



REFERENCE NO	PARISH/WARD	DATE RECEIVED
15/04106/AOP	BUCKINGHAM The Local Members for this area are: -	04/02/16
OUTLINE APPLICATION WITH ACCESS TO BE CONSIDERED AND ALL OTHER MATTERS RESERVED FOR THE ERECTION OF THIRTEEN DWELLINGHOUSES WITH ASSOCIATED PARKING AND AMENITY SPACE PROVISION. CONSTRUCTION OF NEW VEHICULAR ACCESS AND CLOSURE OF EXISTING ACCESS FROM MORETON ROAD. LAND ADJ 73MORETON ROAD BUCKINGHAM	Councillor T Mills Councillor S Cole	
MR M A HEALY		
STREET ATLAS PAGE NO.41		

1.0 The Key Issues in determining this application are:-

- a) *The planning policy position and the approach to be taken in the determination of the application.***
- b) *Whether the proposal would constitute a sustainable form of development.***
- ***Building a strong competitive economy;***
 - ***Delivering 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;***
 - ***Requiring Good Design***
 - ***Meeting the challenge of climate change and flooding.***
- c) *Impact on residential amenities.***
- d) *Developer contributions.***

The recommendation is that permission be **DEFERRED AND DELEGATED for APPROVAL** subject to the completion of a legal agreement if necessary to secure financial contributions towards open space and leisure and subject to conditions as are considered appropriate by Officers. If this cannot be achieved then the application will be refused for reasons as considered appropriate by Officers.

2.0 CONCLUSIONS AND RECOMMENDATIONS

- 2.1 This application has been evaluated against the extant Development Plan which is the starting point for all decision making. The Development Plan comprises of the Local Plan and the Buckingham Neighbourhood Development Plan (BNDP) and the report has assessed the application against the core planning principles of the NPPF and whether the proposals deliver sustainable development. Paragraph 198 of the NPPF states that 'Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted'. The development of the site for 13 dwellings would exceed the 10 dwellings supported for windfall sites in Policy HP7 of the BNDP but the report explains that this does not represent a conflict with the Neighbourhood Plan. Moreover, it is clear that a balancing exercise is required to be undertaken.
- 2.2 Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.
- 2.3 It is accepted that the development would make a contribution to the housing land supply which, in the context of the Council currently being unable to demonstrate a 5 year housing land supply, is a significant benefit to be attributed moderate weight in the planning balance given the number of dwellings proposed. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which moderate positive weight should be attached. A detailed landscape scheme could ensure that the harm to the local area is satisfactorily mitigated such that limited negative weight should be afforded to this matter.
- 2.4 Special regard has been given to the statutory test of preserving the setting of the listed building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development will result in less than substantial harm in NPPF terms and that this matter should be given significant weight in the planning balance. It is considered that a suitably detailed reserved matters scheme which addresses the importance of the heritage assets and which includes satisfactory landscaping and retention of protected trees, could be designed, such that the significance of these assets could be preserved. Therefore, the outline proposal accords with guidance contained within the NPPF and it is considered that this matter should currently be given limited negative weight in the planning balance.
- 2.5 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of promoting healthy communities, the design of the development, biodiversity, flood risk, highways and residential amenity. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally.
- 2.6 Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP, BNDP and supplementary planning documents and guidance, in applying paragraph 14 of the NPPF, it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. It is therefore recommended that the application be supported subject to the completion of a legal agreement if necessary, as outlined above and subject to conditions as considered appropriate by Officers. If this cannot be achieved then the application will be refused for reasons as considered appropriate by Officers.

3.0 INTRODUCTION

- 3.1 This is an updated full report for Members to consider following the deferral of this application from the previous Committee meeting of 13th October 2016 to allow Officers to further address any conflict with the BNDP, including an assessment of the development in the context of paragraph 198 of the NPPF.

