site is 3.81l/s. However, it is proposed to discharge at a rate of 5l/s, thus not according to S2 of the Non-Statutory Technical Standards for SuDS (DEFRA, 2015).

If all sites discharged at more than their greenfield runoff rate this would increase flood risk downstream of the site (contrary to paragraph 167 of the NPPF, 2021). Historically, the 5l/s rule of thumb was set when rates lower than this would require an outlet orifice size smaller than 50mm, which increased the susceptibility of blockage. There are now vortex flow control devices which can achieve rates of 1 l/s with a 600mm shallow design head and still provide a more than 50mm orifice diameter. The applicant must provide details of runoff rate calculations and amend the required storage volumes for the site accordingly.

It is stated that the calculations of the greenfield rate are included in Appendix D, however, the LLFA have not received these. The LLFA request that these calculations are provided to understand the parameters used to calculate the greenfield rate.

Calculations - The applicant has provided calculations demonstrating that the proposed system does not flood up to the 1 in 100 +40% climate change storm event. The calculations show that for the critical storm duration (960-minute winter storm) a total of 1092.3m<sup>3</sup> attenuation is required. The proposed basin will provide this amount. The applicant will be required to provide updated calculations based on a revised discharge rate as aforementioned.

The Environment Agency's Long term flood risk information mapping shows that the ordinary watercourse on the western boundary is at high risk of flooding. Calculations where the outfall pipe has been modelled as submerged must be provided to demonstrate that the site can drain during flood conditions.

Additional SuDS Components - As previously mentioned, the applicant is required to demonstrate

compliance with S2 of the Non Statutory Technical Standards for SuDS by reducing the proposed discharge rate to the greenfield runoff rate (3.81l/s according to Table 1.1). This is likely to increase the storage volume required. The LLFA would strongly recommend that Type C permeable paving is incorporated into the scheme to provide this additional storage and provide water treatment for the car parking areas and roads which are typically the most polluted areas of developments.

We also encourage the applicant to incorporate small above ground SuDS Components such as rain gardens/planters and tree pits within the surface water drainage scheme. Rain gardens provide excellent opportunities for plot-level interception and also provide biodiversity, amenity and water quality benefits, thus adhering to the Four Pillars of SuDS (Section 2.1 of the CIRIA SuDS Manual, 2015). Further information regarding rain gardens can be found in the UK Rain Garden Guide.

Drainage Layout - An indicative drainage layout has been provided. This must be revised in line with any revisions made to the scheme in response to the LLFAs comments and must show the connectivity of the system. It is currently not clear how surface water runoff from the dwellings will be conveyed to the proposed basins. The connectivity between the dwellings and basins must be demonstrated.

Additionally, the gradient of the pipe connecting both basin is not clear, and the LLFA are uncertain as to how water will be conveyed between both ponds as the invert levels in both are the same (89.30). I would request that this information is provided at this stage to ensure that the system is not at risk of overtopping in the case of system backup.

Construction Details - Construction drawings of all SuDS and drainage components included in the drainage strategy must be provided. Where applicable, this must also include any flow control device. All construction details must include cover and invert levels, depths/diameters of pipes, along with details of construction materials and demonstration of anticipated water levels for the calculated storm durations up to the 1 in 100 + 40% climate change allowance storm event.

Water Quality Assessment - The provided water quality assessment demonstrates that the provided scheme provides sufficient water quality benefits. However, this should not prevent the applicant actively seeking additional ways to enhance the surface water scheme. An updated assessment should be provided to include components such as permeable paving and rain gardens.

Maintenance - An indicative maintenance schedule for the attenuation basins has been provided. It is understood that a private maintenance company is to be responsible for the tasks required. The applicant must also provide a maintenance schedule for the proposed swale, as well as any additional SuDS components such as permeable paving and rain gardens.

Outstanding Information The following information is required in support of the application at this stage of the planning process. This summary does not constitute an exhaustive list of the information required and should be read in conjunction with the LLFAs formal comments above.

- Walkover survey clearly shown on a map with supporting photographs
- Calculations of the greenfield rate

- Revision of proposed discharge rate to as close to the greenfield rate as possible
- Updated calculations using updated discharge rate
- Calculations modelling a submerged pipe to demonstrate that the system can drain during flood conditions
- Investigation into the use of permeable paving for areas of hardstanding, and rain gardens on a plot-level
- Updated drainage layout showing connectivity of the basins and any revisions made to the scheme
- Construction details of all SuDS components
- Updated water quality assessment to include additional SuDS components
- Indicative maintenance schedule for the swale.

(13 October 2023) - The LLFA objects to the proposed development due to insufficient information regarding the proposed surface water drainage scheme.

Surface water drainage: The applicant is proposing to manage surface water runoff generated by the proposed development by attenuating surface water within two connected basins prior to discharge to a swale. Flows will then be directed via the swale to a drainage ditch along the western boundary of the southern parcel of the site. However, further information is required in support of the application at this stage. It is requested that all revisions based on the advice in this letter are summarised in an updated Drainage Strategy.

A walkover survey of the ordinary watercourse will be required to demonstrate the downstream connectivity. This must be mapped on a site plan, with supporting photographs of the watercourse along this route. The applicant should also be made aware that a capacity and condition assessment will be required at a later stage in planning, and details of any necessary updating works must be provided. It should be noted that if there is not sufficient capacity within the watercourse, additional SuDS components may need to be incorporated into the surface water drainage scheme, or an alternative discharge receptor should be investigated.

Discharge Rate - Greenfield runoff rate calculations have been provided. These indicate a  $Q_{bar}$  runoff rate of 3.81l/s and a 1 in 100-year rate of 12.14l/s. The Hydrobrake has been modelled as having an outflow rate of 3.5l/s thus indicating that the applicant proposes to discharge below  $Q_{bar}$  greenfield. However, the drainage layout is still labelled as discharging at 5l/s and must be updated.

