



## Report to Buckinghamshire Council (Central) Planning Committee

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<b>Application Number:</b>	22/00316/APP
<b>Proposal:</b>	Variation of condition 1 (approved plans) and 2 (boundary treatment) to amend the height/ design of sections of the boundary fencing relating to application 20/01531/ADP (Reserved matters application pursuant to outline planning permission 17/03322/AOP access, appearance, landscaping, layout and scale; conditions 3 (submit reserved matters application) 6 (landscaping) 8 (acoustic assessment) 9 (biodiversity) 10 (ecological mitigation) 12 (vehicular visibility splays) and 14 (footway))
<b>Site Location:</b>	Land at and to the rear of 42 Worminghall Road, Ickford, Buckinghamshire
<b>Applicant:</b>	Deanfield Homes Ltd
<b>Case Officer:</b>	Philippa Jarvis
<b>Ward(s) affected:</b>	Bernwood
<b>Parish-Town Council:</b>	Ickford Parish
<b>Date valid application received:</b>	28 <sup>th</sup> January 2022
<b>Statutory determination date:</b>	29 <sup>th</sup> April 2022 (EoT agreed )
<b>Recommendation:</b>	Approve subject to conditions

### 1. Summary & Recommendation

1.1. This application seeks to vary the existing permission for the approved residential development of 66 dwellings which was originally granted on appeal in 2019. Reserved matters approval was granted in January 2021 and this current application which is made under S73 of the Town and Country Planning Act 1990 (as amended) seeks to vary 2 conditions imposed on that permission. A S73 application is a means of seeking a material amendment to a scheme by varying or removing conditions associated with the planning permission. In this instance the variation of the conditions seeks amendments to the approved boundary treatment for some of the plots to allow for an increased height of fencing to protect the privacy of existing properties which are considered to require additional privacy measures due to the difference in levels compared to the application site. The proposal also includes updated soft landscaping plans showing some amended details. These amendments are not considered to change or alter the operative part of

the planning permission including the description of development and falls within the limitations set out in S73 of the 1990 Act.

- 1.2. The main changes are to replace the existing approved 1.8m boundary fence to rear of properties in Worminghall Road and Golders Close with a higher fence with trellis and for a new fence with hedge along the side boundary of 44 Worminghall Road which adjoins the new estate road serving the development. The new fence has already been installed along the boundary with the properties in Worminghall Road.
- 1.3. It is concluded that whilst the new fences are of a greater height than traditionally used, they are nevertheless sympathetic to the character and appearance of the area, do not harm the significance of nearby heritage assets and do not unacceptably harm the amenities of the occupiers of adjoining properties. It is noted that some occupiers of neighbouring properties have felt the need to introduce additional soft landscaping within their own gardens but notwithstanding this, the new higher fences are not considered to have an overbearing impact on the garden areas of the adjoining properties. The new boundary treatment does not entirely screen the first -floor windows of the new dwellings and some overlooking of the rear garden areas, at a distance, is possible. However, these views are screened to an extent by the tree planting in the rear gardens of the new properties, most of which has already been carried out. The distance between the rear elevations of the existing and new dwellings is such that no unacceptable loss of privacy has been introduced.
- 1.4. The removal of part of the boundary hedge has already occurred contrary to condition 2 of the reserved matters permission. The reasons for imposing the condition were to safeguard residential amenity and the character and appearance of the local area. In the officer's judgement there has not been a significantly harmful impact on the wider character and appearance of the site or its surroundings and the alternative boundary treatment maintains acceptable residential amenity. Furthermore, despite the loss of the hedge the overall development is still able to demonstrate net gain in biodiversity.
- 1.5. Overall, it is concluded that the development complies with the development plan and it is therefore recommended that permission be granted to vary the conditions. The effect of this permission is to grant a new planning permission, however it does not extend the time period. The new permission sits alongside the original permission, which remains intact and unamended. The conditions that were associated with the original permission other than those that the application seeks to vary have been updated, where relevant, and will be imposed

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

### *Site Description*

- 2.1. The application site comprises a new residential estate of 66 homes, originally granted on appeal, the majority of which is complete and occupied. Plots 44 to 66 in the southern

corner are still under construction. It lies on the northern edge of the village to the rear of properties on Worminghall Road and Golders Close, with a vehicular access off Worminghall Road between the Rising Sun public house and No. 44 Worminghall Road.

2.2. The site lies to the rear of properties fronting Worminghall Road which all lie within the Ickford Conservation Area, the boundary of which runs just to east of the dwellings themselves and encompasses the very front part of the new access road serving the estate. Nos. 50 and 64 Worminghall Road are Grade II listed buildings. The Rising Sun public house located to the south of the access to the site is also Grade II listed.

### 2.3. Proposed Development

2.4. This application is made under S73 to vary the condition specifying for a variation to conditions 1 (approved plans) and 2 (approved boundary features). Permission was granted in 2021 (ref. 20/0135ADP) for [reserved matters application pursuant to outline planning permission 17/03322/AOP (access, appearance, landscaping, layout and scale); conditions 3 (submit reserved matters application) 6 (landscaping) 8 (acoustic assessment) 9 (biodiversity) 10 (ecological mitigation) 12 (vehicular visibility splays) and 14 (footway)].