4.0 SITE LOCATION AND DESCRIPTION

- 4.1 The site (0.72ha) is located off the western side of Moreton Road (A413) and is roughly rectangular in shape. It forms an undeveloped area of scrubland which has been recently cleared, with the exception of the trees protected under TPO 31/1991 which comprise two groups of trees including cupressus and ash. The site is surrounded by residential development on all sides, with that to the east being on the other side of the Moreton Road. To the north is the current access to the dwelling of Roxwell, no. 73 Moreton Road. The site slopes upward significantly from the highway such that there is a difference in height from the site frontage to the rear of approximately nine metres. Along the frontage is a brick retaining wall, approximately one metre in height and there is also a retaining wall to the boundary with No.71 Moreton Road to the south of the site, the property of which is also lower than the application site.
- 4.2 The Conservation Area lies some 50m to the south of the site, to the rear of the properties fronting Moreton Road. The old Police Station opposite the site, on the other side of the Moreton Road, is a Grade II listed building. Planning permission has been granted for the conversion of this building to flats and for the erection of a new block of flats (ref: 14/03316/APP) to its rear.

5.0 PROPOSAL

- 5.1 This application seeks outline permission, with means of access only to be determined, for the erection of thirteen dwellings with associated parking and amenity space provision. An existing access to Moreton Road serving Roxwell (no.73 Moreton Road) will be closed and a new vehicular access is proposed which would sweep up into the site and a spur off of this access would serve the existing dwelling of No.73 Moreton Road. The illustrative plan indicates that the thirteen dwellings would comprise seven detached dwellings and three pairs of semi-detached dwellings and each property would benefit from garage and/or driveway parking.
- 5.2 The development would require the removal of a group of hawthorn trees closer to the front of the site and the crown lifting of an Ash tree to the north of the site. The remainder of the protected trees and other trees within the site would be retained and tree protection measures have been detailed.
- 5.3 The application has been accompanied by an Arboricultural Survey, Impact Assessment and Method Statement, Design and Access Statement, Utilities Report, Phase 1 Habitat Survey, Refuse and Waste Disposal Statement, Crime Prevention Statement and a Transport Statement.

6.0 RELEVANT PLANNING HISTORY

- 6.1 81/00556/AV – Proposed site for residential development (four houses or bungalows) – Approved.
- 6.2 90/00203/AOP – Erection of 12 dwellings – Approved.

7.0 TOWN COUNCIL COMMENTS

- 7.1 Buckingham – Members noted that the developer had not participated in the ‘call for sites’ for the Neighbourhood Plan and is consequently not included as a site for development (policy HP1). The Plan allows for ‘windfall sites’ but only for up to 10 dwellings (Policy HP7). There is no reference to the Plan in any of the documents. Policy DHE1 also applies, as considerable site clearance has already taken place and it is proposed to fell more trees including some in a TPO’d group whose roots may be ensuring the stability of the bank at the roadside. It was also felt that the access was unsafe; even if the verge is taken back, the proximity of the house below to the edge of the road restricts visibility. The suggestion was made that access via the AVDC land on Western Avenue would be preferable. The vote to oppose was unanimous and a representative will attend the DMC meeting if necessary.

Comments on amended plans – Members reiterated that the Neighbourhood Plan stated that 10 was the maximum number of houses for a windfall site; it was further suggested that the developer could discuss acquiring additional land from AVDC for a safer access via Overn Avenue Play Area (with S106 funding to redesign it) or the garage area off Western Avenue immediately adjacent to the existing Roxwell access lane. The slope and width of the proposed access were still considered unsuitable and the proposed footpath along Moreton Road south of the access was totally pointless, leading as it did to a house wall at the road edge and an extremely dangerous place to cross on a hill just above an area where cars were parked on the opposite kerb. The alternative would be to walk along a considerable length of wall bordering a narrow roadway and bus route. As the present access lane to Roxwell is within the red line Members could not see why the footpath north of the access could not be continued uphill to meet Western Avenue, where crossing is much safer as the hill levels out somewhat.

