



Report to Central Area Planning Committee

Application Number:	19/00668/APP
Proposal:	Erection of 7 two storey dwelling houses and associated garaging, together with the construction of a new access off Hyde Street, parking, landscaping and all enabling works.
Site Location:	Land To The Rear Of The Lawn, 93 Aylesbury Road, Aston Clinton
Applicant:	Rectory Homes Limited
Case Officer:	Danika Hird
Ward(s) affected:	Former Aston Clinton & Stoke Mandeville
Parish-Town Council:	Aston Clinton
Date valid application received:	21.02.2019
Statutory determination date:	18.04.2019
Recommendation	Supported in principle and DEFERRED AND DELEGATED to officers for approval following the satisfactory completion of a S106 Agreement or Unilateral Undertaking (as appropriate) and subject to those conditions as considered appropriate by officers, or if this is not achieved for the application to be refused for reasons as considered appropriate by officers.

Summary & Recommendation/ Reason for Planning Committee Consideration

The application has been evaluated against the Development Plan, which comprises of Aylesbury Vale District Local Plan (AVDLP) and the Aston Clinton Parish Neighbourhood Plan and the Authority has assessed the application against the planning principles of the NPPF and whether the proposals deliver 'sustainable development'. The most important policies within the Development Plan are up to date and are afforded full weight in the determination of this application. As such, in accordance with paragraph 11 of the NPPF, Local Planning Authorities are required to approve development proposals that accord with an up-to-date development plan without delay.

As part of the above assessment it is acknowledged that there would be economic benefits in terms of the construction of the development and those associated with the resultant increase in local population. Furthermore, the development of 7 dwellings would make a contribution to the housing land supply.

Policy H2 is worded positively in accordance with the requirements of paragraph 16 (b) of the NPPF, which requires plans to be prepared positively, in a way that is aspirational but deliverable. Notably, policy H2 contains no maximum thresholds expressly limiting developments of over 5 dwellings, it purely supports developments of 5 or less. Notwithstanding the quantum of development, any proposal would need to be considered against the design and development management policies including an assessment of any harm arising from the development in that regard. Officers therefore consider that there is no conflict with policy H2 with regard to the quantum of the development provided that the proposal would accord with the design and development management policies. The report concludes that there is no conflict with the design and development management policies contained within the Aston Clinton Parish Neighbourhood Plan and therefore the proposal complies with policy H2 of ACPNP.

The proposed development would comply with policies HQD1 (High Quality Design), HQD2 (High Quality Design), H1 (Settlement Boundary), H2 (Housing Development), H3 (Affordable Housing), H5 (Mix of Housing), T1 (Traffic Mitigation), EN1 (Development Impact on Biodiversity), EN2 (Protecting Biodiversity) and EN4 (Abating Flood Risk) of the Aston Clinton Parish Neighbourhood Plan, policies GP2, GP8, GP24, GP35, GP38 - GP40, GP45, GP86-GP88 and GP94 of Aylesbury Vale District Local Plan and the advice within the NPPF as a whole, and there are no material considerations that indicate a decision otherwise than in accordance with the development plan. It is therefore recommended that the proposal be supported in principle and **DEFERRED AND DELEGATED** to officers for approval following the satisfactory completion of a S106 Agreement or Unilateral Undertaking (as appropriate) securing the provision of affordable housing and financial contributions towards education and off-site sports and leisure facilities and subject to those conditions as considered appropriate by officers, or if this is not achieved for the application to be refused for reasons as considered appropriate by officers.

WORKING WITH THE APPLICANT/ AGENT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal. The council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case as part of this application, amendments were received and following the receipt of such details the application was found to be acceptable and approval is recommended subject to relevant planning conditions and the satisfactory completions of a legal agreement.

1.0 INTRODUCTION

1.1 This item was on the published agenda for the former Aylesbury Vale District Council's Development Management Committee on 26 March 2020, which was cancelled. Aston Clinton Parish Council has raised material planning objections and confirmed that it will speak at the Committee meeting.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site extends to circa 0.26ha and lies to the north-western edge of the village. The site itself consists of part of the garden land of Nos 93 and 93a Aylesbury Road. These existing large detached residential properties are set back from the Aylesbury Road and are positioned on generous sized plots. There is an existing single structure on the site in the form of an old stable building, with the site mainly laid to lawn with trees interspersed across the site. Existing boundary vegetation exists along the north eastern and north western boundaries, with no current defining boundary features along the south western boundary of the site.

2.2 To the north-west of the application site are agricultural fields, whilst to the north-east is a new residential development site currently under construction (ref: 16/00780/AOP). To the south-east

is the new access road (Hyde Street) serving the adjoining development to the north-east with No.93 and 93a Aylesbury Road lying to the south-west.

- 2.3 The submitted plans show three parking spaces serving each of the four bedroom properties (Plots 1, 2 & 3). These spaces are laid out in a triple tandem arrangement, with one space being provided in the form of a garage.

3.0 PROPOSAL

- 3.1 This application seeks full planning permission for the erection of 7 two-storey dwellings along with associated garaging, parking and landscaping within the site, comprising of two detached properties, a pair of semi-detached dwellings and a row of three terraced properties. Each property will be served by its own private rear garden which has a depth of at least 10m.
- 3.2 The proposal involves the construction of a new priority junction onto the recently constructed Hyde Street which serves the new residential development which is currently under construction of the north-east of the site. The new access road would initially measure 5.5metres in width reducing to 5m as the road turns into the site and in the form of a shared surface arrangement with a turning-head adjacent to the boundary which adjoins the open countryside. A 2m wide pedestrian footway is shown to run alongside the initial section of the access, terminating at the shared surface and will connect the site with Aylesbury Road. Allocated parking is shown for each of the properties with single, detached garages serving Plot 1 to 4.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site:

No relevant planning history

4.2 Adjoining Site:

18/01316/ADP:- Approval of reserved matters pursuant to outline permission 16/00780/AOP regarding appearance, landscaping, layout and scale for 50 dwellings with associated garages, parking, landscaping and highway infrastructure – Approved.

17/00807/ADP:- Approval of Reserved Matters pursuant to outline permission 16/00780/AOP regarding appearance, landscaping, layout and scale for 50 dwellings with associated garages, parking, landscaping and highway infrastructure - Approved.

16/00780/AOP:- Outline application with access to be considered and all other matters reserved for the demolition of 95 Aylesbury Road and the erection of 50 dwellings with access, parking, amenity space, formal and informal open space, footpath links, landscaping, drainage and all ancillary works on land to the rear of 93 Aylesbury Road - Approved.

15/01395/AOP:- Outline application with access to be considered and all other matters reserved for the demolition of 95 Aylesbury Road and the erection of 50 dwellings with access, parking, amenity space, formal and informal open space, footpath links, landscaping and all enabling works - Refused.

5.0 PARISH/TOWN COUNCIL COMMENTS

- 5.1 Aston Clinton Parish Council:- Objects to this application on the following grounds: *'With the VALP in its final stages and the adopted Aston Clinton Neighbourhood plan being part of the local statutory development plan which forms the basis for determining planning applications, the proposed development would be contrary to both plans in terms of sustainability. Further, given the fact that the Local Planning Authority can demonstrate a 5 year housing land supply paragraph 11 d of the NPPF is not engaged. Due to the village having high existing completions/commitments and no additional school capacity (as stated in the VALP) and no further capacity to accommodate housing growth, the VALP identifies a provision for 627 dwellings in Aston Clinton which have already been met by approved completions/commitments. There is no unmet housing need in Aston Clinton. However, the Aston Clinton Neighbourhood Plan (ACNP) supports growth for appropriate developments of 5 or less dwellings on infill and/or redevelopment sites located within the settlement boundary Policy H2. The proposed development, although falling within the settlement*

*boundary, is for more than the 5 dwellings and therefore contrary to the ACNP.
If the application is considered by Committee, the Parish Council wishes to speak'.*

The Parish Council's full representations are appended at the end of this report.