Calculations - Two sets of calculations have been provided. For ease, I have split this section by calculations set: Surface Water Network Design Calculations and Attenuation Pond Sizing.

Attenuation Pond Sizing: This set of calculations indicates the total storage volume required based on the total proposed impermeable area onsite. Clarification is required regarding the impermeable area used in the calculations; Figure 2-1 of the Drainage Strategy indicates a total impermeable area of 1.2344ha draining to the system, whereas an area of 1.507ha has been

used. The calculations indicate that a total of 1127.7m<sup>3</sup> storage volume is required. However, in the absence of inputs for all storage structures, it cannot be established that this volume has been provided.

Surface Water Network Design Calculations: This set of calculations includes only 1 storage structure. The inputs for this structure do not correlate to the attenuation volumes provided on the drainage layout for the larger basin- the depth on the layout is 1.2m but 1.32m in the calculations. In the absence of dimensions for the smaller attenuation basin it is not clear which basin the calculations refer to. Clarification is required. It is not clear why only one storage component has been modelled- there are three components within the scheme.

The LLFA also query the total contributing area used for this set of calculations (1.427ha). This value does not correspond with either catchment area indicated in Figure 2-1 of the Drainage Strategy. Based on Figure 2-1, Catchment A is 0.6024ha and Catchment B is 0.632ha, neither of these figures has been used as the contributing area in this set of calculations. Therefore, the LLFA is unsure of the contributing catchment for the calculations. Clarification must be provided and updated calculations provided using the correct area.

The applicant must ensure that all storage components have been modelled in the calculations (both attenuation basins, and the swale, plus any additional components, namely, permeable paving). The inputs for each component must correspond with the dimensions and invert/cover levels on the drainage layout to ensure that the system has been sized correctly.

Submerged Outfall: The Environment Agency's Long term flood risk information mapping shows that the ordinary watercourse on the western boundary is at high risk of flooding. Calculations where the outfall pipe has been modelled as submerged must be provided to demonstrate that the site can drain during flood conditions.

Additional SuDS Components - The LLFA have previously recommended that Type C permeable paving is incorporated into the scheme to provide additional storage and provide water treatment for the car parking areas and roads which are typically the most polluted areas of developments. Permeable paving has not been included and the LLFAs recommendation remains.

We also encourage the applicant to incorporate small above ground SuDS Components such as rain gardens/planters and tree pits within the surface water drainage scheme. Rain gardens provide excellent opportunities for plot-level interception and also provide biodiversity, amenity, and water quality benefits, thus adhering to the Four Pillars of SuDS (Section 2.1 of the CIRIA SuDS Manual, 2015). Further information regarding rain gardens can be found in the UK Rain Garden Guide.

Drainage Layout - An indicative drainage layout has been provided. The discharge rate on the layout has been labelled as 5l/s. This must be updated to correspond with the calculations, whereby the discharge rate is 3.5l/s. The layout is inclusive of the storage volume and dimensions of only one of the basins. These values must be provided for all storage components (basins and swale, plus any additional SuDS components such as permeable paving) to ensure correspondence with the calculations. Currently, the drainage layout and calculations do not correlate, thus the LLFA cannot make an assessment as to whether the system has been sized

correctly.

Additionally, the gradient of the pipe connecting both basins is not clear, and the LLFAs are uncertain as to how water will be conveyed between both ponds as the invert levels in both are the same (89.30). I would request that this information is provided at this stage to ensure that the system is not at risk of overtopping in the case of system backup.

Maintenance - An indicative maintenance schedule for the attenuation basins has been provided. It is understood that a private maintenance company is to be responsible for the tasks required. The applicant must also provide a maintenance schedule for the proposed swale, as well as any additional SuDS components such as permeable paving and rain gardens.

Outstanding Information: The following information is required in support of the application at this stage of the planning process. This summary does not constitute an exhaustive list of the information required and should be read in conjunction with the LLFAs formal comments above.

- Walkover survey clearly shown on a map with supporting photographs
- Updated calculations to ensure all storage components have been included, and that each structure's dimensions and volumes correlate with the drainage layout
- Confirmation of the catchment areas for each basin
- Calculations modelling a submerged pipe to demonstrate that the system can drain during flood conditions
- Investigation into the use of permeable paving for areas of hardstanding, and rain gardens on a plot-level
- Updated drainage layout showing storage volumes and dimensions for each storage component
- Indicative maintenance schedule for the swale.

(4 December 2023) The LLFA has no objection to the proposed development subject to the following planning conditions listed below being placed on any planning approval.

Surface water drainage - The applicant is proposing to manage surface water runoff generated by the proposed development by attenuating surface water within two connected basins prior to discharge to a swale at a rate of 3.8l/s. Flows will then be directed via the swale to a drainage ditch along the western boundary of the southern parcel of the site whereby runoff will be discharged. Please note, consent will be required for works in the ordinary watercourse.

Further information can be seen in an informative below.

A walkover survey of the ordinary watercourse has been undertaken to demonstrate the downstream connectivity of the aforementioned ditch. This demonstrates that the watercourse enters a culvert within Booker Park Primary School. It appears that the culvert is partially blocked with detritus which must be cleared prior to any additional flows entering the watercourse.

A capacity and condition assessment will be required at detailed design, and details of any necessary updating works must be provided. It should be noted that if there is not sufficient

capacity within the watercourse, additional SuDS components may need to be incorporated into the surface water drainage scheme, or an alternative discharge receptor should be investigated.

**Discharge Rate** - Greenfield runoff rate calculations have been provided. These indicate a Qbar runoff rate of 3.81l/s and a 1 in 100-year rate of 12.14l/s. The proposed runoff rate of 3.8l/s therefore adheres to S2 of the Non-Statutory Technical Standards for SuDS which states that the peak runoff rate should never exceed the greenfield rate.