2.5. The application has been amended since first submitted, to seek approval for different boundary features around part of the external perimeter of the site and along the main access road. The changes the application seeks are as follows:

<b>Location</b>	<b>Approved treatment</b> (20/01531/ADP)	<b>Proposed treatment</b> (22/00316/APP)
North boundary of entrance road to estate / side boundary of No. 44 Worminghall Road	New hedge with tree planting along grass verge to front	1.8 close boarded fence on boundary of property with new 'instant' 1.8m hedge planted on the outside (roadside); tree planting along grass verge
Boundary to SuDs / POS area to front of plots 1&2 / rear boundary of nos. 44, 46 & 48 Worminghall Road	Existing hedge retained (and any means of enclosure within existing properties)	No change  NB original proposal was to replace hedge within the site with a 1.8m close board fence
Boundary to side of plot 2 and rear of plot 3 / rear boundary of 50 & 52 Worminghall Road	Existing hedge retained (and any means of enclosure within existing properties)	Hedge within plot 2 partially removed and replaced with 2.4m close board fence with 0.6m trellis above; hedge within plot 3 wholly removed and replaced with 2.4m close board fence with 0.6m trellis above  (NB hedge has already been removed)
Rear boundary to plots 4-7 / rear boundary of 54-62 Worminghall Road	1.8m close-boarded timber fence; 2 new trees in rear garden of plot 4 and 3 new trees in all rear gardens of plots 5, 6 and 7;	New 2.4m close board fence with 0.6m trellis above on boundary; 2 new trees in rear garden of plot 4 and 3 new trees in all rear gardens of plots 5, 6 and 7;
Side boundary of plot 55 and rear boundaries of plots 56-66 / rear boundaries of nos. 31, 33, 35a & 37 Golders Close	1.8m close board timber fence	2.4m close board fence with 0.6m trellis above  NB to be sited on the rear boundary, which is at the original ground level, around 1m below finished level of new properties

2.6. The above proposed details are shown on three separate sets of plans, one showing the boundaries & enclosures (i.e. fencing, (drawing no: 3574.P105 Rev. S), one showing soft landscaping (DEAN 22828-11J, sheets 1 to 4) and one showing hard landscaping (DEAN 22828-12L, sheets 1 to 4). These plans are accompanied by an updated Soft Landscape Management and Maintenance Plan (DEAN22828man Rev.B) which sets out how all landscaping is to be maintained which once transferred by the developer will be the

responsibility of the individual owners, Deanfield Homes and their appointed Management companies and the Council where areas form part of the adopted highway.

- 2.7. The applicant states that the proposed changes have been suggested at the request of and in consultation with the neighbouring properties affected. They are intended to provide a greater level of privacy due to the higher finished floor levels of the new dwellings relative to the existing dwellings. (The approved finished floor levels vary but are around 1.3 metres above the ground levels indicated along Worminghall Road).
- 2.8. This application is made under Section 73 of the Planning Act. Although often referred to as an application to vary or remove a condition an application under this section of the Act actually has no effect on the original permission as it is not an amendment to the earlier permission. It is a separate freestanding permission that the applicant is entitled to implement or ignore. This application must therefore be capable of being implemented in its own right and therefore all appropriate conditions and obligations must be imposed.
- 2.9. The merits of the condition(s) must be assessed against an up to date development plan. As any permission granted would in effect be a free-standing planning permission all conditions to which the planning permission should adhere must be reattached. Section 73 of the Town and Country Planning Act 1990 (as amended) states:

“Determination of applications to develop land without compliance with conditions previously attached.

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

### **3. Relevant Planning History**

- 3.1. **17/03322/AOP & Appeal ref: APP/J0405/A/18/3214024** – outline application for up to 66 dwellings with all matters reserved, allowed on appeal, 29/08/2019. Subsequently, discharge of condition applications were approved for materials (17/A3322/DIS) and construction management plan (17/B3322/DIS).
- 3.2. **20/01531/ADP** - reserved matters application pursuant to outline planning permission 17/03322/AOP (access, appearance, landscaping, layout and scale); conditions 3 (submit reserved matters application) 6 (landscaping) 8 (acoustic assessment) 9 (biodiversity) 10 (ecological mitigation) 12 (vehicular visibility splays) and 14 (footway), approved 26/01/2021.
- 3.3. **20/A1531/DIS** – approval of details pursuant to conditions 6, 8, 9 and 10 (disposal of foul drainage, slab levels, measures to facilitate the availability of high-speed broadband and redirected power cable) of reserved matters, approved 19/05/2021.
- 3.4. **20/C1531/DIS** – submission of details pursuant to condition 5 (charging points) approved
- 3.5. **20/D1531/DIS** – submission of details pursuant to condition 7 (confirmation that units 61 and 64 comply with part M), approved
- 3.6. **20/E1531/DIS** – submission of details pursuant to condition 11 (lighting) approved 31/03/22.
- 3.7. **20/A1531/NON** – proposed non-material amendment to RM application (relating to changes to the play equipment specification in the LEAP) approved 29/06/23.

### **4. Representations**

- 4.1. **Councillor Sue Lewin** expresses concern at the loss of the hedgerow to the rear of properties along Worminghall Road which provides visual screening and should be retained; has requested that the application be 'called in'.
- 4.2. **Ickford Parish Council** has not commented.
- 4.3. 2 letters of support have been received and
- 4.4. 7 letters of objection have been received on the following summary grounds: –
  - new fence will be imposing,
  - additional tree planting required to replace those removed,

- removal of hedge contrary to legislation, not justified, nor in accordance with approved scheme and results in loss of privacy,
- existing fence should not be removed.
- Other matters relating to the wider scheme (drainage, flooding) also mentioned.