Further comments: Members reiterate that 13 houses is more than the BNDP permits on ‘windfall’ sites and point out that the emerging VALP advocates 31% affordable housing on proposals for 11 houses or more. They feel that as an emerging document this provision should be applied. The Committee consider the footpath south of the access to be extremely dangerous, ending as it does at the corner of Brae Lodge which is not a sensible place to cross the A413, having no vision downhill and just above a bend where cars park on the kerb. There is no possibility of constructing a continuous footway on the site’s side of the Moreton Road. The footpath north of the access is acceptable and will give access to bus stops and relatively level ground with good visibility for crossing. Deleting the southern section would absolve the developer from the need to realign the retaining wall at the roadside or install tactile paving and could with advantage then re-site the internal estate path on the other side the access road. Oppose.

8.0 CONSULTATION RESPONSES

- 8.1 Environmental Health – No objections.
- 8.2 BCC SuDS – Further detail is required regarding surface water management. Recommend condition to secure details.

- 8.3 Tree Officer – The majority of trees on the site are low quality specimens and the principal trees exist within two groups located at the eastern end of the site. No objections to removal of hawthorns and crown lifting of ash. No information in the report refers to the proposed access position, what impact it could have on any of the existing trees or what level changes may be required to allow implementation, therefore it is difficult to make a full assessment. The new access will require the lowering of the existing ground levels and it will encroach into the root protection area of two trees. However, the encroachment into the tree T19, moderate quality, will be limited and the other tree T15 is a low quality specimen so should not be considered as a constraint to the proposed development. The tree protection is on the whole fit for purpose and only small areas of the root protection areas protrude beyond the proposed fence line and these areas could be overcome by the use of ground protection and alteration during development as part of a method statement. No objections and recommend conditions in respect of tree protection and for details of how the access will be implemented to ensure no additional encroachment occurs beyond that already identified.
- 8.4 Biodiversity – Satisfied with the survey detailed, further detail will be required at reserved matters stage to fully demonstrate ecological enhancements to include detailed landscape master plan, permeable fences to allow movement of hedgehogs, provision of integrated bat and swift boxes.
- 8.5 BCC Highways – Further information has been provided that demonstrate that a refuse vehicle could enter the site and perform its turning manoeuvres without overrunning the private access ways or the proposed footways. The proposed footway is now shown running along the entire site front and also includes 4 no. tactile crossings ensuring pedestrian movements in both directions are catered for. No objections subject to conditions to ensure acceptable construction of access, closure of existing access, construction of footway, provision of parking and turning facilities.
- 8.6 Leisure Services – Financial contribution required towards sport and Leisure facilities.
- 8.7 BCC Education – Financial contribution not required.
- 8.8 Recycling and Waste – No objections, illustrative site plan meets required specifications.

9.0 REPRESENTATIONS

- 9.1 12 representations have been received making the following objections/comments:
- This part of Moreton Road is narrow and already serves a lot of traffic and is in a bad state of repair and it will deteriorate further
 - Unacceptable increase in traffic generation
 - Increased accident potential
 - No line of sight for vehicles coming out of town
 - Site should not be developed at the same time as the site opposite
 - Limited pedestrian pavements in area
 - Development would adversely affect the setting of a listed building
 - Properties 6 and 7 must not be closer to the boundary than the c15m proposed and consideration should be given to their height; plot 6 will tower over No.71 Moreton Road

- Loss of privacy to No.71; ground height of plot 6 is higher than eaves of no.71 and this property has two rooflights to bedroom
- Condition should be imposed to withdraw Permitted Development Rights for plots 6 and 7
- Brick outbuilding in garden of no.71 not shown on plans and adjacent to boundary with plot 7
- Rear and flank of no.71 is underground and serious problems have been experienced with penetrating damp. Consideration should be given to ensure new issues are not created
- Concerned about impact of heavy machinery, ground works, tree planting and drainage on retaining wall and back to no.71
- Permission to extend no.71 (14/00898/APP). Development should not affect natural light to extension to no.71
- Fence to boundary adjacent to no.71 unacceptable as would impact on light
- Landscaping needs to be carefully designed and implemented
- Any change to highway must not worsen highway safety and crossing of road
- Should restrict hours of construction
- 13 dwellings is too intense, 10 would be more appropriate having regard to location and infrastructure
- Access onto Moreton Road will be awkward
- Safe pedestrian and cycle routes into development should be provided
- Need to minimise overlooking and development should not be up to boundaries
- Eaves heights of new houses should not be excessive so light to existing properties is not affected
- No houses should be built over drains
- Boundary fencing should be required and access to Roxwell should be gated and maintained at all times
- Concerned about how 2m wide pavement will be constructed without significant structural work to no.71

