



## Delegated Officer Report

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<b>Application Number:</b>	22/04141/APP
<b>Proposal:</b>	Development of 5 detached dwellings with access and associated works, including rebuilding limestone rubble wall on west side of Sandy Lane, and works to demolish and rebuild a replacement garage for No.65 Bicester Road.
<b>Site location:</b>	Land Off, Sandy Lane, Long Crendon, Buckinghamshire,
<b>Applicant:</b>	Orion Land and Leisure Ltd
<b>Case Officer:</b>	Carrie Chan
<b>Ward affected:</b>	BERNWOOD
<b>Parish-Town Council:</b>	LONG CRENDON
<b>Valid date:</b>	10 January 2023
<b>Determination date:</b>	30 November 2023
<b>Recommendation:</b>	Approve, subject to conditions and s106

### 1.0 Summary & Recommendation

- 1.1 This application is a resubmission of an earlier refused application, seeking permission for the erection of 5 houses with associated works including a new access, pedestrian footways, the demolition of an existing garage at No.65 Bicester Road, the rebuilding and relocation of any existing stone wall along Sandy Lane.
- 1.2 The proposal has been assessed against the latest development plan policies and the NPPF. As the Council (Aylesbury Area) cannot demonstrate a 5 year housing land supply, titled balance has been engaged.
- 1.3 Although the proposal would result in less than substantial harm to the Conservation Area, the public benefits associated with the proposal, as indicated within the main body of this report, significantly and demonstrably outweigh the harm identified. In the light of the above and all the benefits associated with the proposal, the planning balance has been tilted in favour of approving the application.
- 1.4 Two late call ins received from Cllr Smith and Cllr Lewin, raising issues on heritage and highway safety. These issues have been fully assessed in the report and following consultation with the Chairman and Vice Chairman of the Planning Committee (Central), it has been decided that this application should be determined under delegated powers.

1.5 Recommendation – approval subject to conditions and the completion of the s106 agreement.

DATE: 21/03/2024

SIGNED: Carrie Chan

PROFESSIONAL CHECK:

*Agree Recommendation / Officer  
exercising delegated powers*

*DATE: 26/03/2024*

*OFFICER: Andy MacDougall*

## 2.0 Description of Proposed Development

- 2.1 The application site is an irregularly shaped parcel of land located to the west of Sandy Lane, approx. 50m from the junction with Bicester Road, in the village of Long Crendon. The site comprises an area of small field/paddock, several outbuildings and a low level stone wall along the roadside boundary. This wall is within the conservation area and is shown in the Long Crendon Conservation Area Appraisal as being ‘A visually important boundary’. The access to the side of No.65 Bicester Road and its associated garage is also within the red line of this site.
- 2.2 To the northeast, north and south of the site are residential dwellings of various scale and designs. Commercial premises to the northwest and more residential dwellings to the east, on the other side of Sandy Lane.
- 2.3 There is no vehicular or pedestrian access to the main part of the site (immediately off Sandy Lane) at present.
- 2.4 In terms of levels, the land slopes down from north to south but it is worth noting that the subject land is approx. 2m higher than Sandy Lane.
- 2.5 In terms of constraints, the site forms part of the Brill-Winchendon Hills Area of Attractive Landscape with the northwest corner of the site being within the Long Crendon Conservation Area and the rest of the site being adjacent to the CA. The entire site is within the Long Crendon Historic Core area.
- 2.6 Although there are no listed buildings within the site itself, it does lie adjacent to a number of Grade II listed buildings and their curtilages, all fronting Bicester Road.
- 2.7 This application follows on from a previously refused application, seeking planning permission for the following:
- Erection of 5 detached dwellings with associated works and landscaping. For clarity, the following is proposed:

Plot 1	Plot 2	Plot 3	Plot 4	Plot 5
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5 bed with double garage	3 bed with single garage	4 bed, no garage	4 bed, no garage	5 bed with single garage
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- New access off Sandy Lane.
- Demolition of an existing side garage belonging to No.65 and the erection of a replacement at the rear of No.65.
- New pedestrian route connecting Bicester Road and the site.
- Repositioning and rebuilding of the rubble wall.

2.8 The application is accompanied by the following documents:

- a) Planning Statement
- b) Design and access statement
- c) Accommodation schedule
- d) Biodiversity Net Gain report and metric
- e) Ecological report (with GCN and reptiles info)
- f) Heritage impact documents
- g) Drainage reports and notes.
- h) Transport statement.
- i) Tree report.
- j) Affordable housing commuted sum report.
- k) LVA.

2.9 Amended plans and additional information received during the determination stage of this application but no change to the proposal itself.

### 3.0 **Relevant Planning History**

Reference: 22/02904/APP

Development: Development of seven detached dwellings with access and associated works, including rebuilding limestone rubble wall on west side of Sandy Lane

Decision: RPP1 Decision Date: 10 November 2022

### 4.0 **Representations**

#### Councillor Comments

CLlr Nic Brown

CLlr Gregory Smith

CLlr Susan Lewin

No comments received during the consultation period however, two late call in requests received from Cllr Smith and Cllr Lewin, both highlighting issues relating to Highways and heritage.

Full comments in Appendix A.

#### Parish/Town Council Comments

Long Crendon Parish Council (Verbatim):

Long Crendon Parish Council objects to this application.

Whilst the quantum of proposed housing has been reduced the fundamentals of the proposed scheme are very similar to the one that was recently refused. Not much appears to have changed.