4.5. Full comments are provided in Appendix A.

## **5. Policy Considerations and Evaluation**

### **Introduction**

- 5.1. For the purposes of the determination of this application the development plan comprises the Vale of Aylesbury Local Plan 2021 (VALP) and the Ickford Neighbourhood Plan (2019-2033) (INP).
- 5.2. The principle of development and the subsequent details of access, appearance, layout, scale and landscaping have been assessed under the previous approved applications. Therefore, it is only the changes that need to be assessed. The proposal does not have any implications in terms of access, the layout of the built form, building appearance and scale including design and sustainability and associated parking and servicing, and the approved drainage strategy.
- 5.3. The VALP designates Ickford as a medium village being moderately sustainable for development. Policy S2 (spatial strategy for growth) states that at the medium villages there will be housing growth of a scale in keeping with the local character and setting. The application site is identified as an existing commitment with a further site off Turnfields identified as an allocation.
- 5.4. The site lies within the settlement boundary designated in the INP and is now part of the built-up area of the village. Policy ND3 requires all new housing development to deliver a well-designed scheme that links both visually and functionally with the village, setting out a number of issues that must be addressed. Policy ND2 which requires high quality design is also relevant; this seeks to ensure that development retains existing natural features and boundaries that contribute to visual amenity or are important for their ecological value and biodiversity and does not cause unacceptable harm to neighbouring properties.
- 5.5. The National Planning Policy Framework (NPPF) is an important material consideration the relevant policies of which seek high quality design that is sympathetic to the built and natural environment.
- 5.6. Given that there exists a permission for the residential development of the site, the main issues relevant to consider are the effect of the amended boundary treatment on the character and appearance of the area including nearby designated and non-designated

heritage assets, the impact on biodiversity and the effect on the amenity of the occupiers of adjoining properties having regard to the approved plans.

**Character and appearance, including effect on heritage assets**

VALP policies BE1 (Heritage assets), BE2 (Design of new development) and NE8 (Trees, hedges and woodlands)

INP policies BEH1 (Heritage Assets), BEH2 (Design in the Conservation Area), BEH3 (The Setting of the Conservation Area), BEH4 (Non-designated heritage assets), ND1 (Settlement boundary), ND2 (High quality design) and ND3 (New housing development)

- 5.7. The above policies seek to ensure that new development contributes to and does not adversely affect heritage values and local distinctiveness and respects the physical characteristics of the site and its surroundings and the natural qualities and features of the area. In respect of trees and hedgerows, development will be resisted that results in the unacceptable loss of or damage to their continued well-being where they make an important contribution to the character and amenities of the area. The unavoidable loss of species rich native hedgerow should be compensated for by planting of native species rich hedgerow. The policies of the INP expect proposals to retain and enhance natural features and boundaries, including hedgerows, which contribute to visual amenity or are important for ecological / biodiversity with substantial buffers retained or provided.
- 5.8. In allowing the original development at appeal, the Inspector noted that the boundary hedges would be protected and preserved and that this would go some way to mitigate the harm resulting from the loss of the former pastoral field and introduction of built development and would help to conserve the landscape. At that stage, the hedge along the boundary with the properties in Worminghall Road was shown to be retained, albeit within the residential curtilages of the proposed dwellings, rather than outside as suggested by the Inspector so as to minimise the risk of pressure to prune or remove by the residents.
- 5.9. However, it was at reserved matters stage that the detailed planting and boundary plans were approved and these form the 'baseline' position against which the proposed changes are to be assessed. As indicated in the table above, these show a mixture of hedge and fence for the Worminghall Road properties boundary and a fence along the common boundary with the properties in Golders Close. New tree planting was also indicated to take place within the rear garden areas of the new plots adjoining the affected properties in Worminghall Road and Golders Close. The boundary hedges are 'protected' through the relevant conditions and the approved Landscape Management Plan, the latter which allows for the trimming of established hedges to the desired height.
- 5.10. The proposed new boundary fencing would, in the main, replace the existing approved 1.8m close boarded timber fence with a higher one with trellis above. In respect of the boundary between plot 2 and No. 50 Worminghall Road, a lower 1.8m fence is retained but with a 0.6m trellis above. The amended boundary details are intended to provide an



additional level of privacy and screening given that the new houses are set at a higher level than the existing ones. Whilst the majority of the proposed new fencing is considerably higher than traditional fencing, it will be sited along the rear boundaries of both existing and new dwellings and in all cases this is at the lower level.