9.2 Cllr Warren Whyte – ‘1. Access to Moreton Road A413 needs to be properly assessed with measured drawings, sections (there is a sizeable slope between road and site) and details of pedestrian and cycle access (non-existent in the application). While this is an outline application its viability depends on workable access.

2. The number of houses proposed on this small site creates many problems, including potential loss of amenity for neighbours, lack of car parking for residents and owners, further reduction in trees etc. The current number of houses would appear to be over-development.

3. The impact on the A413 traffic needs to be carefully considered, in light of the many applications recently approved or currently in the process of being considered.

As the application currently stands I am unable to support it.'

- 9.3 Cllr Simon Cole – Has been contacted by Buckingham Society Transport who think there is a good opportunity to introduce a footpath and crossing on Moreton Road at this location as part of the proposals.

10.0 EVALUATION

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

- 10.1 The determination of the application should be considered in the context of paragraph 14 which requires that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. Members are referred to the Overview Report appended to this report in respect of providing the background information to the policy framework when coming to a decision on this application. It states at paragraph 1.1 that the starting point for decision making is the Development Plan which includes the Neighbourhood Plan. In this case there is a made Neighbourhood Plan.
- 10.2 The Buckingham Neighbourhood Development Plan (BNDP) was made and adopted on the 30 September 2015 and therefore now forms an up to date part of AVDC's Development Plan. The BNDP, is a very recently made plan, having been found to meet the basic conditions, including that it has had regard to national policy and advice of the Secretary of State, is in general conformity with the strategic policies of the development plan and contributes to the achievement of sustainable development.
- 10.3 The BNDP outlines the vision for Buckingham to 2031 and how it is to be achieved. In Buckingham in 2031 there will be:
- An additional 617 dwellings excluding commitments
 - An additional 400 rooms to accommodate the expansion of Buckingham University
 - 10 hectares of new employment land
 - New retail areas and leisure facilities in the Town Centre
 - New community facilities
 - New sport facilities
 - New and improved transport connections
 - New green spaces
 - New Cemetery and allotments
- 10.4 Policy HP7 of the BNDP sets out the guidelines for Windfall sites and states that development for small sites, of 10 dwellings or less, within the settlement boundary, including previously developed land will be supported. Windfall sites are those sites which have not been allocated in the BNDP but which are within the Neighbourhood Plan Boundary Area on brownfield or infill sites.
- 10.5 Paragraph 49 of the NPPF 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*". Policy HP7 of the BNDP is considered to be a policy

for the supply of housing in so far as it restricts the amount of housing and therefore as a consequence of paragraph 49, the policy cannot be given full weight.