Mention is made in the application in relation to the ancient stone wall to be removed on Sandy Lane to create a new access point to the application site. This wall had previously been demolished illegally and was ordered to be re-instated by the owners of the land at that time (enforcement notice EN17/2013 refers). It seems incongruous to permit its removal under this application. It is part of the conservation area. Creating a new highway access in this location on Sandy Lane would be intrusive. There is no clear and convincing justification for this in the application documentation. The Historic Buildings Officer in their report on a prior application for this site 'referenced 13/03502/APP' clearly articulated that the removal of a significant section of the stone boundary wall which is an important feature of this part of the conservation area adversely affects the impression of enclosure that is a key feature of the lane and thus the character of the conservation area. This latest application does not materially change the planning context which led to the issuing of the enforcement notice.

We are very concerned about the proposed new access arrangements on a blind corner on Sandy Lane and as there is no other way to come from Shabbington in a lorry (due to the narrow bridges there). This particular road has a higher percentage of lorry movements compared to other village roads. In addition when the other roads around Shabbington are flooded, as is often the case annually, there is a marked increase in vehicular traffic on this road as it is the only one left open. None of this is referenced in the transport statement accompanying this application and the danger to road users, particularly pedestrians and cyclists, is thus under-represented.

The proposed development does not sit well with its neighbours in the Conservation Area. The scale, massing and suburban site layout of the proposed development next to the Conservation Area continues to be inappropriate.

The application documentation is inconsistent within itself. Mentioned in different documents for this application are references to 2x 5 beds + 2x 4beds + 1x 3 beds, 3x 3 beds + 2x 4beds, 1x 3 beds + 4x 4 beds. This inconsistency makes us consider the overall validity of the supporting documentation. There may have been some re-use of previously submitted documents from prior applications, but the documents do not appear to have been suitably updated for this latest application.

The Design and Access document states that existing trees and hedges of value around the boundaries of the site will be retained. This is clearly not true in that to demolish and rebuild the stone wall on Sandy Lane and also provide a 2M wide footpath adjacent the application site will require the complete removal of more than a negligible number of trees and hedges abutting that lane.

#### Consultation Responses (Summarise)

Thames Valley Police – CPDA – under the threshold of 10 units therefore unable to assess the application or visit the site.

Affordable Housing – Houses should all be M4(2) compliance, and the relevant affordable unit should be M4(3) standard. The size of the units must be broadly in line with the NDSS, and affordable unit(s) should not be distinguishable from open market housing in terms of design, built quality and materials. A plan is needed to highlight the affordable unit.

Follow up comments: Case officer to assess the acceptability of the contribution provided.

Archaeology – The site has the potential to contain medieval settlement / prehistoric settlement. The development is likely to harm a heritage asset therefore a condition is recommended should permission be granted.

Ecology: In conclusion the recent submissions on BNG have addressed most of the matters raised in our comments to date. However, there remains a loss of grassland habitat units and as such trading rules are still not satisfied. It is possible that a financial contribution, secured via a planning obligation.

Ecology (GCN): The provided method statement will be able to address the residual risk of impacting individual great crested newts and/or their habitats. Further to this I recommend a compliance condition is put in place to secure the method statement.

Heritage – The proposal due to the insensitive and unsympathetic nature would cause less than substantial harm to the designated heritage assets.

Highways – No objection, subject to conditions.

LLFA – No objection subject to condition.

Trees – No objection subject to conditions and do not recommend a new TPO.

#### Third party representations:

18 objections received at the time of drafting this report and all planning related comments are summarised below:

- Highways safety – Sandy Lane is narrow, and widening is not totally possible.
- New access will be steep.
- Pedestrian safety.
- Loss of trees and biodiversity.
- Rubble wall is in a state of disrepair and should be maintained better

- Not allocated for housing.
- Impact on the wider character and the Conservation Area.
- Reduced visibility for cars.
- Housing not in keeping with the surrounding area.
- Insufficient information on biodiversity.

Officer notes:

- Additional information and surveys submitted for ecology and drainage during the application.
- Behaviour of motorist on public roads is not a planning material consideration.
- The application was published in the Bucks Herald and several site notices were posted.

## 5.0 **Policy Considerations and Evaluation**

5.1 The starting point for decision making is the development plan, i.e. the adopted Vale of Aylesbury 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) (2023) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither changes 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

## 5.2 **The Development Plan**

Vale of Aylesbury Local Plan (VALP), adopted 15th September 2021

Policy S1 – Sustainable development for Aylesbury Vale

Policy S2 – Spatial strategy for growth

Policy D3 – Proposals for non-allocated sites at strategic settlements, larger villages and medium villages

Policy H1 – Affordable Housing

Policy H6a – Housing mix

Policy H6c - Accessibility

Policy T4 – Capacity of the transport network to delivery development

Policy T5 – Delivering transport in new development

Policy T6 - Vehicle Parking

Policy T7 – Footpaths and cycle routes

Policy T8 – Electric Vehicle parking

Policy BE1 – Heritage assets

Policy BE2 - Design of new development

Policy BE3 - Protection of the amenity of residents

Policy BE4 – Density of new development

Policy NE1 - Biodiversity and Geodiversity  
Policy NE4 – Landscape character and locally important landscape  
Policy NE8 – Trees, hedgerows and woodlands  
Policy I4 - Flooding  
Policy C3 – Renewable energy

#### Neighbourhood Plan

Long Crendon Neighbourhood Plan 2013 – 2023

Biodiversity Net Gain SPD

Buckinghamshire Minerals and Waste Local Plan 2016-2036

### 5.3 **National Policy**

National Planning Policy Framework (NPPF) 2021

Section 2 –Achieving sustainable development

Section 4 –Decision making

Section 12 –Achieving well-designed places

Section 14 –Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

In addition, the Planning practice Guidance (PPG) is also a material consideration

### 5.4 **Main issues:**

Principle of development

Affordable Housing and housing mix

Design, character and appearance

Residential amenity

Highway and parking implications

Ecology

Flood risk

Other matters

#### Previous application

5.5 The previous application for 7 dwellings was refused for the following 9 reasons (summary):

- 1) Principle of development: The development is considered to be a large scale development and the Council (at the time of determination can demonstrate a deliverable 5-year supply of housing land. Therefore, the exceptional circumstances set out in Part 2 of Policy D3 have not been met.