- 5.11. Notwithstanding its greater height, the fencing is / would not be particularly intrusive within the wider area given that it marks a private 'internal' boundary between the properties on the new development and the existing properties along Worminghall Road and Golders Close. In addition, the retained planting and new planting provide some screening effect which assist in softening the appearance of the fence. As noted above, the occupiers of some of the properties along Worminghall Road have undertaken additional planting within their own gardens themselves. The gardens to all adjoining properties are of reasonably generous size and depth and, overall, it is not considered that the proposed fence would be overbearing or intrusive.
- 5.12. The loss of the length of hedgerow which marked the boundary of the gardens of plots 2 & 3 (understood to have been removed by the occupants of those properties) is regrettable and contrary to conditions 1 and 2 of the reserved matters application (20/01531/ADP). The reason for condition 2 was to safeguard residential amenity and the character and appearance of the local area. However, the officer considers that in their judgement this has not had a significantly harmful impact on the wider character and appearance of the site or its surroundings, which as noted above, is now clearly part of the built up area of the village, albeit one which has very much a rural character and appearance. The impact of the removal of the hedge in terms of the impact on residential amenity is considered in the next section.
- 5.13. The hedge that borders part of the public open space at the front of the site containing the SUDS attenuation area is now shown to be fully retained thus ensuring that the soft 'green' edge to this public area is retained. The original hedgerow around the perimeter of the larger site remains and provides a softening feature as noted by the Inspector in the original appeal decision.
- 5.14. In terms of the site entrance, whilst a new fence is proposed to mark the boundary with the adjoining property, this will be screened in public views along the entrance by the proposed new 'instant' hedge with tree planting retained along the roadside verge. This will retain a soft approach to the development and ensure that the proposal complements the rural character of the village. The front part of the new fence will be visible in approaches from the north along Worminghall Road, but this will be seen within the context of the existing planted front garden of the property. Furthermore, it replaces an existing albeit lower fence.
- 5.15. A number of local residents have commented that the original scheme and later marketing documents indicated that a brick wall would be provided along this boundary, but this was never part of the formally approved details. In any event, it is considered that a softer

boundary is more appropriate given the semi-rural character of this edge of village location.

- 5.16. The boundary with the properties in Golders Close would be changed from a 1.8m close boarded fence to a 2.4 m fence with 0.6m trellis above. Whilst this would be a fairly significant change in terms of height, the rear gardens of the properties affected are of generous depth, generally with established planting within them along the common boundary. The new boundary treatment will allow for some planting to grow along the trellis providing a softening of its upper section. Furthermore, the fencing will not be readily visible within the wider area and overall would fit in with the local context and character.
- 5.17. The significance of nearby heritage assets, which include the conservation area, the boundary of which lies close to the rear elevations of the properties along Worminghall Road and which includes a small part of the site entrance, would not be adversely affected and their character and appearance would be preserved. This would also be the case with the nearby listed buildings and non-designated heritage assets along Worminghall Road.
- 5.18. Overall, it is concluded that the boundary alterations have not, nor will those elements yet to be undertaken result in any significant harm to the character and appearance of the area and the significance of nearby heritage assets and there is no conflict with the above development plan policies in this regard.

#### **Environment and Amenity of Existing Residents**

VALP policy BE3 (Protection of the amenity of residents)

INP policy ND3 (New Housing Development)

- 5.19. Policy BE3 states that sites should achieve a reasonable level of visual privacy for those on the site itself and those living nearby. ND3 has similar aims and seeks landscape buffers to boundaries and management plans to ensure long term maintenance. Condition 2 of 20/01531/ADP was imposed in part to protect residential amenity.
- 5.20. This application seeks to overcome concerns relating to any potential loss of privacy for adjoining residents as a result of the new dwellings being constructed some 1.3 -1.5 metres above the original ground levels on the site. This means that the typical height of a garden fence (1.8m) as previously approved (along the common boundary with the Golders Close properties), will not provide an adequate boundary as it would not prevent overlooking. In respect of the boundary with the properties in Worminghall Road, no new fencing was proposed / approved, therefore relying on the boundary hedge and existing means of enclosure within the curtilage of these adjoining properties to mitigate the impact. Therefore, the current application includes the higher boundary treatments (overall 3 metres in height consisting of 2.4m close-boarded fence with trellis above).
- 5.21. Thus, a higher feature has been / would be introduced and in the case of the Worminghall Road properties, there is some loss of amenity through the removal of the hedge which

provided a more natural boundary. However, it is noted that the approved management plan would have allowed the hedge to be trimmed and potentially, it may not have provided a totally robust or effective means of enclosure in respect of privacy.

- 5.22. The new higher fence prevents any overlooking from ground floor windows but does not fully screen views from first floor windows. However, this is not an unusual relationship and the distances between the existing and new dwellings is relatively generous, being a minimum of 35 metres; in addition, it is of note that the dwellings in Golders Close are set at an angle such that elevations are not 'face to face'. There would be views at a distance of parts of the adjoining garden areas but again this is not an unusual relationship and would have been the case if the dwellings had been built at the original ground levels. It is noted that some of the adjoining residents have undertaken additional planting in their back gardens to reduce the impact, but nevertheless, it is considered that the higher fencing has not resulted in an unacceptable impact on the amenity of the residents. The alternative boundary treatment being sought achieves the requirements for imposing condition 2 that is to safeguard residential amenity.
- 5.23. Overall, it is considered that the scheme is in accordance with the above policies BE3 and ND3 and provides an acceptable living environment for existing and new residents.