6.0 CONSULTATION RESPONSES

- 6.1 Buckingham and River Ouzel Drainage Board: Raised no comments.
- 6.2 Ecologist: No objection subject to condition securing the delivery of mitigation and measures outlined within the Preliminary Ecological Appraisal. Not a reasonable likelihood of protected and priority habitats or species being affected by this development.
- 6.3 Recycling and Waste Officer: Raised no comments
- 6.4 Environment Agency: Have advised that they do not wish to be consulted on this application.
- 6.5 BCC Highways: Raised no objection subject to conditions. The development would seek to utilise the access road built to serve the aforementioned 50 dwellings (16/00780/AOP). The additional movements can be safely accommodated via the access road and corresponding junction with Aylesbury Road. Whilst it is noted that AVDC waste collection team utilise larger vehicles than the tracking plan shown, BCC Highways are satisfied that there is adequate space within the site for larger vehicles to manoeuvre and therefore no further information is required.
- 6.6 Protected Species Officers: No objection subject to informative relating to Great Crested Newts. There is not reasonable likelihood of protected habitats or species being affected by this development. There is a single pond on site, however this is deemed to have negligible potential of great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017.
- 6.7 Parks and Recreation: As this application site has been deemed cumulative to the adjacent site (16/00780/AOP), an off-site financial contribution in lieu of on-site sports and leisure facilities would be appropriate in this case and amount to £25,987.50. Discussions with take place with Aston Clinton Parish Council to identify an appropriate sport/ leisure project to assign this contribution towards.
- 6.8 BCC Archaeology: Welcome the submission of a desk-based assessment, which indicates the proposal being within pre-historic, Roman and medieval landscapes and various features. Recommends a condition securing archaeological trial trenching to ascertain the buried archaeological significance and extent.
- 6.9 Environmental Health: Raised no comments
- 6.10 Lead Local Flood Authority: No comments received.
- 6.11 Strategic Access Officer: Raised no comments from a rights of way perspective.
- 6.12 Arboricultural Officer: No objection subject to condition. The proposal requires the removal of the vast majority of the tree stock within the site. Although the trees are largely of small scale and limited individual quality they are considered to have significant cumulative values. Proposed landscaping details have been provided and, despite issues with species choices, planting locations and spacing, have demonstrated that commensurate replacement provision is feasible.
- 6.13 AVDC Affordable Housing: The development would be deemed to be cumulative to 16/00780/AOP

thus 2 affordable units would need to come forward as part of this development in order to provide 30%. An affordable housing plan was submitted, showing two ownership units. Whilst it is desirable to the Local Planning Authority that these units come forward as affordable rented, it is noted that this would tip the percentage of rented units of 75%. Although a mix could be pursued, from experience having one rented and one shared ownership is not attractive and would limit or indeed prevent Registered Partners from making offers.

- 6.14 Education: Confirmed that financial contributions towards the expansion of the existing primary and secondary school provision serving the development is required to mitigate its impact as both schools are currently at capacity. The contribution cost is based on number of units and bedrooms in relation to the provision type (primary and secondary).
- 6.15 SUDS: Objects due to insufficient information regarding the proposed surface water drainage scheme. Request further information regarding management of surface water in the form of a comprehensive Drainage Strategy and accompanying Drainage Statement. The site falls within Flood Zone 1 and the Environment Agency Map shows the site lies in an area of very low risk of surface water flooding. The water table is anticipated to be within 3m of the ground surface and therefore may impact upon subsurface components. The method of surface water drainage does not comply with the drainage hierarchy nor has the applicant demonstrated permission for the proposed connection. At present the method of surface water disposal has not been demonstrated for this site. The LLFA are pleased that permeable paving has been incorporated. The applicant is required to provide an indicative drainage layout. The application requires further details, including calculation regarding surface water management.

7.0 REPRESENTATIONS

7.1 11 Representations were received raising the following objections:

- The district has a five year land supply
- Application is contrary to policy H2 of ACPNP
- Impact on ridge and furrow on site and reference to other appeals relating to this matter
- Land should be protected due to its historical significance.
- Increased traffic
- Another poor use and application of development in the area, it will not bring much economic growth to the village
- Inadequate parking facilities for the housing
- Aston Clinton has no more need for any more housing.
- Village is becoming a victim of an oversupply of non-affordable housing
- Excessive and rapid growth of housing in Aston Clinton has been unsustainable causing overload of services and social infrastructure and other issues.
- Highway is insufficient for additional development/ road to be added. The access road is too narrow and in the widest parts leading up to the proposed development.
- Existing parking issues in area
- A number of trees will also need to be removed which is surely cause for concern, and they have TPOs.
- Countryside and wildlife is being destroyed by these developments.
- Reference to other applications and appeals

8.0 EVALUATION

8.1 **a) The planning policy position and the approach to be taken in the determination of the application**

8.2 Members are referred to the Overview Report before them in respect of providing the background information to the Policy. The starting point for decision making is the development plan, i.e. the

adopted Aylesbury Vale District Local Plan (and any 'made 'Neighbourhood Plans as applicable). S38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF.

8.3 **Development Plan** Neighbourhood Plan

8.4 It is noted that Aston Clinton is covered within a designated Neighbourhood Plan Area within the Aston Clinton Parish Neighbourhood Plan (ACPNP) which was made on 08th August 2018. A number of ACPNP are relevant to this application and will be considered in the following evaluation:

- Policy HQD1: High Quality Design
- Policy HQD2: High Quality Design
- Policy H1: Settlement Boundary
- Policy H2: Housing Development
- Policy H3: Affordable Housing
- Policy H5: Mix of Housing
- Policy T1: Traffic Mitigation
- Policy EN1: Development Impact on Biodiversity
- Policy EN2: Protecting Biodiversity
- Policy EN4: Abating Flood Risk

Aylesbury Vale District Local Plan (AVDLP)

8.5 A number of saved policies within the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP2, GP8, GP24, GP35, GP38 - GP40, GP45, GP86-GP88 and GP94.

Emerging policy position in Vale of Aylesbury District Local Plan (draft VALP)

8.6 A number of policies within the VALP (as modified October 2019 – all references to VALP hereafter refer to this edition) following the main modification consultation which started on the 5th November 2019, are now afforded some weight in the decision making process. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of particular relevance are S2 Spatial Strategy for Growth, S5 Infrastructure, S3 Settlement Hierarchy and Cohesive Development, D3 Proposals for non-allocated sites at strategic settlements, larger villages and medium villages, H1 Affordable Housing, H6a Housing Mix, H6c Accessibility, T1 Delivering the Sustainable Transport Vision, T5 Delivering Transport in New Development, T6 Vehicle Parking, T7 Footpaths and Cycle Routes, T8 Electric Vehicle Parking, BE1 Heritage Assets, BE2 Design of New Development, BE4 Density of New Development, NE1 Biodiversity and Geodiversity, NE4 Landscape Character and Locally Important Landscape, NE7 Best and Most Versatile Agricultural Land, NE8 Trees, Hedgerows and Woodlands, C4 Protection of Public Rights of Way, I2 Sports and Recreation, I3 Community Facilities, Infrastructure and Assets of Community Value, I4 Flooding. Policies S1 Sustainable Development for Aylesbury Vale and BE3 Protection of the Amenity of Residents have been the subject of objections and the Inspector has not requested main modifications so these can be regarded as resolved and these policies can be given considerable weight. The remainder of these policies have been the subject of objections and the Inspector requested main modifications and confirmed that he is satisfied they remedy the objection, so these can be given moderate weight. Finally, policy T4 Capacity of the Transport

Network to Deliver Development can only be given limited weight as it is a new and untested policy which was introduced by a modification and therefore subject to consultation.

8.7 Policy S1 (Sustainable Development for Aylesbury Vale) within the emerging VALP which is currently being afforded considerable weight states *'All development must comply with the principles of sustainable development set out in the NPPF. In the local context of Aylesbury Vale this means that development proposals and neighbourhood planning documents should: Contribute positively to meeting the vision and strategic objectives for the district set out above, and fit with the intentions and policies of the VALP (and policies within neighbourhood plans where relevant). Proposals that are in accordance with the development plan will be approved without delay, unless material considerations indicate otherwise. The Council will work proactively with applicants to find solutions so that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*. The proposed development will be assessed in detail below, under the relevant sections to see whether the proposed development accords with the NPPF principles of sustainable development.

8.8 **b) Whether the proposal would constitute a sustainable form of development**

- **Sustainable Location**

8.9 The Government's view of what "sustainable development" means in practice is to be found in paragraphs 7 to 211 of the NPPF. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

8.10 It is acknowledged that the NPPF promotes sustainable development and encourages consolidation of smaller rural settlements where it will enhance or maintain the vitality of rural communities. In terms of its broader location, Aston Clinton is identified in AVDLP as an Appendix 4 settlement implying that this is considered to be appropriate to allow "limited small scale development" within the settlement.