- 2) Scale, siting and layout of the development, together with the loss of the stone wall, would not be in keeping with the existing character and appearance of the area and the Conservation Area. There is insufficient public benefit to outweigh the less than substantial harm caused. (Policies BE1, BE2 of VALP, LC9 and LC10 of the NP, Section 16 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.)
- 3) Inadequate outdoor space for future occupiers and in the absence of any justification and evidence on open space nearby. (Policy BE3 of VALP and the NPPF.)
- 4) No further studies or investigation works on highways improvement works to provide a satisfactory solution for pedestrian and vehicle access. (Policies T5 and T7 of VALP and the NPPF.)
- 5) Pedestrian access on the side of No.65 and plots 3 and 4 would not provide a safe, suitable and convenient access for all potential users. (Policies BE3 and T7 of VALP)
- 6) No affordable housing provision/contribution. (Policy H1 of VALP).
- 7) No biodiversity net gain assessment or impact assessment metric to demonstrate the resultant impact of the proposal. (Policy NE1 of VALP and the NPPF).
- 8) No drainage information. (Policy I4 of VALP and the NPPF).
- 9) No on site provision or legal agreement to secure financial contribution for sports and recreation facilities. (Policies I1 and I2 of VALP.)

5.6 All of the above will be addressed throughout the report.

#### Principle of development

5.7 Policy S1 of VALP seeks to ensure all developments are in sustainable locations. The pre-text indicated that development needs to keep pace with the growth in the population and meet the needs of the local community.

5.8 Policy S2 and S3 of VALP highlighted the primary focus of growth should be in Aylesbury but mentioned that the strategic growth and investment will be concentrated in sustainable locations. Policy also highlighted that housing developments in large villages are expected to be in keeping with the local character and will be acceptable, subject to complying with Policy D3 of VALP.

5.9 Although there is no set definition for small and large scale development within Policy D3, the context and locational characteristics have to be considered and a judgement made. In this instance, given the low density in the surrounding areas, it is considered that a proposal for 5 detached dwellings on an area of land measuring 0.49 hectare would be classified as small scale development, using the guidance and baseline set by other VALP policies and relevant planning appeals on this matter. Therefore the proposal should be assessed against part 1 of Policy D3 of VALP.

5.10 Part 1 of VALP Policy D3 states:



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

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

- 5.11 The proposal would be located off Sandy Lane within the settlement boundary of Long Crendon (Policy LC1 of the NP), of which is defined by VALP Policy S3 as a larger village in the settlement hierarchy and is a sustainable location. The site is relatively enclosed by various built forms and land use to the north, south and west. In terms of land use of the site, as the site has not been allocated for a specific use, it is 'white land' which is a parcel of land with no set use. The proposal is not a partial development of a larger site nearby.
- 5.12 With the above in mind and given the scale and location of the site being within the settlement boundary of Long Crendon, it is concluded that the principle of development, in terms of location, scale and land use designation, would accord with Policies S1, S2, S3 and part 1 of Policy D3 of VALP. Refusal reason No.1 has therefore been addressed. The provision of housing is afforded limited positive weight in this instance given the limited number of units.

#### *Social and economic benefits*

- 5.13 Given the 4.7-years housing land supply in the Aylesbury Vale area, from an economic perspective, the creation of 5 residential units will contribute positively to the overall housing stock for Aylesbury and Long Crendon. Limited weight is therefore given to the contribution to the overall housing stock.
- 5.14 There will also be long and short term economic gains through the construction phase and future investment into local businesses from future occupiers. Limited weight is therefore given.
- 5.15 Broadly, the scheme is deemed to make positive contribution to this part of Long Crendon whilst bringing additional wider benefits such as temporary employment opportunities and additional dwellings.

#### Affordable housing and housing mix

- 5.16 Policy H1 of VALP highlighted the need to provide affordable housing for residential developments of 11 or more dwellings or on a site that is 0.3hactare or more. It is noted

that this conflicts with the requirement listed within the NP where the policy highlighted affordable housing requirement is applicable for all sites of eleven homes and above. Both requirements are noted but with VALP being the primary document for the purposes of this application. The LPA must always go with the most recently adopted plan as it is required to do so by legislation. In this case, VALP.