### **Biodiversity**

VALP policy NE1 (Biodiversity and geodiversity)

INP policies NE2 (Green Infrastructure and Biodiversity) and ND3 (New housing development)

- 5.24. The above policies require, amongst other things, a measurable net gain to be achieved through the protection, management, enhancement and extension of existing biodiversity resources and by creating new resources. INP policy NE2 seeks a minimum 10% BNG.
- 5.25. The removal of part of the boundary hedge previously shown to be retained has resulted in the loss of approximately 30 metres of hedgerow. This comprises all of the hedgerow previously indicated to be retained along the rear boundary of Plot 3 (adjoining no. 52 Worminghall Road) and part of the hedge within plot 2 (along the boundary with No. 50 Worminghall Road).
- 5.26. The Applicant has provided an updated Biodiversity Net Gain metric which shows that notwithstanding the length of hedgerow that has been removed, the overall development will still achieve a net gain overall of 31.32% in hedgerow units and 15.90% habitat units. It is noted that the hedge did not continue northwards into the adjoining plots therefore it

was not part of an existing wildlife 'corridor' though the rear gardens of the properties will continue to provide some limited value in this respect.

- 5.27. Overall, the loss of hedgerow, whilst regrettable, has not had any significant impacts on the overall biodiversity value of the site and significant net gains are still achieved, in accordance with local and national policy.

### **Other Matters**

- 5.28. Concern has been raised by a number of residents regarding the 'unauthorised' removal of the hedge and that this is contrary to one of the original justifications for the development of the site, i.e. that natural features would be retained as far as possible. Whilst the loss of part of the hedgerow has diminished its value in this respect, the development remains sympathetic to the rural character and appearance of area through the retention of the majority of the boundary hedges, particularly along the northern and eastern boundaries where it adjoins open countryside and within the site itself where the original hedge remains adjacent to part of the open space.
- 5.29. Further concerns note that the 'unauthorised' removal of the hedge represents a breach of the relevant legislation i.e. it is contrary to conditions imposed on the outline and reserved matters applications. Contravention of a condition constitutes a breach of planning control but it not an offence and enforcement action is a discretionary power of the Local Planning Authority. When considering enforcement action the LPA should act proportionately. In this case the reasons for imposition of these conditions have been considered and the impact of the removal of the hedge has been assessed. It is the judgement of officer's that the removal of the hedge has not resulted in any significant planning harm. Therefore, taking into consideration the alternative boundary treatment that has been proposed, it is unlikely to be expedient to take any action having regard to the development plan and other material considerations. However, this is matter for the Planning Enforcement Team to consider having regard to the facts.
- 5.30. A number of residents have referred to wider issues, including ongoing drainage & flooding concerns but these are matters which are not relevant to consider as part of this application. The previous reserved matters application approved a detailed Drainage Strategy and if permission is granted it will be appropriate to attach a condition to refer to that document to ensure that it remains relevant and can be enforced in respect of this application. Any outstanding concerns of the residents in this regard can then be investigated and dealt with appropriately, including through any enforcement action if found to be expedient.

## **6. Weighing and balancing of issues / overall assessment**

- 6.1. In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section

143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

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

- 6.2. For the reasons set out above, the proposal is considered to accord with the development plan. There is not considered to be any conflict with the NPPF. The comments of the third parties have been taken into account and are addressed in the report; it is considered that there are no other material considerations that indicate a decision otherwise. It is noted that the Council is now unable to demonstrate a five year supply of housing, but this only adds positive weight to the balance in favour of a grant of permission.
- 6.3. It should be noted that in allowing this development, a new and separate reserved matters permission is created and any conditions imposed on the previous reserved matters approval that remain relevant should be attached to the new permission. These include the relevant approved plans and documents (as set out in condition 1 of the previous reserved matters permission), except insofar as they are replaced by the plans submitted under this application, and plans approved under discharge of conditions applications or non-material amendment. Conditions to ensure compliance with the approved details in respect of tree protection and impacts, hard and soft landscaping, construction management plans, ecology design strategy and landscape management, noise assessment, street lighting, provision & retention of parking, and removal of PD rights remain relevant and should be imposed.
- 6.4. It is therefore recommended that the application be approved subject to the conditions set out below.
- 6.5. The application would constitute an approval of reserved matters pursuant to the original outline permission and the conditions imposed on that decision also apply insofar as they remain relevant, as does the related S106 planning obligation agreement which secures matters relating to affordable housing, provision and future maintenance of public open space (including LEAP), provision and future maintenance of SuDS, and financial contributions towards sport & leisure, sustainable transport and education.

## **7. Working with the applicant / agent**

- 7.1. In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2. The Council works with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3. In this instance
  - During the course of the consideration of the application, there has been a dialogue with the applicant's agent with a view to seek to resolve issues as they arose.
  - The applicant was provided the opportunity to submit amendments to the scheme/address issues arising.