- 10.6 Paragraph 198 of the NPPF states that 'Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted'
- 10.7 It is necessary to consider firstly whether there is a conflict with policy HP7 and then any harm that would arise from the development of the site for 13 dwellings rather than 10 and consider the impact of the increase in numbers. The application site is located within the settlement boundary and is considered to be an infill site in a location surrounded by existing built development and is suitable for development.
- 10.8 Whilst more than 10 dwellings are proposed, the wording of the policy does not preclude more than 10 dwellings coming forward on a windfall site. Importantly in the Examiners Report into the BNDP in respect of Policy HP7 the Examiner noted that '*Policy HP7 has regard to the Framework, which promotes sustainable growth. I note that, as a positive policy, Policy HP7 does not seek to preclude larger-scale sustainable windfall development from coming forward, as appropriate.*'
- 10.9 In assessing the proposal against Policy HP7, and noting the Examiners comments, it is considered that there is no conflict with the policy and therefore as a consequence, no conflict with paragraph 198 of the NPPF. Furthermore there is not considered to be a conflict with other aims of the policy referred to in the supporting text in terms of using infill sites and having density appropriate to the context and to use sites with good connections.
- 10.10 Notwithstanding the Examiner's comment above, even if there were considered to be a conflict, the provision of an additional three dwellings represents a marginal increase and would not prejudice the delivery of allocated sites in the BNDP and would not harm the overall housing strategy of the BNDP.
- 10.11 In addition the NPPF at paragraph 198 refers to 'should not normally be granted'. This does not mean that permission should always be refused where there may be a conflict. Applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise and there is a presumption in favour of sustainable development. In this case the housing policies in both AVDLP and the BNDP are considered to be out of date and attract reduced weight and the scheme is considered to represent a sustainable form of development, at one of the District's strategic settlements, which would not harm the overall housing strategy of the BNDP and which would make a contribution to housing supply.
- 10.12 At the previous Committee meeting mention was made of the decision of the Secretary of State in respect of the called-in application relating to the development of 42 dwellings to the south of Weston Road, Great Horwood. The SoS agreed that paragraphs 14 and 198 of the NPPF are material considerations and confirmed that a balancing exercise would be required. This is made clear in paragraph 170 of the Report to the SoS which states that '*whether the decision-making process follows the advice of the penultimate bullet of NPPF paragraph 14, or an examination of what is 'normal' for the purposes of NPPF paragraph 198, or an examination of 'other material consideration' in accordance with Section 38(6) of the Planning Compulsory Purchase Act 2004, a balancing exercise is required.*' This balancing exercise has been carried out in respect of this development proposal and is set out in the conclusions and recommendations section above.

- 10.13 The Draft VALP outlines the spatial strategy for growth in Aylesbury Vale and highlights that the primary focus of strategic levels of growth and investment will be at Aylesbury and development at Buckingham, Winslow, Wendover and Haddenham supported by growth at other larger, medium and smaller villages. It is identified that Buckingham will accommodate housing growth of 50%. There is a housing requirement for Buckingham of 2571 dwellings and there are housing commitments of 1393 (including the 917 homes identified in the Neighbourhood Plan). With the completions at 621 dwellings, this leaves a shortfall of 557 dwellings. The HELAA identifies sites for 1212 homes so there will only be a need to allocate the most sustainable sites, the remainder will be identified as reserve sites.
- 10.14 Within the HELAA this site (BUC003) is identified as partly suitable for housing (0.3ha) since the rest of the site has areas of TPO's and allotment gardens with the main constraint for the site being gaining access from the private road leading to no.73 Moreton Road and for this access to avoid any TPO's. There are differences between this assessment and the scheme which has come forward as part of this application (most notably the access coming directly off Moreton Road) which is discussed below. Whilst the VALP is in draft and as a Plan does not carry weight as yet, the evidence base that sits behind the document is a material consideration.
- 10.15 Outline planning permission has been previously granted for two schemes on this site. Application 90/00203/AOP gained permission for twelve dwellings on the site and application 81/00556/AV gained permission for residential development comprising four houses or bungalows. Whilst both of these applications were determined in a different policy context, they are material considerations to be taken into account in the consideration of this planning application.

Whether the proposal would constitute a sustainable form of development

- 10.16 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). The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits associated with the issues together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.

Delivering a wide choice of high quality homes

- 10.17 With regards to housing supply, as discussed above, the LPA cannot currently demonstrate a five year housing land supply. In the latest five year housing land supply position statement, August 2016, this shows that the District have a 4.9 year supply this year and 4.7 next year. On this basis and having regard to the contribution that the proposal would make to the housing supply of the District, it is considered that this is a significant benefit but the weight to be attached to this benefit should be tempered given the number of houses proposed such that moderate positive weight should be given to this matter. Although this is an outline scheme for 13 dwellings, the applicant has indicated that six no. two-bedroom dwellings, five no. three bedroom dwellings and two no. four (or more) bedroom dwellings would be provided which would provide a good mix of sizes of dwellings.
- 10.18 With regards to the housing being delivered, the applicants have not advised that there are any land ownership constraints preventing the development of the land or that there are any technical constraints to the site's delivery or that the site is not deliverable in the

shorter term. Having regard to the comments on the contribution of the development to the supply of housing, it would be appropriate to secure the delivery of the site by condition requiring the submission of reserved matters within 18 months and implementation within a further 18 months.