**Calculations** - The applicant has provided calculations demonstrating that the proposed system does not flood up to the 1 in 100 year +40% climate change storm event. It is confirmed that the impermeable area used in the calculations is the worst-case scenario and at detailed design this may be reduced. The calculations demonstrate that the system operates with a submerged outfall, based on a water level of 0.5m in the ditch.

At detailed design, the calculations must be updated to model each component individually. The calculations must include any additional components such as permeable paving and rain gardens.

**Additional SuDS Components** - The LLFA have previously recommended that Type C permeable paving is incorporated into the scheme to provide additional storage and provide water treatment for the car parking areas and roads which are typically the most polluted areas of developments. This must be investigated and implemented at detailed design.

We also encourage the applicant to incorporate small above ground SuDS Components such as rain gardens/planters and tree pits within the surface water drainage scheme at detailed design. Rain gardens provide excellent opportunities for plot-level interception and also provide biodiversity, amenity, and water quality benefits, thus adhering to the Four Pillars of SuDS (Section 2.1 of the CIRIA SuDS Manual, 2015). Further information regarding rain gardens can be found in the UK Rain Garden Guide.

**Drainage Layout** - An indicative drainage layout has been provided to demonstrate the proposed locations and volumes of the proposed components. At detailed design, this must be updated to include the location and storage volumes of any additional SuDS components. It is also noted that the Hydrobrake diameter is not included on the layout, it is requested that this is added to ensure correspondence with the calculations.

**Construction Details** - Construction drawings of all SuDS and drainage components included in the drainage strategy must be provided. Where applicable, this must also include any flow control device. All construction details must include cover and invert levels, depths/diameters of pipes, along with details of construction materials and demonstration of anticipated water levels for the calculated storm durations up to the 1 in 100 + 40% climate change allowance storm event.

**Maintenance** - An indicative maintenance schedule for the swale and basins has been provided. It is understood that a private maintenance company is to be responsible for the tasks required. A site-specific maintenance schedule is required at detailed design.

**Water Quality Assessment** - An indicative water quality assessment has been provided to demonstrate that the basins and swale provide sufficient water quality benefits. At detailed design, this must be updated inline with any revisions to the scheme. I would request the following conditions be placed on the approval of the application, should this be granted by the LPA:

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

SuDS components agreed in the outline application

- Capacity and condition assessment of the ordinary watercourse with details of any necessary maintenance or updating works
- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- Demonstrate that water quality, ecological and amenity benefits have been considered
- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- Existing and proposed discharge rates and volumes
- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

Reason - The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 167 and 169 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

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

Reason - The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long-term maintenance of the drainage system as required under Paragraph 169 of the NPPF.

Informative - Under the terms of the Land Drainage Act 1991 and the Floods and Water Management Act 2010, the prior consent of the Lead Local Flood Authority is required for any proposed works or structures in the watercourse. After planning permission has been granted by the LPA, the applicant must apply for Land Drainage Consent from the LLFA, information and the application form can be found on our website. Please be aware that this process can take up to two months.

**Parks and Recreation** (19 July 2023) - The Vale of Aylesbury Local Plan (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.

It’s my interpretation that as this site is not and has not been available for use as a sports and recreation facility for around 5 years, and that its initial section that you enter off of the B4443 Lower Road is now a private barriered car park for Stoke Mandeville hospital staff, with the remainder of the site being fenced off preventing unauthorised access, that this is not an existing sports and recreation facility and is therefore not subject to the above VALP policy I2 criteria.

The Councils draft Playing Pitch Strategy hasn’t included any of this site’s previously provided sports provision within its calculations to meet either current or future needs.

As per the Vale of Aylesbury Local Plan (VALP) policies I1, I2 & I3, this development generates a sport and leisure contribution which will be calculated in accordance with our Ready Reckoner and the final approved bedroom per dwelling mix, as per the below table:

	Financial Contribution	Residents per Dwelling	MOS (m <sup>2</sup> )	IOS (m <sup>2</sup> )	EDPA (m <sup>2</sup> )
1 Bed	£ 1,652	1.0	12.0	14.0	2.5
2 Bed	£ 2,974	1.8	21.6	25.2	4.5
3 Bed	£ 3,965	2.4	28.8	33.6	6.0
4+ Bed	£ 5,782	3.5	42.0	49.0	8.75

Major Open Space (MOS): 1.2ha per 1000 population (a type of accessible natural green space that incorporates parks, formal gardens and public open space)

Incidental Open Space (IOS): 1.4ha per 1000 population (a type of accessible natural green space that incorporates amenity/landscape planted areas, green corridors)



Equipped Designated Play Areas (EDPA): 0.25ha per 1,000 population (as per Fields in Trust and the below Equipped Play Facilities Guidance)

Also, in accordance with VALP Policy I1, this development must meet or exceed the above on-site MOS & IOS (public open space) and EDPA (in the form of a Local Equipped Area for Play (LEAP)) requirements. Due to this on-site provision the 'full' sport and leisure contribution will be reduced in accordance with our Ready Reckoner by 16.3% (Public Open Space 11.6% + Equipped Play 4.7%). An example of what the financial contribution may look like (which will depend upon the final approved bedroom per dwelling mix) is provided below:

100 (dwellings) x 2.5 (average residents per dwelling) x £ 1,652 (contribution per resident) = £413,000 'full' sport and leisure contribution, reduced by 16.3% (£67,319) = £345,681.