## 8. Recommendation

8.1. The recommendation is that the application be approved subject to the following conditions:

1. The development shall relate to / be in accordance with the following approved plans:

Reference:	Title:
3574.P.100 Rev A	Location Plan
3574.P.101 Rev O	Site Layout
3574.P.102 Rev J	Site Layout: Coloured
3574.P.200 Rev F	Plans & Elevations Plot 1
3574.P.247	Plans & Elevations Plot 2
3574.P.201 Rev C	Plans & Elevations Plot 3
3574.P.202 Rev E	Plans & Elevations Plot 4
3574.P.203 Rev C	Plans & Elevations Plot 5
3574.P.204 Rev E	Plans & Elevations Plot 6
3574.P.205 Rev C	Plans & Elevations Plot 7
3574.P.206 Rev D	Plans & Elevations Plot 8
3574.P.207 Rev F	Plans & Elevations Plot 9
3574.P.208 Rev D	Plans & Elevations Plots 10-11
3574.P.209 Rev D	Plans & Elevations Plot 12 & 14
3574.P.211 Rev D	Plans & Elevations Plot 13
3574.P.212 Rev E	Plans & Elevations Plot 15
3574.P.213 Rev D	Plans & Elevations Plot 16
3574.P.214 Rev D	Plans & Elevations Plots 17-18
3574.P.216 Rev E	Plans & Elevations Plots 19-20
3574.P.217 Rev C	Plans & Elevations Plots 21-22
3574.P.218 Rev C	Plans & Elevations Plots 23-24
3574.P.243 Rev A	Plans & Elevations Plot 25
3574.P.248	Plans & Elevations Plots 26-27
3574.P.220 Rev D	Plans & Elevations Plot 28
3574.P.222 Rev D	Plans & Elevations Plot 29
3574.P.221 Rev E	Plans & Elevations Plot 30
3574.P.223 Rev D	Plans & Elevations Plot 31
3574.P.242 Rev A	Plans & Elevations Plot 32
3574.P.224 Rev C	Plans & Elevations Plots 33-34
3574.P.225 Rev B	Plans & Elevations Plots 35-37 & 56-58
3574.P.226 Rev C	Plans & Elevations Plots 38-39 & 56-58
3574.P.227 Rev E	Plans & Elevations Plot 40
3574.P.228 Rev E	Plans & Elevations Plot 41
3574.P.239 Rev B	Plans & Elevations Plots 42-43
3574.P.229 Rev C	Plans & Elevations Plots 44-45
3574.P.249	Plans & Elevations Plots 46-47
3574.P.231 Rev C	Plans & Elevations Plots 48-49
3574.P.232 Rev C	Plans & Elevations Plot 50
3574.P.241	Plans & Elevations Plot 51
3574.P.240 Rev B	Plans & Elevations Plot 52
3574.P.238 Rev A	Plans & Elevations Plot 53
3574.P.233 Rev C	Plans & Elevations Plot 54
3574.P.244	Plans & Elevations Plot 55

<b>3574.P.245 Rev B</b>	<b>Plans &amp; Elevations Plots61-64</b>
<b>3574.P.236 Rev D</b>	<b>Plans &amp; Elevations Plots 65-66</b>
<b>3574.P.237 Rev B</b>	<b>Garage Plans &amp; Elevations</b>
<b>3574.P.107 Rev G</b>	<b>Context Sections</b>
<b>3574.P.246 Rev D</b>	<b>Context Sections 2</b>
<b>3574.P.109 Rev A</b>	<b>Off-Site Context Sections</b>
<b>3574.P.108 Rev F</b>	<b>Site Layout: Materials Overlay</b>
<b>3574.P.103 Rev O</b>	<b>Site Layout: Adoptions Plan</b>
3574.P.105 Rev S	Site Layout: Boundaries & Enclosures
<b>3574.P.110 Rev E</b>	<b>Site Layout: Affordable Homes</b>
<b>3574.P.111</b>	<b>Site Layout: Entrance Plan</b>
<b>3574.P.18693-ICK-5-661 Rev C</b>	<b>Fire Appliance: Vehicle Tracking Layout</b>
<b>18693-ICKF-5-610 Rev B</b>	<b>Section 278 Agreement: Construction Layout</b>
<b>18693-ICKF-5-500 Rev B</b>	<b>Section 278 Agreement: General Arrangement</b>
<b>18693-ICKF-5-660 Rev A</b>	<b>278 Agreement: Refuse Vehicle Swept Path</b>
<b>18693-ICKF-5-661 Rev B</b>	<b>Section 38 Agreement: Refuse Vehicle Swept Path</b>
<b>18693-ICKF-5-900 Rev A</b>	<b>Section 278 Agreement: Typical Road Details</b>
DEAN22828spec, Date:01/05/2020	Soft Landscape Specification
DEAN22828man Rev B Date:26/10/2023	Soft Landscape Management & Maintenance Plan
DEAN22828-11J Sheet 1 of 4	Soft Landscape Proposals
DEAN22828-11J Sheet 2 of 4	Soft Landscape Proposals
DEAN22828-11J Sheet 3 of 4	Soft Landscape Proposals
DEAN22828-11J Sheet 4 of 4	Soft Landscape Proposals
DEAN22828-12L Sheet 1 of 4	Hard Landscape Proposals
DEAN22828-12L Sheet 2 of 4	Hard Landscape Proposals
DEAN22828-12L Sheet 3 of 4	Hard Landscape Proposals
DEAN22828-12L Sheet 4 of 4	Hard Landscape Proposals
<b>DEAN22828-ts Date:07/04/2020</b>	<b>Tree Survey</b>
<b>DEAN22828-01 Date:07/04/2020</b>	<b>Tree Survey Plan</b>
<b>DEAN22828-03B Date:27/04/2020</b>	<b>Tree Protection Plan</b>
<b>DEAN22828-ala amsA RevB Date:25/09/2020</b>	<b>Arboricultural Impact Assessment &amp; Method Statement</b>
<b>Email dated ?? / Indexed 14/01/2021</b>	<b>Ickford – Private gas ‘compound’ area</b>
<b>3574.P.301 Rev A</b>	<b>Existing &amp; Proposed Illustrative Street Views (46-44 Worminghall Road)</b>
<b>3574.P.302 Rev A</b>	<b>Existing &amp; Proposed Illustrative Street Views (46-44 Worminghall Road)</b>
<b>3574.P.303 Rev A</b>	<b>Existing &amp; Proposed Illustrative Street Views (54-52 Worminghall Road)</b>
<b>3574.P.304</b>	<b>Existing &amp; Proposed Illustrative Street Views (54-52 Worminghall Road)</b>
<b>3574.P.305</b>	<b>Existing &amp; Proposed Illustrative Street Views (64-62 Worminghall Road)</b>
<b>3574.P.306 Rev A</b>	<b>Existing &amp; Proposed Illustrative Street Views (60 Worminghall Road)</b>
<b>3574.P.307</b>	<b>Existing &amp; Proposed Illustrative Street Views (View from Worminghall Road looking south)</b>
<b>DEAN@2828 15D</b>	<b>LEAP Proposals (as amended by plan ref: Q7689 relating to play equipment below)</b>