8.11 In the Settlement Hierarchy Assessment 2017, Aston Clinton is identified as a 'larger village'. Larger Villages are typically defined as having a population of between 2,000 and 3,000 and have between 8 – 10 of the key criteria (within 4 miles of a service centre, employment of 20 units or more, food store, pub, post office, GP, village hall, recreation facilities, primary school, hourly or more bus service and train station). Aston Clinton itself has been identified as having a larger population and near to the large service centres of Tring and Aylesbury (3 to 4 miles away). Aston Clinton is also very close to the A41 connecting Aylesbury and Hemel Hempstead, has an hourly or more bus service and is near to several large employment sites. On this basis, it is therefore accepted that Aston Clinton is a more sustainable location with scope for small scale development subject to the scale of growth that could reasonable be considered sustainable not only in terms of its impact on the localised site and surrounding but also in terms of the wider capacity of the village to accept further population growth, having regard to its impact on the infrastructure and local services and the community itself.

8.12 As defined by Aston Clinton Parish Neighbourhood Plan (ACPNP), the application site falls within the defined settlement boundary of Aston Clinton. Policy H1 of the ACPNP supports infill development within the settlement boundary where it accords with other design and development management neighbourhood plan policies.

8.13 Policy H2 of the ACPNP should be read in conjunction with policy H1 of the ACPNP and states that to provide for sustainable housing growth, developments of 5 or less dwellings on infill and/or redevelopment sites will be supported if they are located within the settlement boundary and

accords with the design and development management policies. The scheme would provide seven new dwellings. The adopted ACPNP is part of the development plan and given full weight in the determination of the application. The proposed dwellings are to be sited adjacent to the nearly completed residential development (16/00780/AOP) located to the north-east of the application site with existing residential properties situated along Aylesbury Road to south-east and west of the application site. The only boundary of the site which adjoins the open-countryside is the north-western boundary. The proposal will retain the existing north-western boundary with open countryside, consistent the residential development for application (ref: 16/00780/AOP). As such, the site is considered to constitute infill development within the existing built-up limits of the settlement. Whilst it is acknowledged that policy H2 of the ACPNP provides affirmative support for schemes of five or less dwellings within the defined settlement boundary, Officers do not consider policy H2 to expressly preclude schemes in excess of five dwellings.

- 8.14 Policy H2 is worded positively in accordance with the requirements of paragraph 16 (b) of the NPPF, which requires plans to be prepared positively, in a way that is aspirational but deliverable. Notably, policy H2 contains no maximum thresholds expressly limiting developments of over 5 dwellings, it purely supports developments of 5 or less. Notwithstanding the quantum of development, any proposal would need to be considered against the design and development management policies including an assessment of any harm arising from the development in that regard. Officers therefore consider that there is no conflict with policy H2 with regard to the quantum of the development provided that the proposal would accord with the design and development management policies. Further consideration into the design and development management policies will be considered later in the report below.
- 8.15 The site is shown in the HELAA as forming part of a larger parcel as land, referred to as Land north of Aylesbury Road/ south of the A41 (Ref: AST024) and was identified within the HELAA as being part suitable, however the site falls outside of the land allocated within the emerging VALP.
- 8.16 In accordance with paragraph 30 of the NPPF, once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in the local plan covering the neighbourhood plan area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are subsequently adopted. Within the supporting text of the emerging VALP, paragraph 1.25 identifies all policies within Chapter 3 and Chapter 4 of VALP as strategic policies including a number of other specifically identified policies. Emerging policy D3 (Proposals for non-allocated sites at strategic settlements, larger villages and medium villages) of VALP falls within Chapter 4 of VALP and therefore would be considered a strategic policy. Whilst this is noted, to date, emerging policy D3 of VALP has not been adopted. Consequently, policy H2 of the ACPNP will take precedence in the determination of this application. Furthermore, paragraph 30 of NPPF only gives precedence to strategic and non-strategic local plan policies which are subsequently adopted, when there is a conflict between neighbourhood and local plan policies. However, as there is no direct conflict between the policies themselves within the neighbourhood plan or the local plan, policy D3 would not be engaged and is not applicable in this instance.
- 8.17 Overall, it is therefore accepted that Aston Clinton as a larger village is a more sustainable location to accommodate new development. The site is located within the defined settlement boundary of Aston Clinton and given quantum of development sought (seven dwellings) and its location to the development approved under 16/00780/AOP the proposal would constitute in-principle small-scale infill development. However, consideration needs to be given to the design and development management policies within the Aston Clinton Parish Neighbourhood Plan and all material planning considerations, the specific merits of the scheme and the application site itself, rather than Aston Clinton as a whole.
- 8.18 The detailed issues are considered in more detail under the headings below.

- **Building a strong, competitive economy**

- 8.19 The Government is committed to securing and supporting sustainable economic growth and productivity, but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.20 There would be economic benefits derived from this development in terms of the construction of the development itself and the resultant increase in population contributing to the local economy. These benefits include the creation of jobs during construction, extra demand for goods and services and increased local spending from the resultant increase in population, which would be positive and long lasting to the local economy. It is therefore considered that the proposal would give rise to future economic benefits and therefore would accord with the advice within the NPPF.

- **Delivering a sufficient supply of homes**

- 8.21 Local planning authorities are charged with delivering a wide choice of sufficient amount of and variety of land and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development. In supporting the Government's objective of significantly boosting the supply of homes, paragraph 61 states that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). Key to the consideration of this point is the use of local housing needs assessment targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land.
- 8.22 Based on the findings of the HEDNA, the housing land supply document shows Aylesbury Vale District Council to have a 5.64 year supply this year. Work is ongoing towards revising this calculation in accordance with the new NPPF and early indications are that the council still maintains over 5 years supply.
- 8.23 As a result of the proposed development, the scheme would provide a contribution of 7 dwellings to the housing supply for the District, a significant benefit which is tempered by the relatively small scale nature of this development and would assist in boosting the District's housing supply. It is considered that the scheme could be delivered within a reasonable time, subject to approval due to the scale of the development being sought.
- 8.24 As outlined in policy GP2 of AVDLP, the provision of affordable housing is required for development of 25 dwellings or more or with a site area of 1 ha or more. Whereas Policy H3 of ACPNP and emerging policy H1 of VALP requires 25% affordable housing for developments of 11 or more dwellings. In addition to this, the revised NPPF introduced a requirement for 10% of the homes to be available for affordable home ownership on major housing developments (10 or more dwellings).
- 8.25 Whilst it is acknowledged that the proposed development of 7 dwellings falls below these thresholds, the proposed development is considered to be cumulative development to the new residential development located to the north-east of the site, and therefore affordable housing would be required. The proposed development is considered to be cumulative as it has been

submitted by the same applicant and seeks to utilise the same access, Hyde Street off Aylesbury Road. This associated development of 50 dwellings was granted approval as part of applications 16/00780/AOP and 18/01316/ADP. As part of this current application, two dwellings (Plots 5 & 6) are shown to be shared ownership properties (affordable homes). Whilst it would have been desirable to the Local Planning Authority to have these units as affordable rented units, it is acknowledged that cumulatively this would result in the percentage of rented units exceeding 75%. Although the Local Planning Authority could pursue a mix of one rented and one shared ownership property, the Council's Affordable Housing Officer has advised that in their experience the Council's partner Registered Providers consider two tenures in adjacent semi-detached properties to not be attractive and would limit, or indeed prevent Registered Providers from making an offer. As such, in this instance, two shared ownership properties of the house types indicated (2 bedroom property) would be acceptable.

- 8.26 With regard to the mix of housing, policy H5 of the ACPNP states '*proposals should set out how they have considered housing mix and those that will provide a mix of housing types to include 1,2 and 3 bedroom dwellings will be supported*'. The proposed development comprises of a housing mix of 3x 4 Bedroom (Plots 1, 2 & 3), 2x 3 Bedroom (Plots 4 & 7) and 2x 2 Bedroom (Plots 5 & 6). A variety of houses has been provided and therefore housing mix shown is considered to be acceptable.
- 8.27 Overall, the proposed development is considered to accord with policies H3 and H5 of the ACPNP, policy GP2 of the AVDLP and the advice within the NPPF.

- **Making effective use of land**

- 8.28 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.
- 8.29 Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should taking into account of the importance the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 8.30 Policy BE4, Density of new development, of the emerging VALP states that *proposed densities of developments should generally constitute effective use of the land and reflect the densities of their surroundings , and will be appraised on a site-by-site basis to ensure satisfactory residential amenity.*
- 8.31 The proposed development seeks the erection of 7 dwellings on the residential gardens associated with No.93 and No.93a Aylesbury Road in Aston Clinton contributing to the Districts housing. As outlined within the supporting information, the site area measures 0.26 hectares and therefore the proposal would provide a density of approximately 27 dwellings per hectare. It is noted that this is an increase in density when compared to the new residential development to the north-east of the application site which has density of approximately 23 dwellings per hectare, however it is considered that the density shown would be broadly reflective of the site's surroundings. The proposal can thus been seen as supporting the Government's objective to make effective use of land. The need to consider the prevailing character and setting, promoting sustainable transport, conserving and enhancing the natural and historic environment, securing well designed, attractive and healthy places, adequate amenity and meeting climate change is dealt with in the following section(s) of the report.