As this is an outline application these exact minimum requirements cannot be calculated until the final approved bedroom per dwelling mix is provided but the following provides an estimate of what must be demonstrated can be achieved on-site at this outline stage:

MOS: 100 (dwellings) x 2.5 (average residents per dwelling) x 12 (m<sup>2</sup>) = 3,000m<sup>2</sup>

IOP: 100 (dwellings) x 2.5 (average residents per dwelling) x 14 (m<sup>2</sup>) = 3,500m<sup>2</sup>

EDPA: 100 (dwellings) x 2.5 (average residents per dwelling) x 2.5 (m<sup>2</sup>) = 625m<sup>2</sup>

This application is currently unacceptable as it fails to demonstrate that a LEAP, including its minimum buffer distance from dwellings (20m), minimum buffer distance from residential boundaries (10m), minimum 20m x 20m dimensions and minimum 625m<sup>2</sup> in area can be accommodated on-site - the proposed LEAP on the Illustrative Masterplan (SK19 E) measures only around 210m<sup>2</sup> instead of the required 625m<sup>2</sup>. The scale bar on the more recently submitted Illustrative Masterplan (SK19 F) is illegible which must be rectified.

As the LEAP will also have to score a minimum of 'Excellent' against RoSPA's play value assessment for both toddlers & juniors, a copy of the RoSPA scoring template is provided at the end of these comments for information.

The developer should also be aware that a bond, currently estimated at around £596,000 per hectare, will be required to ensure the delivery of the open space scheme, and a commuted sum (currently £58,800 per hectare) and additional commuted sum (as per the Good Practice Guide – Schedule of Rates) will be required towards the open space schemes future maintenance, should the open space scheme be transferred to the Parish Council.

(24 October 2023) - I am happy to remove my previous objection, as the applicant has now demonstrated that the required LEAP with an area of 625m<sup>2</sup> can be accommodated on-site, whilst also meeting the required minimum 20m from dwellings and 10m from residential boundaries.

Sufficient open space providing a minimum of 3,000m<sup>2</sup> Major and 3,500m<sup>2</sup> Incidental is also provided, whilst taking into account the total areas of the proposed SUDS (1,725m<sup>2</sup>), which can't be included in such calculations, due to them not being accessible to all throughout the year.

**Recycling and Waste** (24 November 2022) - No objection is raised, on condition that the waste management proposals continue to comply with Part H of The Building Regulations, BS5906:2005, Manual for Streets and our advice note for developers where overlap or contradictions exist the more stringent restriction applies. As the vehicle tracking does not show reversing by waste collection vehicles, no reversing manoeuvres will be accepted on the site. The developer is to ensure that all waste facilities are in place before the development is occupied, and the site is safe to be accessed by a 26T collection vehicle when collections commence, or alternative arrangements must be made for the occupying residents until the site is deemed to be safely accessible by our collection crews. The developer will remain responsible for waste collection and disposal until all requirements have been met. Bins must be visible and accessible from the highway and any ground over with bins must be pushed/pulled must be firm, step free and have a slope of no more than 1:12. The developer is to provide each house with one 140L refuse bin, one 240L recycling bin, one 23L outdoor food waste caddy and one indoor food waste caddy, before the dwellings are occupied. All two wheeled bin push/pull distances must be no greater than 15 metres for collection crews and no greater than 25 metres for residents. All four wheeled bin push/pull distances must be no greater than 10 metres for collection crews and waste carry distances no greater than 30 metres for residents. By presenting waste for collection, the Council is given implied permission to access the site and transit the roads therein. Where the roads are unadopted, it is the responsibility of the developer, landowner or frontagers to ensure the road can be safely accessed by 26T waste collection vehicles.

**Sport England** (17 November 2022) - It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 99) and Sport England's Playing Fields Policy, which is presented within its 'Playing Fields Policy and Guidance Document': [https://www.sportengland.org/how-we-can-help/facilities-andplanning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-andplanning/planning-for-sport#playing_fields_policy) .

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field - The proposal will result in the loss of the existing playing field land; associated ancillary facilities in the form of car parking and pavilion/clubhouse facilities; as well as 3no. hard-surface MUGAs/Courts adjacent to the eastern boundary of the playing field.

It is understood that the sports and ancillary facilities have not been used for some time, and that last known use dates back to 2017/18. Aerial imagery taken from Google Earth supports this position as it appears 2no. football pitches were marked out in 2017, consisting of an approximate youth 11x11 pitch and a 9x9 junior pitch. Overall, the principal playing field area measures approximately 1.5ha (excluding the MUGA/courts and ancillary facilities).

Sport England has provided pre-application advice on a different scheme previously, although the net effect on the sports facilities and playing field was the same ie entire loss of provision. Sport England was very clear that such a proposal would result in a statutory objection unless appropriate replacement provision was delivered and made available for use.

Sport England considers that no appropriate replacement provision capable of meeting our E4 exception is proposed in respect of the application above. Our E4 exception states:

- the area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:
- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

Assessment against Sport England Policy/NPPF - Sport England notes that the agent considers that local plan policy I2 which seeks to protect existing sports and recreation facilities is not considered relevant as the site does not constitute 'existing' sports facilities in their view.

Local plan policy I2 states:

"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.

Sports and recreation facilities being provided must have a long-term management and maintenance strategy agreed by the Council and shall set out details of the owner, the responsible body and how the strategy can be implemented by contractors."

Sport England has concerns about the local plan policy I2 and considers it inconsistent with para 99 of the NPPF which is explicit about the circumstances where sports facilities can be lost. We would consider that part g. does not accord with para 99 of the NPPF. Notwithstanding our concerns about local plan policy I2, potential investment into existing sport and recreation facilities at Walton Court cannot be considered capable of meeting our E4 exception above. This would not constitute appropriate replacement provision under the E4 exception within our playing fields policy and paragraph 99 of the NPPF.

Conclusion - In light of the lack of proposed appropriate replacement provision for the loss of playing field and facilities, Sport England objects to the application because it is not considered in accordance with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

(12 June 2023) - Sport England having reviewed this *further* information does not consider it materially changes our position in relation to this application which remains an objection.

