

## **Overview Report:**

### *Introduction*

This report has been provided to assist members in the consideration of reports relating to major planning applications for development at settlements in the district. The report summarises the policy framework for the assessment of each development proposal for members consideration in addition to the detailed report relating to each individual application.

### *The planning policy position and the approach to be taken in the determination of the application*

- 1.1 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.

### The Development Plan

- 1.2 The overall strategy of the Aylesbury Vale District Local Plan (AVDLP) is to seek to concentrate the majority of growth (65% housing and employment) at Aylesbury with the remaining 35% in the rural areas. The latter was to be concentrated at a limited number of settlements. Insofar as this overall strategy is one which is based on the principle of achieving sustainable development, it is considered that this is still in general conformity with the NPPF.
- 1.3 Policies RA13 and RA14 relating to the supply of housing district wide, and BU1 in respect of Buckingham, are now out of date given that these identified housing targets for the plan period up to 2011. Development proposals on sites are to be considered in the context of policies within the NPPF which sets out the presumption in favour of sustainable development at paragraph 14.
- 1.4 A number of general policies of 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, GP35, GP38 - GP40, GP59, GP84, GP86, GP87, GP88 and GP94.
- 1.5 It is considered that policy GP35 is consistent with the policies of the NPPF and is applicable to an outline proposal which is a view supported by the Secretary of State's recent appeal decision at Glebe Farm, Winslow (ref 13/01672/AOP) and also by the Secretary of State and Inspector in considering the schemes subject to the conjoined Inquiry (Hampden Fields/Fleet Marston and Weedon Hill North).

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

- 1.6 The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. The draft Vale of Aylesbury Local Plan has been published and is being consulted on over the summer for an 8 week period, from the 7th July until the 5th September. Comments will then be analysed and any adjustments made for the pre submission consultation timetabled for early 2017. The adoption of the Vale of Aylesbury Local Plan is planned to be in July/August 2017.
- 1.7 Currently this document cannot be given weight in planning decisions as it is still too early in the planning making process, however the evidence that sits behind it can be given weight. Of particular relevance are the Settlement Hierarchy Assessment 2013 and draft Settlement Hierarchy Assessment 2016. The Housing and Economic Land Availability Assessment (HELAA) (May 2016) The HELAA is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. These forms part of the evidence base to the draft VALP presents a strategic picture .

### National Planning Policy Framework

- 1.8 The most up to date national policy is set out in the NPPF published in March 2012. At the heart of the NPPF is the presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.
- 1.9 The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. They are not to be undertaken in isolation, because they are mutually dependant. Therefore, to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
- 1.10 Paragraph 17 sets out the core planning principles. It sets out 12 core planning principles which should underpin decision taking, which in summary state that planning should:
- be genuinely plan-led, empowering local people to shape their surroundings through succinct up-to-date plans setting a positive vision for the future of the area;
  - be a creative exercise to improve and enhance the places in which people live their lives;
  - proactively drive economic growth to deliver homes, business and infrastructure and that every effort should be made to objectively identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth, take account of market signals and set out a clear strategy for allocating sufficient land suitable for development;
  - seek a high quality of design and a good standard of amenity.
  - take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
  - support the transition to a low carbon future;
  - contribute to conserving and enhancing the natural environment and reduce pollution, allocating land for development based on a preference for land of lesser environmental value;
  - encourage effective use of brownfield land;
  - promote mixed use developments and encourage multiple benefits from the use of land;
  - conserve heritage assets in a manner appropriate to their significance;
  - actively manage patterns of growth to make fullest use of public transport, cycling and walking and focus significant development in locations which are or can be made sustainable; and
  - take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver facilities to meet local needs.
- 1.11 The Government's view of what "sustainable development" means in practice is to be found in paragraphs 18 to 219 of the NPPF, taken as a whole (paragraph 6).
- 1.12 The presumption in favour of sustainable development in decision-taking is explained at paragraph 14 of the NPPF. It means, unless material considerations indicate otherwise:
- Approving development proposals that accord with the development plan without delay; and
  - Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
    - specific policies in the NPPF indicate development should be restricted.
- 1.13 Local planning authorities are charged with delivering a wide choice of high quality homes 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 (paragraphs 47-49). NPPF paragraph 49 states that "*Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*" The issue of housing supply is considered in more detail below.