8.32 As such, the proposal is considered to represent an effective use of land which accords with policy BE4 of the emerging VALP and therefore accords with the advice within the NPPF.

- **Conserving and enhancing the natural environment**

Landscape:

8.33 In terms of consideration of impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Regard must be had as 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 and preventing any adverse effects of pollution, as required by the NPPF. The following sections of the report consider the proposal in terms of impact on landscape, agricultural land, trees and hedgerows and biodiversity.

8.34 Section 15 of the NPPF states planning policies and decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

8.35 Policy HQD1 of ACPNP states *“All development in the Parish should be of high quality design and a good standard of amenity for all existing and future occupants and should reflect the attractive vernacular of Aston Clinton, and be in keeping with local character. To achieve this, development proposals will be supported, provided: i) Their scale, density, height, massing, landscape design, layout and materials, including alterations to existing buildings, have understood and reflected the character and scale of the surrounding buildings and of distinctive local landscape features; and ii) Landscape schemes for housing include the planting of trees and/or hedges and the provision of private amenity space to the front and/or rear;”*

8.36 Policy GP.35 of the AVDLP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. This policy is considered to be consistent with the NPPF.

8.37 Policy GP.38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible.

8.38 Also of relevance is Policy BE2 – Design of new development, of the emerging VALP which sets out that all new proposals shall respect and complement:

- a) The physical characteristics of the site and its surroundings including the scale and context of the site and its setting
- b) The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials
- c) The natural qualities and features of the area, and
- d) The effect on importance public views and skylines

8.39 In addition policy NE4 – Landscape character and local important landscape, states 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. The policy goes on to set out a number of criteria that development should consider, this includes (but not limited to)

- a) Minimise impact on visual amenity
- b) Be located to avoid the loss of important on-site views and views towards important landscape features
- c) Respect local character and distinctiveness in terms of settlement form and field pattern, topography and ecological value
- d) Ensure that the development is not visually prominent in the landscape

8.40 The site abuts the northern edge of Aston Clinton village and currently forms part of the garden land associated with No.93 and No.93a Aylesbury Road in Aston Clinton. The site is enclosed on three sides by existing residential development, with north-western boundary of the site adjoining the open countryside.

8.41 The site also lies within the Southern Vale Landscape Character Area (LCA), an area assessed as being of moderate sensitivity and generally poor condition with guidelines to "restore and enhance" the landscape characteristics of the area. This area is characterised by *'large areas of low lying vale landscape with limited topographic variation and containing transport corridors and large villages that due to the open nature and the urban edge of Aylesbury break down the rural character'*.

8.42 The proposed development would comprise of the development of garden land therefore it is inevitable that the proposed development would have an impact upon the character and appearance of the site itself and its immediate environs. The proposed development would result in infill development at the edge of Aston Clinton's settlement, retaining the current boundary between the settlement and open countryside to the north-west of the site.

8.43 The revised site layout shows the provision of 7 dwellings fronting the proposed new carriageway off Hyde Street with a turning head adjacent to the boundary which adjoins the open countryside. The layout shown is considered to be reflective of the new residential development which has largely been completed to the north-east of the application site.

8.44 Mitigation has been designed into the proposal with the retention and enhancement of the existing north-western boundary hedgerow which demarks the edge of Aston Clinton's settlement and the open countryside beyond. Amended plans were received as part of this current application, setting the built form in from the boundaries of the site, bolstering the existing north-western hedgerow to 3 metres and removing this important hedgerow from private ownership. This mitigation, in particular the bolstering of the north-western hedgerow will help to soften views of the proposed development and to integrate it into the wider landscape to Aston Clinton.

8.45 Overall, it is considered that the whilst the proposal would cause adverse harm to the landscape character and visual amenity, this harm would be relatively localised and reasonably limited. The proposed development is therefore considered to accord with policies HQD1 and HQD2 of the ACPNP, policies GP35 and GP38 of AVDLP, policies BE2 and NE4 of the emerging VALP and the advice within the NPPF.

Trees and Hedgerows:

8.46 Policies GP.39 and GP.40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.

- 8.47 Policy EN1 of the ACPNP seeks the retention of trees and hedgerows. However it acknowledged that where their retention is unavoidable, replacement trees and hedgerows must be provided, such that no overall loss arises.
- 8.48 This application was accompanied by an Arboricultural Impact Assessment which identifies the existing soft landscaping within the application site and the level of landscape to be removed in order to accommodate the proposed development. The Arboricultural Officer has advised that there are concerns with the cumulative impact of amount of soft landscaping to be removed and some of the details relating to the spacing of trees and emphasis on rear garden/ boundary planting. Whilst this is noted, as part of the revised layout sufficient information has been received to demonstrate that commensurate replacement planting is feasible. As such, the Arboricultural Officer raises no objection to the scheme subject to conditions ensuring tree protection measures and a revised landscaping scheme.
- 8.49 Furthermore, the landscaping to be removed forms part of the residential gardens associated with the host dwellings and therefore could be removed at any point as they are not protected. A number of concerns have been raised by third party representations with regard to some of the affected trees being protected by Tree Preservation Orders (TPOs). The nearest trees protected by TPOs are located along the frontage of Aylesbury Road and as such, the trees affected by the proposed development are not protected. As such, it is considered that subject to further details being provided which can be secured through a condition, the scheme would comply with policy EN1 of the ACPNP, policies GP39 and GP40 of AVDLP and the advice within the NPPF.

Biodiversity/Ecology

- 8.50 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.
- 8.51 Policy EN2 of the ACPNP states: *“To avoid impacts on and to provide net gains in biodiversity, development should:*
- i) Safeguard designated sites, protected species and habitats, ancient or species rich hedgerows, grasslands and woodlands; and*
 - ii) Provide measures to mitigate any adverse effects of development on biodiversity by providing a biodiversity net gain; and*
 - iii) Where possible and appropriate, provide sustainable drainage facilities and a restrictive use of storage lagoons or similar retentive systems discharging to surface water receptors”.*
- 8.52 This is also required within policy NE1 of the emerging VALP.
- 8.53 This application was supported by a Preliminary Ecological Appraisal. The Council’s Ecologist concurs with justification provided that the orchard trees and garden pond do not meet the criteria for priority habitats. The submitted appraisal does outline that the local data search has revealed records of Great Crested Newts in ponds/waterbodies within a 1km radius of the proposed development. Whilst this is noted, the pond on site is isolated from other waterbodies and there are limited dispersal opportunities for Great Crested Newts to the on-site pond due to distance, a lack of connectivity and low suitability habitat on site. As such, the Council’s Ecologist have advised that there is not reasonable likelihood of protected and priority habitats or species being affected by the proposed development. A number of mitigation and enhancement measures have been suggested within the Appraisal which are considered to be acceptable and can be secured via a condition. These measures are as follows:

- Where practically possible, retain and protect existing trees

- Where removed, trees to be replaced on a 'like for like' basis particularly with regard to the fruit trees.
- Recommend hedgerow to the west is protected and retained. Any new hedgerow planting should be of a native species.
- New areas of garden planting should be designed, planted and managed to maximise their value on wildlife (a key element of this would be the species used).
- It is recommended that the pond is drained and cleared in a careful and controlled manner during the autumn and not undertaken in temperatures below freezing. Existing aquatic vegetation should be removed and temporarily placed in an undisturbed area of the garden to allow any remaining animals to disperse.
- It is recommended that the wood from the removed fruit trees from within The Stables is moved and set vertically within a secluded area of the site in order to preserve the dead wood habitat and any invertebrates that may be using the habitat. It is recommended that two additional log piles are created within the same area.
- The regime of vegetation clearance to remove woody vegetation should ideally commence between September and February to avoid the bird breeding season (March-August). If cleared during this time Ecologists should be appointed to assess any risk and to ensure compliance with the legal protection to nesting birds.
- Erection of Bird Nesting Boxes, in particular, on the building integrated bird boxes.
- At least 50% of the new dwellings will contain integrated Bat Tubes.
- Any garden fences or walls erected within the development are made permeable for hedgehogs.

8.54 The proposal is therefore considered to accord with policy EN2 of the ACPNP and Policy NE1 of the emerging VALP as well as the advice within the NPPF.

- **Promoting sustainable transport**

8.55 It is necessary 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. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or 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 cost effectively mitigated to an acceptable degree. Paragraph 109 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.