Sport England strongly disagrees with the agent's assertion that as the playing field/sports facilities are no longer in use that local plan policy I2 does not apply. Local plan policy I2 mirrors policy protections for playing field and sports provision set out within paragraph 99 of the NPPF. Para 99 of the NPPF does not make a distinction between existing playing field land/sports facilities which are in or out of use. The fact that the playing field site is not in current use does not change its status or its last lawful use as playing field land, and therefore the Council's I2 policy cannot simply be disapplied. There are many disused playing field sites across the country, but this does not simply mean local and national planning policy protection is disapplied. Sport England considers that no weight should be given to the agent's position on this matter as clearly local plan policy I2 is relevant in this case, as is para 99 of the NPPF, and Sport England's playing field policy.

In respect of the agent's comment that if the 'application were made today' that Sport England would not be a statutory consultee. While that might be true as we are only a statutory consultee on applications affecting playing field used within the last 5 years, Sport England would likely respond in our non-statutory role and consider the application against our playing fields policy in the same way.

Sport England notes the proposal to transfer ownership and management of the 'southern field' to Booker Park School and for this to be opened up to the community through a formalised community use agreement. While that is welcomed by Sport England it is not sufficient to mitigate the loss of the 'northern field' to residential development.

There is little detail in the way of the improvements to Walton Court sports facilities identified for us to consider whether this may be sufficient to mitigate any impact. Further, the contribution of £300,000 identified isn't supported by any feasibility work or costings. Based on the very limited information provided in relation to proposed improvements to Walton Court, we cannot advise whether this would be adequate to outweigh the harm caused by the loss of playing field provision and sports facilities at Bucks CC Sports and Social Club.

On this basis, Sport England wishes to maintain an objection to the application.

(21 July 2023) - Sport England notes the cover letter from the agent dated 13 July which states that they are in discussion with the Council's leisure team to consider the improvement works to the Walton Court sports facilities. We would ask that Sport England is consulted on this element of the proposal too in order for us to consider whether it could constitute suitable mitigation. As previously stated, there is a lack of detail about what is being proposed. Sport England wishes to reconfirm that our position remains unchanged and we wish to maintain a strong objection to the application as it is not considered compliant with any of our exceptions in our playing fields policy, nor is it consistent with paragraph 99 of the NPPF.

(16 October 2023) – *The further information* does not materially affect our position with respect to the above site. We would wish to maintain an objection.

There is a lack of detail in respect of the improvement plans to the sports pitches and ancillary facilities at Walton Court. No technical information in the form of a specialist assessment of the pitches which indicates the improvements that might be required and the costs associated with that. There are no plans showing whether the site could accommodate a cricket pitch. Our costs guidance are just that, guidance. It would need an onsite assessment to understand what is required.

There is currently no Playing Pitch Strategy (PPS) for the area which demonstrates that there is excess playing field in the catchment and the site is surplus to requirements.

On that basis, Sport England wishes to maintain an objection.

**Travel Plan Team (1 December 2022)** - Overall, this is a strong Travel Plan that covers most of the main requirements set out by Buckinghamshire Council (BC). However, it is lacking in detail in some key areas and requires some additions and amendments to ensure it meets BC's requirements for a Travel Plan. Comments are made below in relation to the contents and structure of the Travel Plan.

1. The Travel Plan includes a comprehensive overview of relevant national and local planning policy and guidance documents. It should be noted that the Vale of Aylesbury Local Plan should be used to determine the levels of parking for the development as opposed to Buckinghamshire's Countywide Parking Guidance.
2. The Travel Plan includes a map of the location and site boundaries of the proposed development. It would be beneficial to include a map with clearer labelling of the surrounding road network.
3. The Travel Plan provides a clear overview of existing pedestrian accessibility at the site, including a map of the walking catchment area. A clear overview of cycle accessibility is also provided, including a map of established cycle routes. The summary of active travel accessibility at the site also includes a useful table of walking and cycling distances and journey times to local amenities from the site.
4. The Travel Plan provides an overview of bus accessibility, including a description of the location of nearby bus stops and a clear table of bus services, routes and frequencies available at these bus stops. Please include a map showing the location of the bus stops in relation to the site.

5. A useful overview of rail services, routes and frequencies from the nearby Aylesbury Station is provided. Please include a map showing the location of the nearest railway stations in relation to the site.
6. We welcome the use of 2011 Census 'Journey to Work' data for the local MSOA to establish an estimate of the baseline modal split of journeys to and from the site. Please confirm that baseline travel surveys will be undertaken within six months of first occupation of the site in order to clarify the baseline modal split.
7. We welcome the commitment to using SMART Travel Plan targets.
8. We welcome the target to reduce the proportion of car or van driver vehicle trips from 66% to 54% of journeys over the first five years of occupation.
9. We welcome the commitment to appoint a Travel Plan Coordinator (TPC). We approve the proposed roles and responsibilities of the TPC, but request that the list of responsibilities is updated to clarify that the TPC will be responsible for personalised travel planning, which is mentioned later in the Travel Plan.
10. Please confirm that the TPC will be appointed at least three months prior to first occupation of the site and that the TPC will be an individual with an ongoing interest in the site and is expected to remain in the role for the duration of the Travel Plan.
11. We welcome the commitment to develop a Sustainable Travel Information Pack for residents. We approve the proposed contents of the Travel Information Pack. Please clarify that the information will be distributed via hardcopy but also made available online. Please also confirm that a copy of the Travel Information Pack will be provided to BC for comment prior to distribution.
12. We welcome the commitment that the TPC will update the travel boards and website with the latest information for residents, including updates on the progress of the Travel Plan.
13. Please provide more detail on the proposed hard measures. This should include details on the provision of blue-badge parking spaces and EV charging facilities. Please refer to Vale of Aylesbury Local Plan 2013-2033 to ensure that parking provision is in line with the requirements for a residential development.
14. Please provide details on the provision of cycle and car parking spaces, in line with Vale of Aylesbury Local Plan 2013-2033. Please ensure that cycle parking is safe, secure, sheltered and well-lit.
15. We welcome the proposed soft measures to promote sustainable travel choices. Please provide more details on the proposed 'Sustainable Travel Incentives' referenced in the overview of soft measures. We recommend that the TPC explore potential opportunities to provide residents with public transport vouchers or discounts and cycle-shop discounts.
16. We welcome the commitment to create a car-share database to encourage the adoption of car-sharing amongst residents.
17. We welcome the commitment that the Travel Plan will be monitored on an ongoing basis, and that annual monitoring reports will be issued to BC. Please confirm that monitoring reports will be submitted to BC within three months of surveys being undertaken.
18. Please confirm that the developer will cover the required £1,000 per year Travel Plan monitoring fee required by BC.
19. An example travel survey has been included in Appendix B of the Travel Plan. With regard to the proposed contents and structure of the questionnaire, BC notes the following:

- a. Please do not request respondent's street number and name as this will identify them. Please only request their postcode as this information can't be linked to a specific person.
- b. Please amend the survey to allow for information to be collected for each member of the household, rather than a single respondent.
- c. Please also amend the survey to include all journeys across the day as opposed to just travel to work/education.
- d. Question 11 asks why you use a car to travel to work. This should be rephrased 'If you use a car to travel to work...' Please make any corresponding changes to the phrasing of subsequent questions so it is clear they are specific to those who have made a certain travel choice.

Re-Review (23 June 2023) -

Actions for Travel Plan approval:	Completed
Please update the planning policy guidance to include the parking standards set out in the Vale of Aylesbury Local Plan.	Yes.
Please include a map of the site location with clearer road names.	Yes.
Please include a map showing the locations of the nearest bus stops to the site.	Provided, however it would be beneficial to include a map that is clearer so you can see the roads the bus stops are on. Please also confirm those are the only stops within the vicinity of the site.
Please include a map showing the locations of the nearest railways stations in relation to the site.	Yes. As above, it would be beneficial for it to be shown on a clearer map.
Please confirm that baseline travel surveys will be undertaken within six months of first occupation of the site to clarify the baseline transport conditions.	Yes.

<p>Please confirm that the TPC will be responsible for providing personalised travel planning services for residents.</p>	<p>Yes. However please remove the 'if requested'.</p>
<p>Please confirm that the TPC will be appointed at least three months prior to first occupation of the site and that the TPC will be an individual with an ongoing interest in the site and is expected to remain in the role for the duration of the Travel Plan.</p>	<p>Yes.</p>
<p>Please clarify that the Travel Information Pack will be distributed to residents in a hard-copy format and also made available digitally.</p>	<p>Yes.</p>
<p>Please confirm that a copy of the Travel Information Pack will be provided to BC for comment prior to distribution.</p>	<p>Yes.</p>
<p>Please include details on the provision of parking for residents, including the provision of blue badge parking spaces and EV charging facilities. Please ensure that the parking provision is in line with the Vale of Aylesbury Local Plan 2013-2033.</p>	<p>We would expect in the Travel plan a proposed amount of parking, the number of blue badge parking spaces and EV facilities. In line with Vale of Aylesbury Local Plan (VALP).</p>
<p>Please provide details on the provision of cycle parking spaces on the site, in line with Vale of Aylesbury Local Plan 2013-2033 parking guidance. Ensure that cycle parking spaces will be safe, secure, sheltered and well-lit.</p>	<p>We would expect in the Travel Plan a proposed amount of cycle parking spaces. In line with VALP.</p>
<p>Please outline the proposed 'Sustainable Travel Incentives'. Please include confirmation that the TPC will explore potential opportunities to offer discounts or vouchers for residents using public transport or local cycle-shops.</p>	<p>Please provide further information on the sustainable travel</p>



	incentives. Confirmed opportunities to explore providing residents with public transport/cycle shop discounts.
Please confirm that monitoring reports will be submitted to BC within three months of surveys being undertaken.	Yes.
<p>Please make the following amendments to the contents of the proposed residents' travel survey:</p> <p>Please do not request the respondent's street name and number. Instead please only request a postcode;</p> <p>Please amend the survey to allow for information to be collected for each member of the household, rather than a single respondent;</p> <p>Please amend the survey to include all journeys across the day, as opposed to just travel to work/education; and</p> <p>Please rephrase Question 11 to 'if you use a car to travel to work...' as the current wording implies an expectation that everyone uses a car to travel to work. Please make any corresponding changes to the phrasing of subsequent questions so it is clear they are specific to individuals who have made a certain travel choice.</p>	<p>The Street name is still requested in Appendix B, please remove.</p> <p>Please amend the survey to allow for information to be collected for each member of the household, rather than a single respondent.</p>

**Tree Officer (13 June 2023) – SUMMARY Arboricultural Information (Overview)**

- The arboricultural report is not supported by a Tree Constraints Plan, so the existing layout in relation to trees cannot be assessed and there is a lack of information around existing incursions (which should be identified as a percentage within any subsequent report).
- Should a reserved matters application be submitted following a successful outline determination, an updated tree survey should be conducted as over 12 months would have elapsed between the initial survey date and a subsequent application.
- The impact assessment identified a total of 14 tree features (excluding the seven category U features), which would be a broadly acceptable level of loss, providing that the landscaping

scheme adequately compensates for this in acceptable locations as required within Policy NE8 of the VALP.

- Significant lengths of hedgerow are required to be removed in order to implement the proposals. Policy NE8 of the VALP states that *“Where species-rich native hedgerow (as commonly found on agricultural land) loss is unavoidable the developer must compensate for this by planting native species-rich hedgerow, which should result in a net gain of native hedgerow on the development site”*. As such, it would be expected that the length of hedgerow to be removed will be replaced elsewhere within publicly accessible areas of the site.