- 1.14 The NPPF sets out the means to delivering sustainable development. The following sections and their policies are also relevant to the consideration of all proposals:
- Building a strong competitive economy
  - Promoting sustainable transport
  - Delivering a wide choice of high quality homes
  - Requiring good design
  - Promoting healthy communities
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
- 1.15 The NPPF sets out that transport policies have an important role to play in facilitating sustainable development and in contributing to wider sustainability and health objectives and that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
- 1.16 Paragraph 32 of the NPPF explains that decisions should take account of whether:
- a) The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure
  - b) Safe and suitable access to the site can be achieved for all people Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
  - c) Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe
- 1.17 The NPPF superseded all national policy contained in the former Planning Policy Guidance Notes (PPG's) and Statements (PPS's). On 6<sup>th</sup> March 2014 the Planning Practice Guidance (PPG) suite was published online to replace and update a number of previous planning practice guidance documents which were consequently cancelled. The PPG is therefore also of relevance when assessing the scheme.

#### Local Supplementary Documents & Guidance

- 1.18 Local guidance relevant to the consideration of this application is contained in the following documents :
- Affordable Housing Supplementary Planning Document (November 2007)
  - Supplementary Planning Guidance on Sport and Leisure Facilities (August 2004)
  - Sport and Leisure Facilities SPG Companion Document Ready Reckoner (August 2005)
  - Five year housing land supply position statement (January 2016)
  - Affordable Housing Policy Interim Position Statement (June 2014)
- 1.19 Those documents which have been the subject of public consultation and the formal adoption of the Council can be afforded significant weight insofar as they remain consistent with the policies of the NPPF.

#### *Housing supply*

- 1.20 Paragraph 47 refers to the importance of identifying a five years supply of sites to assist in significantly boosting the supply of housing. Where the Council cannot demonstrate a 5 year housing land supply there is a presumption in favour of sustainable development in line with the NPPF and the absence of an NPPF compliant 5 year supply would add to the weight attached to the benefit arising from the contribution made to the supply of housing and boosting the delivery of housing generally. Having an understanding of supply is also key to fulfilling the NPPF requirement to demonstrate the expected rate of housing delivery and how housing targets will be met.

- 1.21 In the absence of a figure for the Full Objective Assessment of Need which will emerge through the plan making process which will also need to consider potential unmet needs from adjoining authorities not within the Housing Market Area, an interim approach has been taken as is published in the Five year housing land supply position statement. This is regularly updated and the latest version is dated August 2016. This version uses the proposed Full Objectively Assessed Need (FOAN) identified in the Central Bucks Housing and Economic Development Needs Assessment (HEDNA) which has been prepared in the preparation of the Vale of Aylesbury Local Plan (VALP). This represents the most appropriate need requirement figure as it considers the district's own objectively assessed needs as well as that within the housing market area. Based on the findings of the HEDNA, the housing land supply document shows we have a 4.9 year supply this year and 4.7 next year (compared with 4.5 and then 4.2 years previously).

#### *Neighbourhood planning*

- 1.22 Paragraph 183- 185 of the NPPF states:

*183. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:*

- *set planning policies through neighbourhood plans to determine decisions on planning applications; and*
- *grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.*

*184. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.*

*185. Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan.*

Further advice is given at paragraph 198 :

*... Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.*

Further recent advice is also set out in the NPPG which states:

#### ***What weight can be attached to an emerging neighbourhood plan when determining planning applications?***

*Planning applications are decided in accordance with the development plan, unless material considerations indicate otherwise. An emerging neighbourhood plan may be a material consideration. Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging neighbourhood plan. The consultation statement submitted with the draft neighbourhood plan*

should reveal the quality and effectiveness of the consultation that has informed the plan proposals. And all representations on the proposals should have been submitted to the local planning authority by the close of the local planning authority's publicity period. It is for the decision maker in each case to determine what is a material consideration and what weight to give to it.