<b>Dated:22/09/2020</b>	<b>RoSPA Playground Plans Review</b>
Index date: 23/11/23	Biodiversity Metric
<b>Issue: VI, Date October 2020</b>	<b>Construction Environmental Management Plan</b>
<b>Issue: V1, Project: Ickford ETH20-111, dated: October 2020</b>	<b>Ecological Design Strategy</b>
<b>Ref: P19-458-R02 dated 07/04/2020</b>	<b>Noise Assessment provided by Hepworth Acoustics</b>
<b>Ref: South East / 34122439/450115 Dated 09/02/2021</b>	<b>Utility Networks Quotation prepared by GTC (High Speed Broadband)</b>
<b>18693-ICKFB-5-200 Rev D dated April 2020</b>	<b>Indicative Drainage &amp; Levels Strategy, prepared by Woods Hardwick</b>
<b>Plan Ref: 8500155706 Proposed CAF, dated 14/09/2020</b>	<b>Mains Cable Plan, prepared by UK Power Networks</b>
<b>Letter Ref: 8500155706/QID 3500094394 dated 14/09/2020</b>	<b>Quotation letter from UK Power Networks</b>
<b>Drawing No: T.108.20.301</b>	<b>EV Charge Points (passive wiring / future charging points only)</b>
<b>Project No: 21-0557 dated 07/01/2022</b>	<b>Horizontal Illuminance (lux) Calculation Drawing, Results Grid 1</b>
<b>Project No: 21-0557 dated 07/01/22</b>	<b>Outdoor Lighting Report, prepared by DW Windsor</b>
<b>Cover letter dated 12/01/2022</b>	<b>Prepared by Strutt &amp; Parker</b>
	<b>IES Compare Report: Report Format: Dark Sky</b>
<b>Drawing no: MDL-1356-AFF-W260</b>	<b>Part M Compliance – plots 61-64</b>
<b>Q7689 received 29/06/2023</b>	<b>Worminghall Ickford Plan</b>
<b>Q7689</b>	<b>Specification Document (only in relation to play equipment)</b>
<b>Document dated 23/05/2023</b>	<b>RoSPA Playground Plans Review (only in relation to play equipment)</b>

**NB: The above plans / documents in bold are those approved under refs: 20/01531/ADP, 20/A1531/DIS, 20/C1531/DIS, 20/D1531/DIS, 20/E1531/DIS and 20/A1531/NON.**

Reason: For the avoidance of doubt and to ensure the details of the development comply with local and national policy.

- The approved boundary treatment for each dwelling shall be constructed/ erected in accordance with drawing no. 3574.P.105 Rev S (titled: Site Layout: Boundaries and Enclosures). The boundary treatment shall thereafter be retained.

Reason: In order to safeguard residential amenity and the character and appearance of the local area in accordance with policies NE1, NE2, ND1 & ND2 of the Ickford Neighbourhood Plan, policies BE2, BE3 & NE4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

- Each dwelling shall be provided with cycle storage in accordance with the approved drawings and permanently maintained for this purpose thereafter.

Reason: To encourage the reduction of car usage and to promote the availability of cycling opportunities and to comply with policy T7 of the Vale of Aylesbury Local Plan and to accord with the advice within the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of any dwelling nor the erection of any garage shall be carried out within the curtilage of any dwelling the subject of this permission, no windows, dormer windows, no buildings, structures or means of enclosure shall be erected on the site which is the subject of this permission other than those expressly authorised by this permission.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of the dwelling or erection of a garage, windows, buildings, structures or means of enclosure having regard for the particular layout and design of the development, in accordance with policies NE1, NE2, ND1 & ND2 of the Ickford Neighbourhood Plan, policies BE2, BE3 & NE4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

5. The development shall be carried out in accordance with the approved details of EV charging points, that is at least one future charging point connection per dwelling shall be provided prior to occupation of that dwelling.

Reason: In order to future-proof the development, support government objectives for electric vehicles and reduce the pollution impacts associated with traffic, in accordance with emerging Vale of Aylesbury Local Plan Policy T8 and the advice within the National Planning Policy Framework.

6. Plots 61 & 64 shall provide for fully accessible dwellings as indicated on the approved plans and thereafter remain compliant with the relevant section of Part M of the Building Regulations 2010.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policy H6c of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

7. The development shall be served by high-speed broadband as indicated on the approved plan / details which shall be provided prior to the occupation of any dwelling which it serves.