8.56 Policy T1 of the ACPNP states: *'Development proposals will need to demonstrate that appropriate site access and traffic mitigation can be delivered in order to minimise any significant adverse impacts on the highway network arising from the new developments'*.

8.57 As outlined above, Aston Clinton itself is considered to be one of the more sustainable settlements within the District given the services and facilities it offers, its proximity to large service centres and employment areas and its existing public transport provision. The site is particularly located within close proximity to Aylesbury Road, a main arterial road through the village. Within reasonable walking distance, the site has pedestrian access to Aston Clinton's services and facilities with footpaths located along Hyde Road and Aylesbury Road. Furthermore, with regard to public transport, Aston Clinton is served by a range of bus services which connect Aston Clinton to the

main service centres, with bus stops being located a short distance from the site. As such, the site is considered to be sited in a sustainable location in transport terms.

- 8.58 This application seeks a new access off Hyde Park in Aston Clinton. Hyde Park road which is accessed off Aylesbury Road received permission as part of application 16/00780/AOP to serve the erection of 50 new dwellings (residential development to north-east of the site), to which the Highway Authority did not object. This current proposal for the provision of 7 dwellings has the potential to generate between 28-42 two-way daily vehicular movements onto the local highway network. These vehicular movements have been assessed by the Buckingham County Council's Highway Engineer who has advised that these additional movements can be accommodated safely via Hyde Road and the corresponding junction with Aylesbury Road.
- 8.59 Furthermore, the submitted refuse vehicle tracking plan shows a vehicle measuring 10.9m, however the AVDCs waste collection team use refuse vehicles which measure over 11m. Whilst this is noted, BCC Highways Engineer has advised that there is adequate space within the site for private cars and refuse vehicles to turn and egress in forward gear and therefore it is not necessary in this instance to require any further details in respect of this matter. BCC Highways are therefore content that the proposed access and manoeuvrability arrangements are acceptable and would not result in unacceptable levels of traffic.
- 8.60 Overall, the application site is located within a sustainable location from a transport perspective and BCC Highways have not raised any objections with regard to the safety, access or manoeuvrability within the site. The proposed development is therefore considered to accord with policy T1 of the ACPNP and the advice within the NPPF.

Parking

- 8.61 Policy HQD1 of ACPNP states '*All development in the Parish should be of high quality design and a good standard of amenity for all existing and future occupants and should reflect the attractive vernacular of Aston Clinton, and be in keeping with local character. To achieve this, development proposals will be supported, provided... iii) They make provision for off-street car parking spaces in accordance with adopted standards, unless a clear case can be made for why the proposal will result in fewer spaces being required;*'
- 8.62 AVDLP policy GP24 requires that new development accords with published parking guidelines. SPG 1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development. Also of relevance is policy T5 of the emerging VALP sets out optimum standards for parking.
- 8.63 The proposed development seeks the erection of 7 dwellings varying from two bedrooms up four. In accordance with the SPG 1 "Parking Guidelines" properties comprising of three bedrooms require two spaces, with four bedroom properties requiring three parking spaces to be provided within the curtilage of the dwelling it serves. Within the standards, two bedroom properties are required to either have one space where communal parking is provided with one visitor space per two dwellings or two spaces where communal spaces are not to be provided. The submitted plans show three parking spaces serving each of the four bedroom properties (Plots 1, 2 & 3). These spaces are laid out in a triple tandem arrangement, with one space being provided in the form of a garage. Where possible, the Local Planning Authority avoids the use of triple tandem arrangements for practicality reasons and whilst not ideal, similar arrangements could be found on the new development to the north-east of the site which the Local Planning Authority considers this development to be cumulative to. As such, it is considered that in this instance this matter could not be pursued any further and this alone would not be a sufficient reason to warrant the refusal of the application.

- 8.64 With regard to electric vehicle charging points, the agent has confirmed their intentions are to *'undertake new capacity checks to assess the KVA capacity of the network. If there is sufficient capacity, we will ensure that the properties are wired to enable electric car vehicle charging. The purchasers can then in future install the charging point that corresponds with the product type they require'*.
- 8.65 The remaining plots (4, 5, 6 & 7) provide the required number of spaces for the size of the properties they serve and are laid layout satisfactorily. Overall the parking scheme shown is considered to comply with the aims of policy HQD1 of the ACPNP, policy GP24 of AVDLP and the advice within the NPPF.

- **Promoting healthy and safe communities**

- 8.66 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and 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 designation of local spaces. Policies GP86-88 and GP94 of the Local Plan seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development.
- 8.67 A financial contribution towards off-site sport and leisure provision and education would be necessary and will be secured via an obligation within a Section 106 Agreement. Furthermore, as part of application 16/00780/AOP, which this application seeks to be cumulative development to, concerns were also raised by third party representations regarding the capacity of local health services. NHS England were consulted as part of this associated, earlier outline approval with the previous Officer's report summarising their comments as follows. *"NHS England have been consulted in this regard and advise that the existing practice (the Westongrove Practice) has sufficient capacity to absorb the increase in population that would result from this development. It is noted that the Aston Clinton surgery forms part of a partnership with two other surgeries (located at Bedgrove and Wendover, 3.7km and 4.2km away respectively) which are both reasonably proximate to the site for such facilities which may not always be within walking distance. It is therefore considered there is adequate provision in the area such as not to warrant refusal of the application on grounds of lack of access to such facilities"*. Given contributions towards health were considered not required at the time of application 16/00780/AOP, to which this current application is associated with, it is considered that the provision of a small number of additional units (7) would not result in a significantly higher demand on health services when compared to application 16/00780/AOP to now warrant contributions towards health. Furthermore, officers are of the opinion that since the provision of health facilities is normally within the remit of the NHS, and to date the CCG or NHS Trust have not satisfied the CIL regulations test it is not considered that it would be appropriate to seek to secure contributions.
- 8.68 Subject to the satisfactory completion of a S106 securing this provision the proposed development would accord with policies GP86-88 and GP94 of AVDLP and the advice within the NPPF.

- **Achieving well-designed places**

- 8.69 The NPPF in section 12 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.

- 8.70 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).
- 8.71 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. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.
- 8.72 There are a number of policies within the ACPNP which relate to design, Policy HQD1 requires *'all development in the Parish should be of high quality design and a good standard of amenity for all existing and future occupants and should reflect the attractive vernacular of Aston Clinton, and be in keeping with local character. To achieve this, development proposals will be supported, provided: i) Their scale, density, height, massing, landscape design, layout and materials, including alterations to existing buildings, have understood and reflected the character and scale of the surrounding buildings and of distinctive local landscape features'* with policy HQD2 stating that *'proposals for housing should include: i) Well designed modern housing, which should integrate with, and compliment, the village; and ii) Materials should, where appropriate, reflect the local vernacular; and iii) Buildings should not exceed two storeys, unless it can be demonstrated that it would be in keeping with its surroundings and not appear incongruous'*.
- 8.73 Policy GP.35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP.45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site.
- 8.74 Policy BE2 – Design of new development, of the emerging VALP also sets out how development proposals should respect and complement a number the site and its surroundings.
- 8.75 The proposal seeks frontage development along a new access road off Hyde Street and are set back to allow for small front gardens to the front of each of the properties. Parking is shown to be located to the side of the dwellings with a number of the properties being served by detached single garages. The layout shown also enables the retention and reinforcement of the existing north-eastern and western boundaries, in particular the boundary adjacent to the open countryside (north-western). As a result of the proposed development, the north-west boundary is to be bolstered to 3m which is necessary mitigation due to this boundary forming the sensitive rural edge of the settlement. As such, it is considered that there would be adequate circulation space between the proposed properties to ensure proposed development does not constitute an overdevelopment of the site.
- 8.76 The proposed development would comprise of a number of house types, including detached, semi-detached and terrace properties which offer a degree of variety in terms of architectural styles which draw upon characteristics found within the local area, largely reflecting the properties currently under construction to the north east. This shared approach to the design and layout of proposal with the properties to the north-east of the site is welcomed as it allows for a cohesive

development overall. The proposed dwellings would have ridge heights of between 5.5 and 9.1m. The slight variation within the properties proposed include ditched dormer windows within the eaves of the roof, flat roof canopies to the front of the properties, properties with front facing gables, pitched roof canopies over the front doors and two-storey rear projections, all of which add interest to the local streetscene. The supporting information advises that the properties are to be constructed with either concrete plain tiles or slates for the roof and red bricks. Small amounts of render is shown with the detached garages shown to constructed with black stained timber clad.