**How should planning applications be decided where there is an emerging neighbourhood plan but the local planning authority cannot demonstrate a five-year supply of deliverable housing sites?**

Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in the emerging neighbourhood plan, even though these policies should not be considered up-to-date.

Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking.

Further assistance to decision makers in these circumstances can be found in guidance on the relationship between a neighbourhood plan and a local plan.

Documentation produced in support of or in response to emerging neighbourhood plans, such as basic conditions statements, consultation statements, representations made during the pre-examination publicity period and independent examiners' reports, may also be of assistance to decision makers in their deliberations.

**How should planning applications be decided where there is a made neighbourhood plan but the local planning authority cannot demonstrate a five-year supply of deliverable housing sites?**

Neighbourhood plans are an important part of the plan-led system. The Government's policy intention when introducing neighbourhood planning was to provide a powerful set of tools for local people to ensure they get the right types of development for their community, while also planning positively to support strategic development needs.

Decision makers may find themselves considering applications in an area with a neighbourhood plan that has passed referendum and been "made", and thus forms part of the development plan, but where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

In such instances paragraph 49 of the Framework is clear that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made neighbourhood plans.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the Framework states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraphs 183–185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

## Prematurity

- 1.23 Government policy emphasises the importance of the plan led process, as this is the key way in which local communities can shape their surroundings and set out a shared vision for their area. It also emphasises its importance to the achievement of sustainable development.
- 1.24 Current Government policy on prematurity is contained in the PPG published in March 2014, which states:

*“.. in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

*a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*

*b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”*

### Conclusion on policy framework

- 1.25 In considering each individual report, Members are asked to bear in mind that AVDLP (and any 'made' Neighbourhood Plans as applicable) constitutes the development plan. The emerging VALP will gather increasing weight as it moves forward but has not yet reached a stage at which it could be afforded any weight in decision-taking nor at which a refusal on grounds of prematurity could be justified. The Council can not currently demonstrate a 5 year supply of housing land based on the interim housing land supply calculation.
- 1.26 In the light of this position each report advises Members on whether, in accordance with paragraph 14 of the NPPF, the adverse impact of granting permission, would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

### Whether the proposals would constitute a sustainable form of development

- 1.27 Each report examines the relevant individual requirements of delivering sustainable development as derived from the NPPF which are:
- **Build a strong competitive economy and deliver a wide choice of high quality homes**
  - **Promoting sustainable transport**
  - **Conserving and enhancing the natural environment**
  - **Conserving and enhancing the historic environment**
  - **Promoting healthy communities**
  - **Good Design**
  - **Meeting the challenge of climate change and flooding**
- 1.28 These are considered in each report and an assessment made of the benefits associated with each development together with any harm that would arise from a failure in meeting these objectives and how these considerations should be weighed in the overall planning balance.

### Building a strong, competitive economy / Ensure the vitality of town centres / Delivering a wide choice of high quality homes

- 1.29 Members will need to assess whether the development would support the aims of securing economic growth, but also that this would be achieved in a sustainable way.
- 1.30 Members will also need to consider whether each development proposal provides for a mix of housing based on current and future demographic trends, markets and community needs, of an appropriate size, tenure and range including the provision of affordable housing. Key to the consideration of this point is the use of locally based housing targets and the Council's ability or otherwise to demonstrate a 5 year supply of housing land against those targets

### **Promote sustainable transport**

- 1.31 It is necessary to consider whether these developments are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, taking account of the policies in the NPPF. It will also be necessary to consider whether the mix of uses provides opportunities to undertake day-to-day activities including work on the site, with key facilities located within walking distance of most properties, and to ensure that the opportunities for sustainable transport modes have been taken up. It will be necessary to consider whether they would support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. The development will also need to ensure that safe and suitable access to the site can be achieved for all people, and that improvements can be undertaken that effectively limit the impacts albeit that development should only be refused on transport grounds where the residual cumulative impacts are severe.
- 1.32 The promotion of sustainable transport is a core principle of the NPPF and patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.