- 5.17 The proposal is for 5 dwellings, whilst this does not automatically trigger the need for affordable housing, the site, as indicated on the application form, is 0.49 hectare in size, meaning that there is a need to provide the required level of affordable housing.
- 5.18 A detached 3 bed affordable unit (Plot 2) was originally proposed within the site, but following further discussion with the applicant and the relevant consultee, financial contribution towards affordable housing is considered more appropriate for this site and development. As a result of this, a detailed affordable housing commuted sum report has been submitted. The overall contribution to be paid by the applicant is considered acceptable and there is clear evidence within the report to demonstrate the lack of interest from relevant providers. The affordable housing contribution (£143,273.00) will be secure via a s106 agreement. As the contribution accords with policy this matter is afforded limited positive weight.
- 5.5 Policy H6a of VALP states that new residential development will be expected to provide a mix of tenure, type and size of dwelling which, amongst other criteria, reflects the Council's latest evidence of housing need and market demand. It also highlighted that any variation in housing mix will need to be fully justified and it should not take place to simply accord with a developer's preferences. The above is echoed in Policy LC2 of the Long Crendon NP.
- 5.6 Table 102 within VALP highlighted that the Buckinghamshire Housing and Economic Development Needs Assessment (HEDNA) (2016) 21% of the market housing need will be for 4 bedrooms houses, with 3 bedroom dwellings having the highest demand (52%).
- 5.7 In this instance, a mixture of 3, 4 and 5 beds dwellings are proposed. It is of the view that the mix of different size of dwelling is acceptable and complies with the needs as indicated within the HEDNA. No objection is raised on this element and refusal reason No.6 has been addressed.

#### Design, siting and appearance & Impact on the heritage assets

- 5.8 In this instance, apart from a handful of structures, the site is largely an undeveloped open field located on the edge of the settlement boundary of Long Crendon and surrounded by various built forms. The form and linear character of Long Crendon Conservation Area with its short rows of historic cottages (some listed) have a functional association with the wider landscape and this is part of the heritage assets significance. A LVA has been submitted to demonstrate the relationship between the development and the surrounding area.

- 5.9 The proposed is located within the local character area. It is acknowledged that the residential development would change the character of this small part of the area and would be a permanent and noticeable change, despite the majority of the landscape features and site boundaries being retained. However, when considering the sensitivity of the development, the proposal, as a whole, is considered to have minimal adverse impact on the effect of the area (long term).
- 5.10 In terms of layout of the site, the new dwellings will each be sited in spacious plot with front and rear garden space in a way that the development will lead to the creation of a new cul-de-sac. Some will benefit from garage parking too. This is considered to be an improvement to the previous scheme where large houses were cramped into small plots. It is appreciated that the existing openness of the area means these dwellings will be plainly visible from public vantage points off Sandy Lane, as well as within private views from surrounding properties.
- 5.11 There would be a degree of change to the existing settlement due to minor changes to No.65 Bicester Road. The removal of the existing garage, a later addition to the dwelling, and the inclusion of a new pedestrian access into the proposed development would create a gap of several meters wide however, this gap would only be wholly obvious to pedestrians. As a whole, even with the works proposed at No.65, the scale of change to the existing pattern of development along Bicester Road would be insignificant.
- 5.12 In terms of the relocation of the existing stone retaining wall, the wall is within the designated Conservation Area and is considered to be of local value. The stonewall would be relocated further northwest to allow for a small section of a footpath to be created along Sandy Lane. The submitted LVA concluded that the wall is in disrepair and there are areas which are currently covered by vegetation, comments received from 3<sup>rd</sup> parties during the application also highlight the state of repair of the wall as a possible concern. The wall, at various place, seems to have been patched, notably at the bend in the road, and parts of it have been mortared to hold it together. The relocation and rebuild would result in the wall being restored.
- 5.13 Overall, it is considered that the proposed 5 new houses and the works at No.65 would result in a development that is in keeping with the character of the area and in particular, the settlement edge of Long Crendon. The development would be enclosed by adjacent dwellings, industrial buildings and vegetation. The changes in views would be minimal and would not be at a scale that would warrant a refusal. The relocation and rebuilding of the stone wall would have long term benefits in terms of landscaping and visual. As a whole and subject to the appropriate conditions, the proposal would accord with Policies D3, BE2 and NE4 of VALP.
- 5.14 In terms of trees, policy NE8 seeks to ensure that all development enhances and protect existing trees where possible. It also highlighted that development that would lead to a significant loss of, or damage to the well-being of trees will be resisted. In this instance, it

is clear from the site plan that majority of the trees along the boundaries will be retained and enhanced where possible. It is also proposed to introduce new planting on the eastern part of the site to soften the visual impact of the development. Subject to the appropriate condition being put in place, the proposal would not lead to an adverse harm to the existing trees.

### *Heritage*

- 5.15 The Council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets. However, it is emphasised within the Development Plan that development proposals that would cause substantial harm to, or loss of a designated asset and its significance, to provide a thorough heritage assessment setting out a clear and convincing justification as to why the harm is considered acceptable on the basis of public benefits that outweigh that harm. This is echoed in the NPPF. Great weight is to be afforded to the protection of Heritage assets.
- 5.16 In addition, Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving the listed building and its setting or any features of special architectural or historic interest.
- 5.17 The proposal for 5 new dwellings with access off Sandy Lane would require a significant amount of earth removal due to the higher level of the site and that it would also need a graduated road access to reach the site level. Whilst the proposed width of the access would be visually prominent with pavements either side, it is acknowledged that there is a need to have a new vehicular access to serve new development on this site. It was previously acknowledged that an access through the existing stone wall would be highly intrusive from a heritage point of view. The latest proposal seeks to address this by relocating and rebuilding the disrepair stone wall further northwest. A heritage assessment has been submitted to support.
- 5.18 The stone wall is a characteristic feature that defines the boundary of the CA. There will be physical impact on the wall but given that the wall has been patched and repaired over the years, and also given that the applicant is confident that the stone can be reused to ensure the new wall is constructed to a good standard, the harm has been minimised.
- 5.19 No objection was raised in previous assessment on nearby listed buildings. It would therefore be unreasonable to re-assess this element given that the scale of the proposed development has been reduced.
- 5.20 No.65 Bicester Road has been identified as A Non-Designated Heritage Asset and afford similar protection as a Listed Building. The removal of the garage is objected to by the Heritage Officer due to insufficient information to demonstrate the garage is a modern addition however, there is a degree of conflict here. Within the comments provided by the Heritage Officer, it clearly stated *'The garage to be removed appears to be a modern addition.....'*. In another word, the heritage officer described the garage as a modern

*addition but requested that evidence is submitted to demonstrate it is in fact a modern addition.*

- 5.21 Notwithstanding the above, historic images (below) showed the house existed long before the garage was built.