8.77 Overall, the general layout, design and appearance is considered to respond the new residential development located to the north-east of the site and therefore the development is considered to reflective and integrate satisfactorily with the character and appearance of the local area. The proposal is therefore considered to accord with policies HQD1 & 2 of the ACPNP, policies GP35 and GP45 of AVDLP and the advice within the NPPF.

- **Meeting climate change, flooding and coastal change**

8.78 The NPPF at Section 14, 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 163 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.

8.79 Policy EN4 of the ACPNP states "all development proposals with flood risk implications should:

- Demonstrate that flood risk is not increased elsewhere; and*
- Ensure that surface water run off does not exceed the existing rate using sustainable drainage and permeable paving and surfacing; and*
- Be sited in areas of the least flood risk".*

8.80 Emerging policy I4 of VALP also seeks the provision of flood risk assessments, where appropriate, the management of flood risk and the provision of sustainable drainage systems (SuDS).

8.81 The application site is located within Flood Zone 1 thus having a low probability of flooding with the Environment Agency Flood Map for Surface Water showing the site to lie within an area of very low risk of surface water flooding. The Infiltration SuDS Map anticipates the water table to be within close proximity of the ground surface and therefore this may impact upon any subsurface components. Within the accompanying Design and Access Statement it is advised that the drainage strategy for the site '*relies upon storage within permeable paving to control surface water runoff rates and provide filtration to maintain water quality. It will then drain into a control chamber before discharge into the storm sewer along Hyde Street. Foul drainage will connect into the newly laid foul network along Hyde Street, with the use of a package pump station given the levels across the site*'.

8.82 As part of this application the Lead Local Flood Authority (LLFA) were consulted and raised objections to the proposed development due to insufficient information regarding the proposed surface water drainage scheme. The LLFA has advised that 'storm sewer' referred to in the submitted Design and Access Statement would in fact be a Thames Water foul sewer network and therefore the proposal would not comply with the drainage hierarchy as foul sewers are not included. Furthermore, the applicant has not demonstrated that permission for the connection to the sewer has been obtained and therefore the LLFA consider that at present, a method of surface

water disposal has not been demonstrated for this site. Ground investigations are also sought prior to the determination of this application to assess the infiltration potential of the site, due to the anticipated high levels of groundwater. If infiltration is found not to be feasible, the applicant will need to demonstrate an alternative discharge method and may wish to explore a connection to one of the nearby watercourses, with written permission to demonstrate a lifetime connection to serve the development.

- 8.83 The LLFA welcome the use of permeable paving which has been incorporated within the design of the proposed development, however an indicative drainage layout is required to demonstrate connectivity between the dwellings and the drainage components until the point of discharge. Calculations are also required in respect of storm events, including climate change storm events, details of critical storm durations and how the system will function during different storm events. If flooding occurs within the climate change storm event, details would be required in terms of where this will occur and the volume of flooding.
- 8.84 Overall, although the applicant has currently not been able to demonstrate a viable surface water drainage scheme, there are a number of options which can be explored and therefore it is likely a suitable surface water drainage scheme could come forward. Consequently, whilst noting the concerns of the LLFA, it is considered that a condition could be imposed requiring a surface water drainage scheme to come forward prior to the commencement of works and therefore Officers do not consider a reasons for refusal on this matter alone could be sustained in this instance. In addition to the details provided within the Design and Access Statement, a drainage strategy layout for the site was submitted, however this layout was based on earlier layout and therefore is not reflective of the layout currently shown. This would therefore be resolved as part of the details to be submitted as part of condition suggested above. Subject to a condition of this nature, the proposal is considered to accord with policy EN4 of the ACPNP, emerging policy I4 of VALP and the advice within the NPPF guidance.

- **Conserving and enhancing the historic environment**

- 8.85 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving the Listed Building, its setting and any features of special architectural or historic interest in which it possesses. In addition to paying attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 8.86 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. With paragraph 194 stating any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Paragraph 196 states 'where a development will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal'.
- 8.87 Policy HQD1 of ACPNP states '*All development in the Parish should be of high quality design and a good standard of amenity for all existing and future occupants and should reflect the attractive vernacular of Aston Clinton, and be in keeping with local character. To achieve this, development proposals will be supported, provided: v) The proposals take full account of any relevant considerations concerning the historic environment and heritage assets in the area*'.
- 8.88 Policy GP.53 of AVDLP requires new developments in and adjacent to conservation areas to preserve and enhance the character and appearance of the Conservation Areas.

- 8.89 Policy BE1 Heritage Assets of the emerging VALP sets out that *The historic environment, unique in its character, quality and diversity across the Vale is important and will be preserved or enhanced. All development, including new buildings, alterations, extensions, changes of use and demolitions, should seek to conserve heritage assets in a manner appropriate to their significance, including their setting, and seek enhancement wherever possible.* The policy states that the Council will require development proposals that cause less than substantial harm to a designated heritage asset to weigh the level of harm against the public benefits that may be gained by the proposal, including securing its optimum viable use.
- 8.90 The application site does not fall within or located near to a Conservation Area nor are there any listed buildings which would be affected by the proposed development. The nearest listed building is located to the south of Aylesbury Road. As such, the proposed development is considered not to impact any designated heritage assets.
- 8.91 Overall, the proposed development is considered to cause no harm to any designated heritage assets. Consequently, there is no requirement to offset the impact of the proposals against any public benefit, as required by the NPPF. Great weight has been applied to the consideration of this application and the impact it would have on any designated heritage assets. As such it is considered that the local authority has discharged their statutory duty to pay special regard and attention to the desirability of preserving the setting of nearby listed buildings and the desirability of preserving or enhancing the character or appearance of the conservation area, as required by section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The proposal therefore accords with policy HQD1 of the ACPNP, policy GP53 of AVDLP and policy BE1 of the emerging VALP and the advice within the NPPF.

Archaeology

- 8.92 Paragraph 189 of the NPPF advises that where a site on which development is proposed includes, or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. This is further supported by policy GP59 of AVDLP which states ‘in dealing with development proposals affecting a site of archaeological importance the Council will protect, enhance and preserve the historic interest and its setting. Where research suggests that historic remains may be present on a development site planning applications should be supported by details of an archaeological field evaluation. In such cases the Council will expect proposals to preserve the historic interest without substantial change’.
- 8.93 This application was accompanied by a desk-based archaeological heritage statement which outlines the application site is located within pre-historic, Roman and medieval landscapes and various features and finds relating to these periods within the vicinity of site. Given these recordings have been identified, Buckingham County Council’s Archaeologist has recommended archaeological trial trenching to ascertain the archaeological significance of the site and its extent. Subject to further archaeological investigation being secured by condition, no harm has been identified to the archaeological interest of the site and its vicinity.
- 8.94 A number of concerns have been raised with regard to ridge and furrow, within the desk-top Archaeological Assessment ridge and furrow was identified as being present, until recently, to the north and eastern fields of the proposed development area. As such, whilst it is acknowledged that at some point the site was part of the medieval field system comprising of field strips and ridge and furrow, this changed when the land was enclosed as residential garden. The walkover survey assessment of the application site advises that *‘the majority of the proposed development area comprises grass with shrubs and trees dotted across it, whilst an orchard occupies part of the north-western half. The site is surrounded by mature hedges and scrubs and wooden fences’.* As such,

this assessment makes no suggestion that ridge and furrow (a non-designated heritage asset) remains present within the site.

8.95 Overall, the proposed development is considered to cause no harm to the archaeological interest of the site subject to conditions. Consequently, there is no requirement to offset the impact of the proposals against any public benefit, as required by the NPPF. As such, the proposal is considered to accord with policy HQD1 of the ACPNP, policy GP59 of AVDLP and the advice within the NPPF.

- **Supporting high quality communication**

8.96 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

8.97 The proposed development is to be located near to existing residential properties and the erection of 7 dwellings would be relatively small scale, therefore it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development. This matter is considered to accord with the advice within the NPPF.

c) Impact on Residential Amenity

8.98 The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy HQD1 of the ACPNP states: *'all development in the Parish should be of high quality design and a good standard of amenity for all existing and future occupants and should reflect the attractive vernacular of Aston Clinton, and be in keeping with local character. To achieve this, development proposals will be supported, provided:*

ii) Landscape schemes for housing include the planting of trees and/or hedges and the provision of private amenity space to the front and/or rear'

8.99 AVDLP policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.

8.100 Policy BE3 of the emerging VALP sets out that Planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of existing residents and achieve a satisfactory level of amenity for future residents.