Reason: To ensure adequate internet connection is provided in accordance with policy E1 of the Ickford Neighbourhood Plan, policy I6 of the Vale of Aylesbury Plan and the National Planning Policy Framework.

8. The street lighting shall be carried out in accordance with the approved details and at no time shall it exceed the standards for Environmental Zone 2 set in the Institute of Lighting Professionals Guidance Note 2011.

Reason: To conserve dark skies, a highly valued feature of the village, in accordance with policies NE1 and ND3 of the Ickford Neighbourhood Plan, policies BE2, NE4 and NE5 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

9. The development hereby permitted shall at all times be undertaken in accordance with approved drawing No. DEAN22828-03B, Titled: Tree Protection Plan have been protected by the erection of a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan. The protection measures referred to above shall be maintained during the whole period of site excavation and construction. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, in particular:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed unless these are elements of the agree tree protection plan.
4. No materials or waste shall be burnt; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

Reason: In order to minimise damage to the trees during building operations and to comply with policies NE1, ND2 and ND3 of the Ickford Neighbourhood Plan, policy NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

10. Minimum vehicular visibility splays of 42m to the south and 40m to the north from 2.4m back from the edge of the carriageway from both sides of the access onto Worminghall Road shall be maintained at all times in accordance with the approved plans and kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with policies ND1 and TT1 of the Ickford Neighbourhood Plan, policy T5 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

11. The hard and soft landscaping works shown on the approved drawings shall be carried out as approved prior to the first occupation of the dwelling to which it relates so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

Reason: To ensure a satisfactory appearance to the development and to comply with policies NE1, NE2, ND1, ND2 & ND3 of the Ickford Neighbourhood Plan, policy BE2, NE4 and NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

### **Informative(s)**

1 Nothing herein contained shall be deemed to effect or vary the conditions imposed on outline permission ref: 17/03322/AOP dated 29<sup>th</sup> August 2019 which shall continue in full force and effect, save insofar as they are expressly approved or varied by any conditions imposed hereby. The development must also adhere to the planning obligations set out in the S106 agreement entered into in respect of this outline permission.

2 In accordance with paragraph 38 and 39 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, the applicant was provided the opportunity to submit amendments to the scheme/address issues.

# **APPENDIX A: Consultation Responses and Representations**

## **Councillor Comments**

**Councillor Sue Lewin** – (original plans) – no comments received.

Amended plans - Compare the March and August boundary plans.

In March the hedgerow between 44 to 54 Worminghall Road and the new development is outlined with a solid black line.

By the August plans this hedge finishes behind 50 Worminghall Road and is replaced by a dashed line (behind 54 it has already been removed - illegally?)

The owners of the new house plot 3 want to remove the hedgerow between them and 52 Worminghall Road. This provides vital privacy screening for 52. Despite a 3m fence, the new houses are significantly raised.

I would like a condition that the hedgerow must remain.

Therefore I would like this called in.

## **Parish Council comments**

**Ickford Parish Council** – no comments received.

## **Representations**

2 letters of support have been received, one asking for conditions to be imposed to enable access to the existing post and rail fence and to ensure that there is no damage to the existing oak tree and the other noting that as the development has been raised by 1m+ the boundary treatment will give added privacy and security and therefore support the proposal.

7 individual letters of objection (3 from the same neighbour) have been received on the following grounds:

- The new fence will be very imposing for properties in Golders Close.
- Results from the whole development having to be raised by 1.3m to satisfy SUDS system requirements – this shows a failure of the planning system as it is now clear that the site was not suitable for residential development.
- 3 large trees were removed from the end of the garden, only 1 replacement is shown.
- Need more information about how flooding will be prevented for existing properties and what remedial work would be undertaken.
- Hedgerow removed without permission or consulting neighbour; this hedgerow was shown to be retained as part of the management agreement plan and was understood to be protected as within the conservation area; it contributed to the area and supported lots of nature – the neighbour is now very overlooked.
- The developer has been told by every neighbour to not touch/remove the existing post and rail fence which belongs to and was paid for by the residents and a reasonable gap should be retained to allow maintenance.
- The trees shown to be retained in the agreed management plan which were cut down should be replaced with similar mature trees.
- Has the drain that has been put in behind no. 58 been approved? And have the required bat and swallow bricks been installed and other wildlife mitigation features been provided and all planting been undertaken (particularly to rear of properties in Worminghall Road)?

- The latest plan once again shows 1.8m fence in place of hawthorn hedge that currently forms boundary between properties and SUDS area; this is contrary to previous discussions where a hedge shown on both sides – the removal of the hedge on the application site side would result in the loss of integrity of this important wildlife corridor; a fence is not necessary in this location and would lead to an increasing urban appearance.

### **Consultation Responses**

**Ecology** –a revised BNG calculation has been provided together with an updated Soft Landscape Management and Maintenance Plan (LMMP) which demonstrates that sufficient net gain can still be achieved; the habitats described in the BNG report are detailed further in the LMMP including preparation methods and management prescriptions, in line with expectations for the site and are considered acceptable. Sufficient detail is provided to accord with the requirements of condition 10 of the previous RM application (20/01531/ADP).

**Heritage** - no objection; the proposed amended boundary treatments would preserve the architectural / historic interest of the listed buildings and the character and appearance of the conservation area would be preserved.