#### Existing Trees (Current Issues)

- T3022 has been correctly identified as an ancient tree. The development of approximately 100 dwellings is not deemed to be a “wholly exceptional” reason for its loss or degradation and as such Para. 180 of the NPPF applies, as does Policy NE8 of the VALP where it states: *“Development that would lead to an individual or cumulative significant adverse impact on ancient woodland or ancient trees will be refused unless exceptional circumstances can be demonstrated that the impacts to the site are clearly outweighed by the benefits of the development. Development that would result in the unacceptable loss of, or damage to, or threaten the continued well-being of any trees, hedgerows, community orchards, veteran trees or woodland which make an important contribution to the character and amenities of the area will be resisted”*.
- The illustrative masterplan seeks to retain T3022. Notwithstanding the existing site usage, the buffer zone falls within the proposed shared garden of a number of dwellings. It is noted that the Arboricultural Report makes reference to a ‘betterment’ of the buffer zone following removal of extant hardstanding within it and including part of it within a garden, though this is unlikely to be the case.

The reasonings for this include:

- a) The removal of all hardstanding (including sub bases) within the buffer and the allowance of machinery with the buffer during the removal (as noted within the Arboricultural Method Statement (Outline), particularly parts e);
  - b) The intensification of usage (i.e. properties are likely to be used for 24 hours a day, seven days a week, whereas the existing club only used only at certain times saw temporary increases in usage);
  - c) Following completion of the development, there is nothing to stop residents and/or management companies from installing hard landscaping within the buffer zone or undertake any other activities that may have a negative impact on the buffer zone (e.g. digging or compaction); and
  - d) Being ancient means that the tree has an increased likelihood of seeing branch/limb failures than otherwise ‘healthy’ trees of a younger age. Given its proximity to the residential dwellings, it is anticipated that owners may have a perceived fear that the tree may fail, or further branches may fail, resulting in pressure to prune or remove the tree. Government guidance also states that larger buffer zones than that proposed are more likely to be necessary if the tree is close to residential areas.
- It is subsequently expected that the entirety of the buffer zone will sit outside of garden spaces, or areas where access is permitted. A specific demolition methodology must also be

prepared where buildings are to be removed from within the buffer and it is preferred that sub-bases are to be retained within the buffer zone of the tree, with topsoil placed above this to reduce the likelihood of damage to existing roots.

- H3005 is a moderate category B hedge to the southern boundary of the site. At present, the illustrative masterplan details a car park installed beneath it. Although the Arboricultural plans show this as retained, it appears as though there may be a conflict present. The loss of this hedge would not be supported and so any car parking areas must stay outside of the crown cover and root protection area of the hedge at reserved matters stage.
- T3034, T3036 and T3037 are all high quality category A trees, with heights ranging from 12.5 to 14 metres. The illustrative proposals show that three new dwellings are proposed in extremely close proximity to these existing trees, with only a car width between the dwelling and the crowns. Though the trees have been detailed as mature specimens, there is still potential for considerable new growth and as such this design represents an unsustainable long-term relationship. Walnuts dropping on cars may alone provide excessive seasonal nuisance issues, but walnuts falling onto driveways and footpaths may also cause slip hazards. It is this intensification of use immediately surrounding these trees and their proximity which is likely to affect the homeowners reasonable enjoyment of their properties. The three affected dwellings should be removed and from their current locations and re-located elsewhere to evidence a harmonious relationship

#### New Trees

The outline proposals detail 'street trees' on only one side of the streets, all situated within a central green. Whilst this is welcomed, it does not fulfil the requirement for 'tree-lined' streets, which is interpreted as meaning trees on both sides of the streets. It is recommended that provision for street tree planting opposite the central green is explored, though if not possible, a justification must be provided as per Para. 131 of the NPPF which states: *"unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate"*.

New tree planting is expected to comprise species of a large mature size, which are to be largely native (especially within the central green) and of an advanced heavy standard size (as per BS8545:2014) to ensure a level of maturity at completion.

The current Landscape Strategy misrepresents the achievable level of new tree planting, particularly surrounding the building in the south west corner and that within the car park to the north west corner, as these trees are too close to the proposals and there is likely to be insufficient space for the number of trees shown, respectively. Trees should be spaced in open spaces and car parks so that they provide the highest level of canopy cover and are afforded sufficient rooting space for their proper establishment.

Landscaping plans must also include calculations of soil volume requirements and planting pit specifications for each tree.

I would also refer the applicant to Paras 130 (a,b); 153 and 174 (a,b), which any new tree planting will also be assessed against.

#### Conditions

I have recommended three conditions below, which would be appropriate for a subsequent reserved matters application.

1) Landscape Scheme (Soft and Hard)

Notwithstanding any indications illustrated on drawings already submitted, no development shall take place until a scheme of landscaping, has been submitted to and approved in writing by the Local Planning Authority. Landscape details shall include:

- 1) a scaled plan showing all existing trees, shrubs and hedgerows to be retained, including crown spreads and trees and plants to be planted;
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving
  - b) soil volume calculations for new trees
  - c) tree pit design
  - d) underground modular systems
  - e) sustainable urban drainage integration
  - f) use within tree Root Protection Areas (RPAs);
- 3) a schedule detailing species, sizes and numbers/densities of all proposed trees/plants; including support measures, guards or other protective measures; biosecurity procedures including best working practices to reduce the spread of pests and disease.
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practice; methods to improve the rooting environment for retained and proposed trees and landscaping including watering, weed control, pruning, etc.
- 5) types and dimensions of all boundary treatments

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless already agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting.

Reason: To ensure satisfactory landscaping of the site in the interests of amenity, to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in accordance with Policy NE8 of the VALP and Para. 130, 131, 153 and 174 of the NPPF.