8.101 The proposed development seeks the erection of 7 dwellings, two detached, a pair of semi's and a row of three terraced properties. Plots 1 to 4 are to be located to the rear of the properties located on Pfullmann Street, to the south-west with Plots 5 to 7 being located to the rear of 93 Aylesbury Road and to the side of 93a Aylesbury Road. As part of this application amendments were received moving the proposed garages away from the rear boundaries with neighbouring properties. Plots 1 to 4 have back to back spacing and separation distance of between 20.1m to 23.2m with the properties located Pfullmann Street which is considered to be acceptable.

8.102 With regards to the relationship between plots 5 to 7 and No.93a, the rear elevation of the proposed properties face onto the flank elevation of No.93a with a separation distance of approximately 14m at its narrowest. These plots also indirectly face onto the rear elevation of

No.93 Aylesbury Road. Separating the proposed dwellings from these neighbouring properties are the rear garden of Plots 5 to 7 which all have garden depths of at least 10m. The spacing and separation distances between the proposed dwellings and surrounding neighbouring properties are considered to be acceptable and in keeping with other relationships in the area. To further mitigate concerns of overlooking to the immediate, rear private amenity space No.96a, amendments were received removing a window at first floor from both plot 5 and 6. Whilst a window at first floor would remain on each of these plots, which would face onto No.96a, these windows have been located off-centre, with the first floor window of plot 5 looking onto the end part of this neighbouring properties rear garden and the first floor window of plot 6 looking onto the flank of No.93a. Consequently the immediate rear garden of No.93a will be preserved with regard to overlooking. Furthermore, similar arrangements can be found elsewhere within the District and 14metres back to flank relationship is generally accepted as an adequate distance to preserve the amenity of neighbouring properties in respect of privacy.

- 8.103 In addition, the common boundary between these properties will be demarked with appropriate boundary treatment. Furthermore, it is considered that due to the layout of the proposed development and its relationship with neighbouring properties there would not be any adverse impacts with regard loss of sunlight, daylight nor would the development appear overbearing when viewed from nearby residential properties, thus resulting in an acceptable relationship with the proposed development.
- 8.104 The garages shown are to be single storey only and therefore only a small proportion of these structures would be visible above existing boundary treatment. Each property has been provided with an adequately sized rear garden in order to afford adequate amenity to the occupiers of the proposed development.
- 8.105 In summary, given the positioning of the proposal and its relationship relative to the neighbouring properties in terms of scale, position of windows and orientation it is considered that the proposal would not result in an unacceptable adverse impact upon residential amenity. Therefore the proposal accords with policy HQD1 of the ACPNP, policy GP8 of the AVDLP, policy BE3 of the emerging VALP or with the NPPF.

d) CIL/ S106

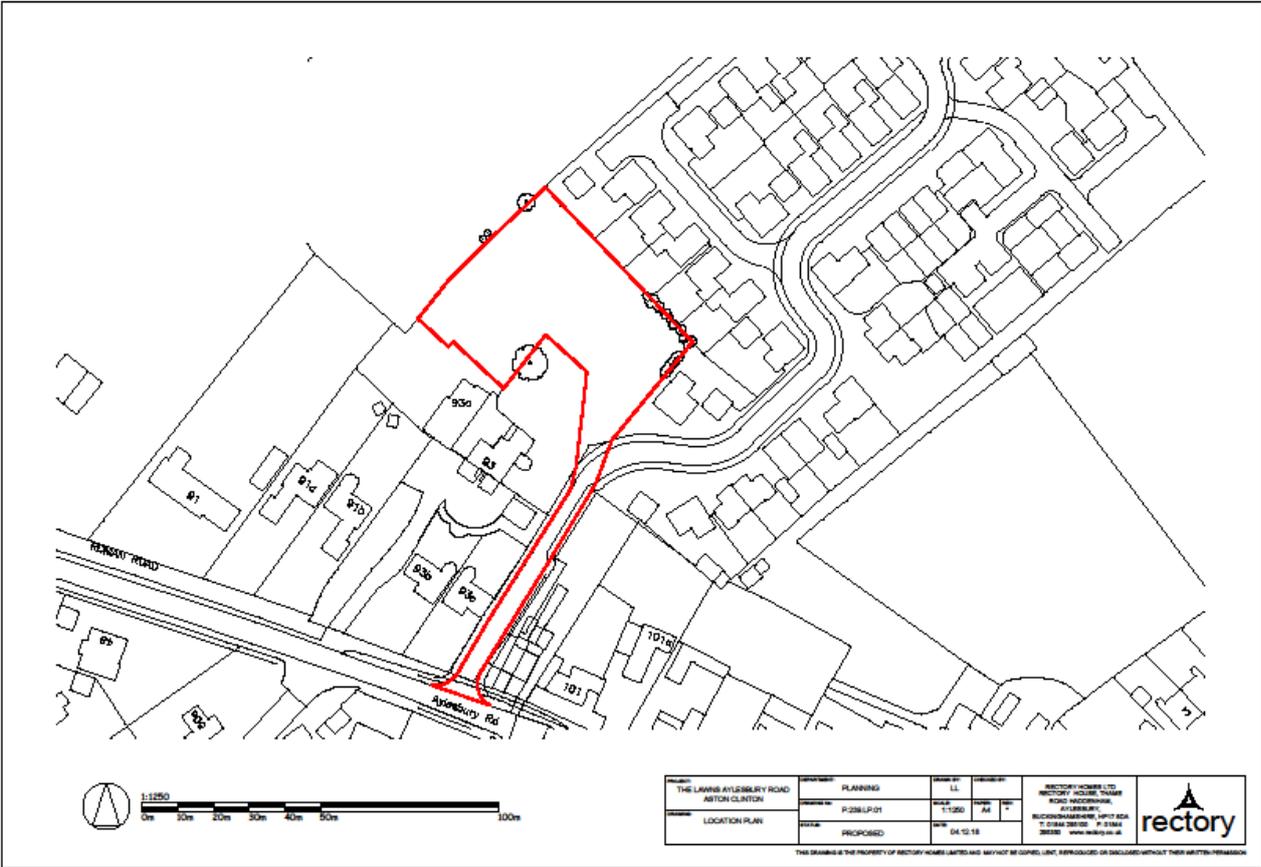
- 8.106 As noted above, there are a number of requirements arising from this proposal that need to be secured through a S106 Planning Obligation Agreement. These obligations include:
- . Provision of Affordable Housing (2 x two bedroom shared ownership properties)
 - . A financial contribution towards off-site sport and leisure provision
 - . A financial contribution towards education
- 8.107 It is considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 sets out the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be considered as a reason for granting planning permission if the obligation does not meet all of the following tests; necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 8.108 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 Obligations 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. Specific projects are to be identified within the Section 106 in accordance with the pooling limitations set out in Cil Regulation 123.

8.109 The Council's Solicitors have been instructed in respect of the drafting of a S106 Agreement to secure the relevant obligations should Members be minded to grant planning permission. With the obligations being secured through a legal agreement the development is considered to accord with the NPPF and AVDLP policies GP2, GP86-88 and GP94.

Case Officer: Danika Hird

dhird@aylesburyvaledc.gov.uk



APPENDIX 2

Aston Clinton PC Comments

Consultee Comments for Planning Application 19/00668/APP

Application Summary

Application Number: 19/00668/APP

Address: Land To The Rear Of The Lawn 93 Aylesbury Road Aston Clinton Buckinghamshire HP22 5AJ

Proposal: Erection of 7 two storey dwelling houses and associated garaging, together with the construction of a new access off Hyde Street, parking, landscaping and all enabling works.

Case Officer: Danika Hird

Consultee Details

Name: Parish AstonClinton PC

Address: 37 London Road, Aston Clinton, Buckinghamshire HP22 5HL

Email: parishcouncilassistant@astonclinton.org

On Behalf Of: Aston Clinton Parish Council

Comments

Aston Clinton Parish Council objects to this application on the following grounds:

With the VALP in its final stages and the adopted Aston Clinton Neighbourhood plan being part of the local statutory development plan which forms the basis for determining planning applications, the proposed development would be contrary to both plans in terms of sustainability. Further, given the fact that the Local Planning Authority can demonstrate a 5 year housing land supply paragraph 11d of the NPPF is not engaged.

Due to the village having high existing completions/commitments and no additional school capacity (as stated in the VALP) and no further capacity to accommodate housing growth, the VALP identifies a provision for 627 dwellings in Aston Clinton which have already been met by approved completions/commitments. There is no unmet housing need in Aston Clinton.

However, the Aston Clinton Neighbourhood Plan (ACNP) supports growth for appropriate developments of 5 or less dwellings on infill and/or redevelopment sites located within the settlement boundary Policy H2. The proposed development, although falling within the settlement boundary, is for more than the 5 dwellings and therefore contrary to the ACNP.