Building a strong competitive economy

- 10.19 The Government is committed to securing and supporting sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. 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. It is therefore considered that the proposal would give rise to some economic benefit, and that the economic benefit of the scheme should be afforded moderate weight in the overall planning balance.

Promoting sustainable transport:

- 10.20 It is necessary to consider whether the proposed development is located where the need to travel will be minimised, the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved. As noted above, Buckingham is a strategic settlement within the District with a wide variety of services, facilities and amenities. These are within walking distance of the site and there is access to a good public transport service. The application site is considered to be locationally sustainable having regard to these matters and the availability of local footpaths, including the proposed footpath to the front of the site which would improve its accessibility.
- 10.21 The applicants have submitted amended plans to address the initial comments of BCC as the Highway Authority in respect of the manoeuvrability within the site and the footpaths along the site frontage. The amended plans provide tracking information showing that all necessary vehicles can access the site and a footpath is indicated along the frontage either side of the proposed access. This is something which would enable the visibility splays to be maintained. Under a future reserved matters application details of the construction of the footpath to take account of the differences in levels and adjacent land could be secured to ensure the satisfactory development of the site.
- 10.22 Whilst concerns have been raised regarding traffic generation and visibility, no objections have been raised by BCC as the Highway Authority in this regard. As a result of the amendments the Highway Authority raise no objections to the scheme subject to recommended conditions and as such this matter is afforded neutral weight in the planning balance.
- 10.23 Although some layout details have been provided with this application, these could be subject to change. However, it is considered that there is no reason why the development could not provide car parking and cycle storage in accordance with the adopted maximum standards of the AVDLP. In addition such that this matter should be afforded neutral weight in the planning balance.

Conserving and enhancing the natural environment:

- 10.24 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 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.

Landscape

- 10.25 The proposed development would comprise the development of a green field site within the existing built-up area of Buckingham. The site is subject to no special landscape designation, although a TPO covers two groups of trees to the front of the site (31/1991). It is inevitable that the proposed development would have a significant impact upon the character and appearance of the site itself and its immediate environs, particularly given the significant change in levels in this area and because the site can be viewed from public vantage points along the nearby footpaths adjacent to the roads and from residential properties adjacent to the site. However, given the surrounding built development of the town, this impact would not be unacceptable in this instance. The development would be viewed in the context of the built development surrounding it and the site does not form an important green space within the locality and comprises an area which is not publically accessible.
- 10.26 It is noted from the illustrative plan that the built development would be set back from the site frontage, with the groups of protected trees being largely retained (the lesser quality hawthorns in the southern group would be removed). Amenity spaces would be provided and planting bounding the site is indicated and these measures would provide some mitigation. Further detail could be submitted as part of a future reserved matters application to indicate how the development would fit with and enhance the local landscape character to ensure that it would integrate with this part of Buckingham.
- 10.27 Whilst further work needs to go into the landscaping scheme, given the residential context of the site it is not considered that the development of this site would result in significant harm to the wider landscape. However, given that the site is currently a greenfield site, localised harm would result from the residential development of it in landscape terms, however, this would be tempered by the fact that the site would be viewed in the context of the existing built form of the locality with the retention of the protected trees and therefore it is considered that this matter should be afforded limited negative weight in the planning balance.