## 2) Implementation of Approved Landscape Scheme

All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the completion of the development, whichever is the sooner. Any retained trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development and in accordance with Policy NE8 of the VALP.

### 3) Arboricultural Impacts Assessment, Arboricultural Method Statement and Tree Protection Plan

No works or development (including for the avoidance of doubt any works of demolition/site clearance) shall take place until an Arboricultural Impact Assessment and Arboricultural Method Statement (AMS) with Tree Protection Plan (TPP) has been submitted in accordance with current British Standard 5837 and approved in writing by the Local Planning Authority. Ground protection measures including protective fencing shall be erected or installed prior to the commencement of any works or development on the site including any works of demolition and shall conform to current British Standard 5837 specification guidance. The approved fencing and/or ground protection measures shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced or protected areas without prior written agreement from the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

The AMS and TPP shall include:

- 1.) Detailed plans showing location of the protective fencing including any additional ground protection whether temporary or permanent;
- 2.) Details as to the location of proposed and existing services and utilities including sustainable drainage, where these are close to Root Protection Areas (RPAs);
- 3.) Details as to the method, specification and materials to be used for any "no dig" cellular confinement systems where the installation of no-dig surfacing is within the Root Protection Areas of retained or planted trees is to be in accordance with current nationally recognised best practice guidance British Standard BS 5837 and current Arboricultural Guidance Note 'Cellular Confinement Systems Near Trees' (area within the development to which it applies); demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- 4.) Details of all proposed Access Facilitation Pruning, including root pruning, as outlined in current British Standard 5837 guidance shall be carried out in accordance with current British Standard 3998.
- 5.) All phases and timing of the project, including phasing of demolition and construction in relation to arboricultural matters.
- 6) Siting of work huts and contractor parking; areas for the storage of material and the siting of skips and working spaces; the erection of scaffolding are to be shown on the submitted TPP.
- 7) A specific methodology for the removal of buildings within the buffer zone of ancient trees and any further precautions that are to be taken to protect the tree from dust and other pollution.
- 8) Tree Protection Sign-off by the retained Arboricultural consultant prior to commencement of on-site activities and a reporting log, detailing timescales for return visits

Reason: To ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction, in the long-term interests of local amenities and accordance with Policy NE8 of the VALP, BS5837 and the NPPF.

**Urban Design** (25<sup>th</sup> January 2023) - Character Study: It is not clear what the outcome of the character study is (it is not a character study per se, and instead a list of characteristics of certain developments). A character study would draw out what gives the place a memorable identity; there is no conclusion to it. As such, what should development here do to reinforce distinctive local characteristics?

The architecture of the context is varied and of variable quality (in terms of urban design); however a particularly positive character cue is the generous landscaping within more established streets.

Opportunities - There are some key omissions:

- the requirement for tree lined streets as set out in the NPPF.
- the opportunity to be exemplary in the resolution of typical issues associated with car parking in new developments; reducing reliance on tandem car parking solutions etc.
- completing perimeter blocks by backing new back gardens onto existing back gardens.
- 10% biodiversity net gain.
- Create a development that fully applies the principles established in Manual for Streets.
- Encourage modal shift for short distance trips - inviting walking and cycling. Where are the barriers to pedestrian and cycle movement to key destinations within a mile of the site?
- A pedestrian/cycle link to the south western corner connecting to the edge of the new development and a new play area.
- A more creative approach to play, perhaps a play on the way route that links with the adjacent play area to the south west?
- Retention and integration of Hedge H1 which is noted in the Ecology Report as being locally important (this appears to be lost in the current proposals despite it appearing to be a dense and thick hedge, presumably of valuable to nesting, native garden birds.
- Opportunities to create species rich grasslands (biodiversity net gain) on the SW field.
- For proposals to meet the requirements of Building for a Healthy Life (BHL) - if the ambition is to be exemplary, a measure of this is required; BHL offers this and would equate to 12 'green' indicators.

Design evolution - It is unclear why April 2022 design option was abandoned; as (albeit with limited information supplied), this appears to have the strongest structure. It is unclear why the July 2022 option introduced a green buffer to the SW corner. Buffer spaces are frequently problematic from a management/maintenance perspective whilst also 'breaking' perimeter block structure creating potential movement routes hidden behind back gardens. There is no information as to why this is required if there are opportunities for storm water management and habitat creation in other locations.

Proposal - It is understood that a pedestrian link from Pearce Close cannot be delivered due to third party land ownership; as such future proofing a link in this location seems pointless as there is a low likelihood of it being delivered. The Roblin Close connection needs to be an integral part of the development - not a 'potential' one. The section on design proposals that continues from the page after Figure 13 (no page numbers on the document), it is unclear how these bear any resemblance to some of the high quality precedents illustrated earlier in the document such as Figures 9 and 11. High quality places are not made because of "roofs and chimneys" etc. It is further unclear why a development of this scale requires 'landmark buildings'.

Summary - Whilst the application is in outline, it is unclear whether the proposals show the maximum number of dwellings being sought. It is not entirely clear what are homes and what might be garages; it is also unclear how many apartments are within each of the apartment buildings. It is also not clear what quantum of car parking is provided (and whether this meets policy); nor where all car parking is proposed and how it is integrated.

Using the BHL considerations for an outline application, we should be seeking to ensure that the structural elements of the proposals merit a 'green light'. Based upon the information provided I consider that the following structural elements of BHL would attract a 'red light':

- Natural connections,
- Walking, cycling and public transport.
- Making the most of what's there.

I have also highlighted concerns about:

- Green and blue infrastructure.
- Cycle and car parking.

This would give the scheme at least 9 'red lights'. BHL states that one or more red lights is an indication to "stop and rethink". On the basis of the information submitted and available, I object to this application. A different design approach is required.

#### **A4.0**

Planning Note – Closure of former BCC Sports and Social Club (Savills March 2023)