### **Conserving and enhancing the natural environment**

- 1.33 Members will need to consider how the development proposals contribute to and enhance 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.
- 1.34 By their very nature, the majority of extensions of a settlement will result in development in the open countryside given that they are generally outside the built limits of the existing settlement. However, the actual and perceived extent to which they 'intrude' into the open countryside will vary and this will need to be assessed having regard to visibility and other physical factors.
- 1.35 In general, it will be important to ensure that the individual setting and character of each settlement is not adversely affected by the outward expansion of the town or village. This will necessarily involve individual assessments of the effects on the specific character and identity of each settlement, but will not necessarily be adverse simply as a result of a decrease in physical separation as any impacts may be successfully mitigated.
- 1.36 Members will need to consider the overall impact of each development assess the ability of the proposed development to be successfully integrated through mitigation.

### **Conserving and enhancing the historic environment**

- 1.37 An assessment will need to be made of how the development proposals sustain and enhance the significance of heritage assets and the positive contribution that conservation of assets can make to sustainable communities as well as the need to make a positive contribution to local character and distinctiveness.
- 1.38 The effects of specific developments will need to be assessed having regard to the site characteristics, specific impacts and ability to successfully mitigate. The Committee will need to consider the significance of any heritage assets affected including any contribution made by their setting. When considering the impact on the significance, great weight should be given to the asset's conservation.

### **Promoting healthy communities.**

- 1.39 In facilitating social interaction and creating healthy, inclusive communities the proposals should aim to achieve places which enable communities to integrate and come together, including through mixed use developments and strong neighbourhood centres and active streets; safe and accessible environments and developments.
- 1.40 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. This should in particular address the need to sufficient green infrastructure which provides value in many ways.
- 1.41 It will therefore be necessary to consider how each scheme addresses these issues.

### **Good Design**

- 1.42 The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Development should function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development and provide for an appropriate mix of uses, respond to local character and history, create safe and accessible environments which are visually attractive.
- 1.43 The size of the developments is such that it is important that there is a cohesive design approach and layout plan that demonstrates the above and Members will need to consider whether these issues have been dealt with satisfactorily.

### **Meeting the challenge of climate change**

- 1.44 Developments will need to demonstrate resilience to climate change and support the delivery of renewable and low carbon energy which is seen as central to the economic, social and environmental dimensions of sustainable development.
- 1.45 This will not only involve considerations in terms of design and construction but also the locational factors which influence such factors. Development should be steered away from vulnerable areas such as those subject to flood risk whilst ensuring that it adequately and appropriately deals with any impacts arising.

### **S106 / Developer Contributions**

- 1.46 An assessment is required to conclude whether each proposal will be a sustainable development and that any adverse impacts can be satisfactorily addressed through appropriate mitigation. This will include on and off site provision of infrastructure and facilities to provide for the needs of the residents as well as providing for any specific site specific mitigation.

### **Overall planning balance**

- 1.47 All of these matters, including housing land supply will need to be taken into account in striking an overall planning balance..

### **Conclusions**

- 1.48 The concluding paragraphs of each report, where Members are asked to either reach a view on how they would have decided or can determine an application, will identify whether the proposed development is or is not in accordance with the development plan, and the weight to be attached to any material considerations. The planning balance will then be set out, leading to a recommendation as to whether permission would have been, or should be, granted (as the case may be), and the need to impose conditions or secure planning obligations or if permission would have been, or should be refused, the reasons for doing so.