Trees and hedgerows

- 10.28 Policies GP39 and GP40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value. Policy DHE1 of the BNDP seeks to protect existing trees and the provision of trees in development.
- 10.29 TPO 31-1991 covers two groups of trees to the front of the site and includes cupressus and ash. There are trees and hedgerows within the site and to the boundaries of the site, the majority of which it would be important to retain in order to maintain important landscape features and to help mitigate the visual impact of the development. As discussed above, a group of hawthorn trees, towards the front of the site but behind other trees, are proposed to be removed. These are category C trees and are not considered important in terms of their amenity value as they only provide lower storey under planting. An ash tree to the northern side of the site is also proposed to be crown lifted to 4m and this would not be unacceptable. Details have been provided regarding tree protection and a method statement. On the basis of the detail submitted it is considered that a scheme could come forward as part of an acceptable reserved matters proposal which could be designed to pay adequate regard to the existing trees within the site such that the development would

accord with AVDLP policies, Policy DHE1 of the BNDP and with relevant NPPF advice and as such this factor should therefore be afforded neutral weight in the planning balance.

Biodiversity

- 10.30 Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible. Policy DHE2 of the BNDP seeks to minimise the impact on natural habitats and DHE5 refers to biodiversity in development landscaping.
- 10.31 The Phase 1 Habitat Survey Report identified that no further surveys were necessary but that retained trees should be protected and areas of planting designed, planted and managed to maximise their value to wildlife. It is recommended that bird nesting boxes are incorporated into the development and that external lighting is minimised. These matters could be addressed as part of a future detailed application and/or by condition. It is not considered that the development would adversely affect biodiversity and that it would accord with the NPPF and with Policies DHE2 and DHE5 of the BNDP and this factor should therefore be afforded neutral weight in the planning balance.

Conserving and enhancing the historic environment:

- 10.32 Policy GP35 of 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 is a position supported by the National Planning Policy Framework which promotes good design, responding to local character and reflecting the identity of local surroundings and materials. The NPPF at section 12 “Conserving and enhancing the historic environment” at paragraph 126 endorses a positive strategy for the conservation and enjoyment of the historic environment. Paragraph 132 advises that, when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation: the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification. Paragraph 134 advises that where a development will cause less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The NPPF at paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.33 The site is outside of the Conservation Area which lies some distance to the south and which would be unaffected by the proposed development. Opposite the site on the other side of the Moreton Road is the old Police House which is a Grade II listed building. There is planning permission to convert this building to flats and the scheme includes a new build element to the rear to provide eight apartments. The setting of the listed building is characterised by residential development and it is considered that the character of its setting would be maintained by the proposed development.

10.34 Special regard has been given to the statutory test of preserving the setting of the listed building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development will result in less than substantial harm in NPPF terms and that this matter should be given considerable weight in the planning balance. Whilst development on this site could potentially result in less than substantial harm being caused to the significance of the listed buildings, it is considered that a suitably detailed reserved matters scheme which allows the retention of an open area to the front of the site and protection of the protected trees and suitable landscaping of the site would ensure that the setting of the listed building is addressed and that as such the significance of these assets could be preserved. Therefore, the outline proposal accords with guidance contained within the NPPF and it is considered that this matter should be given limited negative weight in the planning balance.

Promoting healthy communities

10.35 Policies GP86-88 and GP94 seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.). Leisure Services have commented that an off-site financial contribution would be required and this would be secured by way of a S106 Agreement. On this basis the proposal can be considered acceptable in terms of leisure provision and this matter should be afforded neutral weight in the planning balance.

10.36 BCC Education have commented to say that a financial contribution towards education facilities will not be required in this instance.

Requiring Good Design

10.37 Layout: The application is accompanied by a Design and Access Statement which includes information on the context of the site and the principle of the development of the site and refers to the planning history and the permissions previously given for the residential development of this site. The outline nature of the application means that the layout shown is indicative but the illustrative plan provided indicates that there would be good legibility throughout the site along the access road. Existing important vegetation would be retained and amenity areas and garden areas have been indicated and sufficient regard could be made to parking provision. It is acknowledged that the layout is illustrative and that it is subject to possible change, however, it is considered that an acceptable scheme could come forward as part of a reserved matters application.