OS map 1892-1914 (Left) and modern days (right)



- 5.22 In addition to the above, site photos taken on site for the 2018 application to demolish the existing garage confirmed that the garage is a brick built double garage with standard pitched roof and modern garage door. For clarity, the 2018 permission also included changes to windows (enlarging) and the installation of a new storm porch, which have all been carried out.



- 5.23 With all the above in mind, whilst it is acknowledged that the dwelling is now a NDHA, permission to demolish the garage remains intact. It would therefore be unreasonable to suggest that the removal of the garage would lead to an adverse impact on the character

and appearance of the NDHA. An objection on this point would simply not be sustainable at appeal if challenged.

- 5.24 For clarity, the access to the side of No.65 Bicester Road is proposed to be pedestrian only. The new garage to No.65 would be sited at the rear of the existing plot and accessed through Sandy Lane. Thus, the impact on the NDHA is minimal.
- 5.25 In terms of the visual impact to and from the CA, majority of the site will remain open, but it is acknowledged that those travelling along Sandy Lane will be aware of the modern development to the side of the road however, key views within the CA will not be directly affected but the effect on the setting of the CA will. Works to the footway, access, Sandy Lane itself and retaining wall will all contribute to this impression.
- 5.26 The internal layout of the site is considered to be an improvement. It is acknowledged that there will be a degree of impact on the existing 'linear pattern' of the village but buildings along Bicester Road do not form a close knit group, they are important in that they illustrate the early development of this particular part of the village, and they provide a physical connection to the past.
- 5.27 The heritage officer considered the proposed to be a suburban backland development and commented that the overall level of harm on the adjacent heritage assets as a result of this small scale development is less than substantial.
- 5.28 As the proposal would lead to less than substantial harm, in accordance with paragraph 202 of the NPPF, it is necessary to weight up the harms against public benefits. In this instance, putting aside the other benefits listed elsewhere in the report, the main heritage related public benefit as a result of this proposal would be the rebuilding and restoring of the stone wall which forms the boundary of the CA and to ensure the longevity of the wall. Although this would reduce the harm to the adjacent CA, this benefit alone is not considered to completely outweigh the harm to the adjacent heritage asset which is to be given great weight. However the combination of housing provision, affordable housing alongside the rebuilding of the stone wall is considered by the Council to outweigh the acknowledged harm to the Heritage Asset in this instance.
- 5.29 Moving onto archaeology, the site is located towards the edge of the historic settlement of Long Crendon, a substantial medieval settlement with origins which go back to at least the Anglo-Saxon period. The wider area contains ample evidence of prehistoric settlement but due to the limited development within the area, there has been less archaeological investigation than elsewhere in the village. This also means that if remains are present, they will be in a good state of preservation, as such, if permission is granted, a pre-commencement condition for further surveys and investigation works is required to limit the harm to any heritage assets.
- 5.30 Great weight has been applied to the consideration of this application and the impact it would have on the designated heritage asset. As such, it is considered that the local authority has discharged their statutory duty to pay special regard to the preservation of

the Listed Building and conservation area as required by the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential amenity

- 5.31 Arranged in a cul-de-sac style, the proposed dwellings will have a number of immediate neighbours. For the dwellings fronting Bicester Road, the arrangement will be back to back with a separation distance of approx 30m-37m between existing and new dwellings. For No.65 Bicester Road, there will be a separation distance of 19m with Plot 2 (flank to flank) and a back to flank relationship (at an angle) with a 26m gap with Plot 3.
- 5.32 Given the separation distance and the locating and siting of new and existing openings, it is of the view that although there will be a degree of overlooking, the level of harm would be acceptable and not uncommon for residential development.
- 5.33 There is no issue with the relationship between new dwellings and upon inspecting the submitted floor plans, it is concluded that there will be no direct overlooking between windows.
- 5.34 The new dwellings are dual aspect and would enable passive ventilation. Although the application is not supported by any lighting assessment, the spaciousness within the site allows for a reasonable levels of sunlight and daylight within buildings.
- 5.35 Turning to amenity space, Plots 1 and 2 will benefit from northwest facing rear gardens measuring 23m in width and 14.9m and 12m in depth. Plots 3-5 will have northeast facing rear gardens measuring between 16m – 20m in width and between 13m – 16m in depth. The proposed outdoor amenity space (rear garden) for each dwelling is satisfactory and an improvement from the previous scheme, especially for Plots 3-5.

Nationally described space standard

- 5.36 According to the Technical housing standards, the following should be provided:

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	

- 5.37 In this instance, all units follow the standards set out above and as such, no objection is raised.

5.38 As a whole, the proposal would comply with the standards set out in Policy BE3 of VALP and the NDSS. As such, no objection is raised, and refusal reason No. 3 has been addressed.

Parking and highway implications

5.39 Policies T4 and T5 emphasised the importance of ensuring there is sufficient capacity within the existing network to accommodate the proposed development.