If the application is considered by Committee, the Parish Council wishes to speak.

RICHARD BUXTON SOLICITORS

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Aylesbury Vale District Council
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Attn. Danika Hird, Case Officer

By email and post

Your ref: 19/00668/APP

Our ref: ACP1-001/LF

Email: lfoster@richardbuxton.co.uk; hnorman@richardbuxton.co.uk

18 February 2020

URGENT LETTER RELATES TO COMMITTEE MEETING 19 FEB 2020

Dear Sirs

Land to the rear of The Lawn, 93 Aylesbury Road, Aston Clinton HP22 5AJ (“the Site”)

We are instructed by Aston Clinton Parish Council in relation to the above. We have instructed Counsel, Andrew Parkinson of Landmark Chambers.

The application proposes infill development of 7 dwellings on the Site. The relevant planning policy for development in the village includes the Aston Clinton Parish Neighbourhood Plan (“the NP”), in particular NP policy H2.

We have reviewed the officer’s delegated report (“the OR”) and consider there are significant errors in how the officer dealt with the issue of the quantum of housing proposed for the site. Our clients have raised this issue in an objection dated March 2019. NP policy H2 which provides:

POLICY H2 - Housing Development To provide for sustainable housing growth, developments of 5 or less dwellings on infill and/or redevelopment sites will be supported if they are located within the settlement boundary. All proposals must accord with the design and development management policies of the ACNP.

The OR provides “*whilst it is acknowledged that policy H2 of the ACPNP states that for schemes of five or less dwellings within the defined settlement boundary will be supported, this policy does not preclude schemes which result in excess of five dwellings.*”

This is a fatal misreading of H2 which plainly sets 5 dwellings as a *limit*. Firstly, following Tesco Stores v Dundee City Council [2012] UKSC 13, the officer’s interpretation that H2 does not preclude 7 dwellings attributes an impermissible meaning to the words “*five or less*”.

Secondly, even if H2 could be said to be expressed in permissive terms (e.g. the officer's reference to "*preclude*"), recent caselaw makes clear the H2 policy wording does not exclude the obvious corollary that proposals of more than 5 dwellings is not in accordance with the policy and the NP's strategy for housing development within the parish. "*The inference, therefore, is not neutral or positive towards development without specific support in the policies, but negative*" (*Gladman Developments Ltd. V Canterbury City Council* [2019] EWCA Civ 669, para 35). Therefore, the OR suggestion that the policy does not preclude schemes which result in excess of five dwellings is fatal to the OR reasoning.

In relation to the other aspects of the discussion in the OR to policies in the emerging Local Plan ("eLP"), unfortunately in the time available we have not had an opportunity to consider these issues and reserve our position to make further submissions in the event the application is approved and the case proceeds to judicial review. However, we note that full weight should be attributed to the adopted NP.

For the reasons set out above the correct course of action is for the matter to be refused since the NP policy H2 is clear that the development of 7 houses is contrary to the policy planning framework for the Site.

Yours faithfully

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Attn. Danika Hird, Case Officer

By email and post

Your ref: 19/00668/APP

Our ref: ACP1-001/LF

Email: ifoster@richardbuxton.co.uk; hnorman@richardbuxton.co.uk

3 March 2020

Dear Sirs

Land to the rear of The Lawn, 93 Aylesbury Road, Aston Clinton HP22 5AJ ("the Site")

We write further to our letter of 18 February 2020, which raised issues concerning the officer's interpretation of relevant neighbourhood plan policies, as set out in the officer's report for the February meeting ("the OR"), and we do not repeat those concerns here.

In relation to proposed policy D3, the OR recognises that the application conflicts with criterion (b), because it is partial development of a larger site. However, there is no consideration of the Council's monitoring of delivery rates, which is an essential trigger for policy D3 to operate in the first place (see supporting text at 4.157).

The OR then records that it does not rely on D3 to justify the application - referring to the fact that it only has moderate weight and relying on the policies in the Neighbourhood Plan (see OR/9.15). However, in the conclusion the OR says that the development complies with emerging Policy D3 (OR/9.16).

We have discussed the conclusion with Counsel and his view is that this analysis is materially misleading to committee members because it is plainly wrong and contrary to the officer's earlier findings to conclude that the development complies with emerging Policy D3.

If the Council proceeds to determine the application on the basis set out in the February 2020 OR, any grant of permission on the reasons given would be vulnerable to a Judicial Review challenge and our clients would seek costs against the Council on a successful outcome.

Yours faithfully


Richard Buxton Solicitors

Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury HP19 8FF

Attn. Danika Hird, Case Officer

By email and post

Your ref: 19/00668/APP

Our ref: ACP1-001/LF

Email: lfoster@richardbuxton.co.uk; hnorman@richardbuxton.co.uk

23 March 2020

Dear Sirs

Land to the rear of The Lawn, 93 Aylesbury Road, Aston Clinton HP22 5AJ (“the Site”)

We write further to our letters dated 18 February 2020 and 3 March 2020.

We note that this matter was, until last Friday 20 March 2020, scheduled to come before the Council’s Strategic Management Committee (“the Committee”) on 25 March 2020. We understand that the Council has since announced it will postpone this meeting. This is of course the right position to take as our client’s representative is unable to attend the meeting in person, and therefore is materially prejudiced by the meeting taking place had it not been postponed.

Despite the postponement, we also have reviewed the latest iteration of the Officer’s Report to the Committee (“the Updated OR”).

Our comments on the interpretation of Policy H2 in our letter dated 18 February 2020 are maintained. The Officer has repeated the erroneous advice to the Committee in this Updated OR (see, for example, at paragraph 9.13: “*Officers do not consider policy does not H2 to expressly preclude schemes which result in excess of five dwellings*”).

The report now seeks to justify this interpretation by reference to other Neighbourhood Plans made in the district (see Updated OR/9.14-9.17). The Officer’s advice is summarised at paragraph 9.18:

“Thus, there are a number of examples across the District where Parish/ Town Councils have sought to restrict development and modifications were required to allow for greater flexibility. Officers therefore consider that their approach to the interpretation of policy H2 of the ACPNP is consistent with Examiner’s assessment of other, similar neighbourhood plan policies and a presumption in favour of sustainable development as required by the NPPF.”

The approach taken is fundamentally flawed. It is well established that a development plan document (such as the Ashton Clinton Neighbourhood Plan ("the ACNP")) is a standalone document which must be interpreted and understood as such, without reference to extrinsic material which are neither incorporated into nor referred to in the ACNP: see Phides v SSCLG [2015] EWHC 827 (Admin) at para. 56.

The other neighbourhood plans referred to in the Updated OR (and the comments made in the accompanying examiners reports) would all fall into this category. Interpreting Policy H2 with regard to these documents is unlawful.

In any event, the Examiner for the ACNP did not consider it necessary to propose any modification to Policy H2 as submitted. Notably, unlike in the other examinations referred to, the Examiner did not propose adding reference to five dwellings being an "approximate figure". This in fact underlines that the policy should not be interpreted as permitting more than five dwellings within the settlement boundary. In short, the Examiner into the ACNP was satisfied that the plan met the basic conditions even though Policy H2 limited housing development within the settlement boundary to a maximum of five dwellings.

In short, the Updated OR seeks to re-write Policy H2 by reference to other plans in other areas in the district. This is unlawful (see Phides) and seriously misleading. Should the Committee accept this advice, our client should have no option but to judicially review the decision.

The Officer also suggests that his interpretation is required to ensure that Policy H2 is consistent with the presumption in favour of sustainable development in the NPPF (see Updated OR/9.18). Again, this is seriously misleading. There is nothing inconsistent with national planning policy in imposing a cap on the number of units on development sites inside the settlement boundary (and nor does the Officer identify the nature of this conflict). In any event, one of the basic conditions which must be satisfied for the ACNP to be made is that it is consistent with national planning policy. In finding that the ACNP met the basic conditions, the Examiner must have concluded that Policy H2 was consistent with the presumption in favour of sustainable development.

In light of the above, we ask that the matter is referred to your legal officers before any further officer updated report is drafted to consider these concerns and to this end have copied this letter to the Council's solicitor. It would be a manifest waste of public funds to proceed to determine the application on the basis of the continuing erroneous officer advice that would inevitably lead to a judicial review. Should judicial review proceedings be necessary, our clients would seek recovery of their costs in full given, inter alia, we are telling you now that the officers are acting unlawfully and the Council has the opportunity to avoid legal proceedings.

Please confirm receipt of this letter and we look forward to your response.

Yours faithfully

Richard Buxton Solicitors