10.38 Density: The area of the site is 0.72ha and with 13 dwellings proposed this would represent a density of 18 dwellings per hectare. This level of development would be appropriate having regard to the constraints of the site, in particular the access and the protected trees and to allow for suitable landscaping to come forward as part of a detailed scheme.

10.39 Scale and external appearance: The DAS does not indicate the scale or external appearance of the dwellings. However, it is anticipated that two-storey dwellings would be provided and the layout indicates that these would be a mix of detached and semi-detached properties. It is considered that a detailed scheme could come forward which would complement the character of existing development in the area. It would be appropriate to impose a condition limiting the height of the development to a maximum of two-storeys.

- 10.40 It is considered the proposal would represent an overall appropriate form of design in the context of the site, in accordance with GP35 of AVDLP and NPPF advice. As such, it is considered this factor should be afforded neutral weight in the planning balance.

Meeting the challenge of climate change and flooding:

- 10.41 The NPPF at Section 10, "Meeting the challenge of climate change, flooding and coastal change" advises at paragraph 103 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. Policy I3 of the BNDP refers to the inclusion of rainwater collection schemes in developments and Policy I5 requires developments to demonstrate an appropriate solution for sewerage.
- 10.42 The site is located in Flood Zone 1, with a low probability of flooding. A sequential test is not required to be submitted. It is intended that surface water will be disposed of via sustainable drainage systems and soakaways. The Local Lead Flood Authority (BCC) have commented that further information is required in respect of the treatment of surface water. This could be reasonably secured by condition so that detailed surface drainage proposals are submitted at the reserved matters stage and these could include appropriate SuDS methods (including rainwater collection) which could provide additional water quality and amenity benefits. With regards to foul drainage, the application forms indicate that this is to be disposed of via the main sewer. Further details could also be secured as part of a future reserved matters scheme or secured by condition.
- 10.43 It is considered that the proposed development would be resilient to climate change and flooding in accordance with NPPF guidance and with policies I3 and I5 of the BNDP. This factor should therefore be afforded neutral weight in the planning balance.

Impact on residential amenities:

- 10.44 The NPPF at paragraph 17, under the heading "Core planning principles" 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. AVDLP policy GP8 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.
- 10.45 The application is in outline and the layout plans provided are illustrative only. It is therefore not possible to make detailed assessments relating to the direct amenity impact of the proposed new houses, whether on existing neighbours or internally within the site. However, the illustrative details show the areas to accommodate residential development are set a reasonable distance away from existing neighbouring properties. Subject to an appropriate layout and scale of development, it is considered that the proposed development would not result in any significant loss of light or overshadowing to neighbouring properties. Careful consideration would have to be given to the height of development adjacent to No.71 Moreton Road given the difference in levels and to the positioning of windows and the rooms they are to serve. However, it is considered that this matter could be adequately addressed with the submission of further detail in respect of the layout and scale of the scheme and the treatment of landscaping and means of enclosure.

It is therefore considered on the basis of the information available that the outline proposal does not conflict with policy GP8 of the AVDLP or with the NPPF and this factor should be afforded neutral weight in the planning balance.

Developer contributions:

- 10.46 Leisure Services have commented that a financial contribution towards off-site leisure provision, in accordance with GP88 of AVDLP would be required. It is considered that this requirement would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 places into law the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development of this nature if the obligation does not meet all of the following tests; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. From April 2015 there are restrictions on the pooling of planning obligations. Local authorities can no longer pool more than five S106 obligations together (dating back to March 2010) to pay for a single infrastructure project or type of infrastructure.
- 10.47 In the context of this application the development is in a category to which the regulations apply. The requirement for a financial contribution towards the above named measure, if required and if the proposals were to be supported, would need to be secured through a Planning Obligation Agreement. These are necessary and proportionate obligations that are considered to comply with the tests set by Regulation 122 for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related to the scale and kind of development.

11.0 WORKING WITH THE APPLICANT/AGENT

- 11.1 In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant and has focused on seeking solutions to the issues arising from the development proposal. In this case, the applicant/agent was informed of the need for further highway matters to be addressed. Following the receipt of amended plans the application was found to be acceptable and approval is recommended.

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