5.40 Policy T6 emphasised the need to ensure all development provide an appropriate level of car parking, in accordance with the standards set out in the VALP.

Bedroom numbers	Standards (optimum)	Exception
1 (Bedsits/studios are included in the 1 bedroom category.)	1.5 spaces	1 space per dwelling plus one visitor's space for every two dwellings
2	2 spaces	
3	2.5 spaces	2 spaces per dwelling plus one visitor's space for every two dwellings
4	3 spaces	
5 +	3.5 spaces	3 spaces per dwelling plus one visitor's space for every two dwellings

5.41 Policy T7 stated that development will need to provide safe, suitable and convenient access for all potential users and to protect and where possible enhance existing pedestrian network and alongside strategic routes.

5.42 Furthermore paragraph 111 of the NPPF 2021 highlighted that development can be 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.

*Access*

5.43 Starting with the proposed access. A new vehicle access approx. 6.1m is proposed (with a bell mouth of approx. 12m) is proposed. The access will come off the western side of Sandy Lane, on the outer side of the bend, approx. 100m from the junction of Bicester Road.

5.44 Sandy lane is an unlit classified C road which is subject to a 30mph speed limit and on-street parking and waiting restrictions are not present. There is also limited footway along Sandy Lane.

5.45 It was previously mentioned by the Highways Officer that the required visibility splays will be 2.4m by 43m in both direction and it is achievable as the land is under the control of the applicant and Highways. The Highways Officer also commented in previous application that a new access on the outside of the bend would optimise the available visibility splays across the frontage of the site. The latest application proposes the same arrangement.



5.46 As mentioned above, the stone wall that currently forms the edge of the highway will be relocated further northwest. This will allow for a new footway to be created along the boundary of the site. The footway would measure 2m in width, span over 50m in length towards the north and 21m towards the south (measured from the bell mouth). Previously, it was 10m to the north and 22m to the south. There is no objection, purely from a highways point of view to the works proposed to the access and footways, subject to a separate highway's agreement.

5.47 It is acknowledged that Sandy Lane varies in width and to the north of the site, the road is not wide enough to accommodate simultaneous two way vehicle flow. The proposed development of 5 dwellings will increase the vehicle movements, leading to an increase in the conflict between opposing vehicles at these narrow points along Sandy Lane. To address this issue, it is proposed to widen Sandy lane to a minimum of 5.5m along the application site frontage to facilitate two way movement, to the north of the site. This would cater for the additional traffic movements associated with the proposed development. It is possible for the proposed to be carried out as the land required will be within the ownership of the applicant and the Highways authority. In the event that permission is granted, this element will need to be secure either via planning conditions or a legal agreement.

The Council's Highways Officer also acknowledged that there is a short section of Sandy Lane, adjacent to The Angel Public House car park boundary, where the carriageway width would remain below 5.5m. Whilst this is a straight section of carriageway with good forward visibility in both directions, and the proposed widening to the south would improve the ability of vehicles to wait to pass oncoming vehicles, the applicant proposes a formal priority give-way arrangement with appropriate signage. This would provide improved vehicular access along Sandy Lane for new and existing users and the highway officer is satisfy that a suitable scheme appropriate for the road, along with a road safety audit, can be secure via condition and highways agreement. There are also other highways related works towards the north part of Sandy Lane and the relevant Highways officer is satisfy that the works can be secure via condition and highways agreement.

5.48 Internally, the new access will serve the 5 new dwellings and a new garage for No.65 Bicester Road. There will be a turning area at the end of the access road. The internal access road and turning space is sufficient and suitable for refuse vehicles or vehicle of similar sizes to safely turn and exist the site is forward gear.

5.49 The proposal also included an alternative walkway, linking the development with Bicester Road. It is located to the side of No.63 and 65 Bicester Road and will run north-south towards the development between Plots 2 and 3. The new access would providing a direct footpath between the development to Bicester Road, and it is proposed to be open to public. The pedestrian walkway is of sufficient width for natural surveillance and there is

no shape bend or hidden corners. Subject to the appropriate measures being put in place to ensure the route is pedestrian only, the walkway would provide safe, suitable and convenient access for all potential users. Thames Valley Policy Crime Prevention and Design Team was consulted on the proposed and raised no objection.

- 5.50 Parking, the proposed parking provision is in line with the adopted parking standards. Cycle parking and electric vehicle charging points will be secure via conditions, should permission be granted.
- 5.51 Lastly, it is expected that the proposed development would generate in the region of 23 two-way trips per day, including two or three trips in both the morning and evening highway network peak periods, and this level of additional traffic movements would not have an adverse impact on the operation of the wider highway network.
- 5.52 In the light of the above, the proposal is acceptable and would accord with Policies T4, T5, T6 and T7 of VALP and the NPPF. Refusal reasons 4 and 5 have been addressed.

#### Ecology

- 5.53 This application is supported by a number of ecology reports, surveys and BNG information. The Council's Ecologist is satisfied that no further information in relation to bats is required and that the necessary survey and assessment have taken place on site for their potential to support bats. For badgers and birds, conditions securing the submission of badger survey work and a CEMP are recommended.
- 5.54 For Great Crested newt, a method statement has been submitted and the relevant officer is satisfied that provided the works are carried out in accordance with the mitigation plan submitted, the proposal would be acceptable.
- 5.55 A reptile survey was carried out and confirmed that no reptile species were found. As a result of the survey, no further assessments or survey are required but the recommendations set out in the report will be secure via condition.
- 5.56 In terms of biodiversity net gain, a detailed report and metric have been submitted, setting out the change that have been made to the mapping etc. Within the latest metric, the proposed development is capable of delivering an increase of 0.42 hedgerow units and 0.19 habitat units, which equates to a 10.2% net change in habitats units. The increase in hedgerow units is considered acceptable but it remains the case that trading rules are still not satisfied due to the loss of medium distinctiveness habitat type 'other neutral grassland'. The proposal would result in a deficit of 0.05 habitat unit and using the Buckinghamshire Council BNG calculator, this equates to a financial offset of £1711.89.

- 5.57 The applicant has agreed to the financial offset as indicated above. The delivery of on-site BNG would be secure via section 106.
- 5.58 Provided all the above is secure via condition and s106, the proposal would be acceptable having regard to Policy NE1 of VALP, the Biodiversity Net Gain SPD and the NPPF. Refusal reason 7 has been addressed.

#### Flood risk

- 5.59 The site is located within flood zone 1 where in accordance with the Environmental Agency flood map, the land and building have low probability of flooding. Residential use falls within the highly vulnerable use class as defined by the NPPF (2023).
- 5.60 The latest submission is supported by a number of drainage documents and calculations. Following several rounds of re-consultations, the LLFA commented that the drainage layout which includes surface water flows from each catchment will be restricted to 1.0/s with a total discharge rate of 2.0/s to the Thames Water foul sewer is satisfactory and the calculations provided for both catchment area 1 and 2 are also acceptable.
- 5.61 The LLFA advised that subject to the submission of a detailed surface water drainage strategy, the proposal would be acceptable and would accord with Policy I4 of VALP and the NPPF. Refusal reason No.
- 5.62 Lastly, Aylesbury Vale is located within an area of water stress and as such the Council will seek a higher level of water efficient than required in the Building Regs in accordance with Policy C3. Should permission be granted, this is to be dealt with by planning condition. Refusal reason No.8 has been addressed.

#### Other matters

##### *Financial contribution*

- 5.63 Refusal reason No.9 attached to the previous submission relates to financial contributions on Sports and recreation. This requirement is only relevant to scheme of 10 units or more or development that would result in a combined gross floorspace of more than 1000sqm (GIA). The current proposal is for 5 dwellings and the gross floorspace (GIA) is less than 1000 sqm, as such, there is no longer a requirement to secure any financial contribution.

##### *Planning obligations*

- 5.64 It is of the view that a s106 agreement is needed to secure the affordable housing contribution and also to secure the financial contribution towards the loss of biodiversity. The requirement for a s106 is deemed to meet the necessary tests as outline at paragraph

57 of the NPPF and the CIL regulations 122 and 123 and are therefore considered to provide appropriate mitigation to make the development acceptable in planning terms.

5.65 The applicant has agreed to enter into a s106 agreement and instructions have been sent to the Council's Legal Team.

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

6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

6.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.3 It is acknowledged that the Council cannot demonstrate a five-year supply of deliverable housing sites in the Aylesbury Area. It is also acknowledged that The Framework, at paragraph 11 is clear that in such circumstances, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.

6.4 Footnote 7 of para.11 of the NPPF does identify policies within the Framework that protect areas or assets of particular important, that if providing a clear reason for refusing a proposed development, prevent the tilted balance from being engaged.

6.5 In this instance, the proposal would lead to less than substantial harm to the Long Crendon Conservation Area. As such, the Framework, as a material consideration, does allow a refusal to be sustained.

6.6 Notwithstanding this, as the council cannot demonstrate a 5-year housing supply, it is therefore considered that the tilted balance would be engaged.

6.7 It has been set out earlier within this report that the proposed development would not adversely impact upon the character and appearance of the site and locality, and that it does represent good design. The proposal would bring in highways improvement works and introduce a safer pedestrian route connecting Bicester Road and Sandy Lane. The improvement works will bring substantial public benefit and should be attributed moderate weight. The proposed development would also make a positive contribution to the Council's housing needs and supply. This housing provision represent a benefit that weighs in favour of the proposal, however, given that it only involves the provision of 5

dwelling, this benefit should be attributed limited weight. It is also acknowledged that the proposal would result in some economic benefits during the construction phase and then those that arise from potential additional spend within the local economy from the extra residency that would be introduced. These benefits would, however, only be attributed limited weight due to the small scale of the development.

- 6.8 When balancing the benefits of the proposal versus the heritage harm identified, it is considered that the benefits are sufficient to outweigh the identified harm. Therefore, the planning balance is tilted in favour of approving this development.
- 6.9 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

Human Rights Act 1998

- 6.10 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

Equalities Act 2010

- 6.11 Local Planning Authorities, when making decisions, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

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

- 7.1 In accordance with paragraph 38 of the NPPF (2023) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this instance, the agent was kept up to date with the progress of the application and was invited to submit further clarification and documents to further support the scheme. The agent has also been made aware of the process relating to the s106 agreement.

## 8.0 Recommendation

8.1 Approval, subject to the completion of a s106 (to secure the affordable provision and the relevant biodiversity offset contribution) and the following conditions.

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 91 of the Town and Country Planning Act 1990.

2. The approved development shall be carried out in accordance with the following drawings/details:

Received on 08/02/2023:

- 21-J3643-402 rev A Plot 1 – Plans.
- 21-J3643-404 rev A Plot 2 – Plans.
- 21-J3643-407 rev A Plot 3 – Elevations.
- 21-J3643-406 rev A Plot 3 – Plans.
- 21-J3643-409 rev A Plot 4 – Elevations.
- 21-J3643-408 rev A Plot 4 – Plans.
- 21-J3643-410 rev A Plot 5 – Plans.

Received on 10/01/2023:

- 21-J3643-LP10 Location Plan.
- 21-J3643-401-1 Proposed coloured site plan.
- 21-J3643-403 Plot 1 – Elevations.
- 21-J3643-405 Plot 2 – Elevations.
- 21-J3643-411 Plot 5 – Elevations.
- 21-J3643-416 Proposed Street Scenes A-A & B-B.
- 21-J3643-417 Cycle Storage.
- 21-J3643-418 No 65 Garage Layout.

Received on 23/11/2023:

- 21-J3643-401 rev B Proposed site plan.

Reason: For the avoidance of doubt and to secure sustainable development in line with the objectives of the Development Plan.

3. No development shall take place above slab level until a Schedule of the external materials to be used in the construction of the development have been erected on site and submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details prior to the first occupation of the development.

Reason: To ensure that the development does not detract from the character and appearance of the area in accordance with Policies BE1, BE2 and NE4 of the Vale of Aylesbury Local Plan and Policies LC9 and LC10 of the Long Crendon neighbourhood Plan.

4. Prior to the commencement of any works on the stone wall (including demolition) a detailed method statement for the works shall be submitted to and approved in writing by the local planning authority. The method statement shall include the timing of the removal and reinstatement and measures to be taken to secure and protect the features against accidental loss or damage. Development shall thereafter be carried out in strict accordance with the approved method statement.

To safeguard the stone wall which is of local note and to ensure the longevity of the wall in accordance with Policy BE1 of the Vale of Aylesbury Local Plan and the NPPF.

5. Notwithstanding the approved details, no development shall take place above slab level until details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The details shall include a boundary treatment plan (at a minimum scale of 1:500) detailing the position of all proposed boundary treatment and annotated or accompanied by a schedule specifying the type, height, composition, appearance and installation method of boundary treatment throughout the site. The development shall be carried out in accordance with the approved details prior to the occupation of any part of the development and shall thereafter be retained in that form.

Reason: To provide adequate privacy, to protect the external character and appearance of the area and to minimise the effect of development on the area in accordance with Policies BE1, BE2 and NE4 of the Vale of Aylesbury Local Plan and Policies LC9 and LC10 of the Long Crendon neighbourhood Plan.

6. Notwithstanding the approved drawings, no development shall take place above slab level until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include existing trees and/or hedgerows to be retained and/or removed accurately shown with root protection areas; schedules of plants noting species, plant supply sizes and proposed densities; written specifications (including cultivation and other operations associated with tree, plant and grass establishment; and the implementation programme. The hard landscape shall include the footpath between No.63 and No.65 Bicester Road.

Development shall be carried out in accordance with the approved details.

If within a period of two years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity. All hard and soft landscape works shall be carried out prior to the occupation of the building(s) or the completion of the development whichever is the sooner or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: To protect and safeguarding the character of the area and to minimise the effect of development on the area in accordance with BE1, BE2 and NE4 of the Vale of Aylesbury Local Plan and Policies LC9 and LC10 of the Long Crendon neighbourhood Plan.

7. The development hereby permitted shall be carried out in accordance with the 'Tree Protection Measures and Preliminary Method Statement for Development Works', and Recommendations listed within the Arboricultural and Planning Integration Report dated 20<sup>th</sup> December 2022 ref: GHA/DS/122560:22a, produced by GHA Trees. This includes tree protection measures being erected/installed at the appropriate time and remain in situ undisturbed during the course of all site clearance/construction works.

Reason: To protect the appearance and character of the area and to minimise the effect of development on existing and retained trees in accordance with Policies BE2 and NE8 of the Vale of Aylesbury Local Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no new windows or rooflights, other than those shown on the plans hereby approved, shall be inserted at any time at first floor level or above in any of the side elevations of the dwellings hereby permitted without the prior written approval of the Local Planning Authority.

Reason: To prevent harm being caused to the amenity of the area and on the amenity of adjoining residential occupiers in accordance with Policy BE3 of the Vale of Aylesbury Local Plan.

9. The development hereby permitted shall not be occupied until the access off Sandy Lane has been sited and laid out in general accordance with the approved plans and constructed in accordance with Buckinghamshire Council's guidance note, 'Commercial Vehicular Access within Highway Limits'.



Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the development in accordance with Policy T5 of the Vale of Aylesbury Local Plan and the NPPF.

10. The development hereby permitted shall not be occupied until minimum vehicular visibility splays of 2.4m by 43m have been provided in either direction of the proposed access, and the area contained within the splays shall be kept free of any obstruction between 0.6m and 2.0m above ground level and maintained thereafter.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with Policy T5 of the Vale of Aylesbury Local Plan and the NPPF.

11. The development hereby permitted shall not be occupied until confirmation/evidence, to show the relevant highway improvement works have been fully implemented, has been submitted to and approved in writing by the Local Planning Authority. For clarity and the avoidance of doubt, the scheme of off-site highway works should include widening the Sandy Lane carriageway, the introduction of a formal give-way priority arrangement, and new footways along Sandy Lane as shown in-principle on the approved drawings.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway, and to improve highways and pedestrian safety in accordance with Policy T5 of the Vale of Aylesbury Local Plan and the NPPF.

12. No other part of the development shall be occupied, until the pedestrian footpath between the development and the existing pedestrian network along Bicester Road has been sited and laid out in general accordance with the approved plans, and constructed to include a hard bound surface. The pedestrian footpath shall be implemented prior to occupation and shall thereafter be retained.

Reason: In order to provide pedestrian access in perpetuity for new residents and the wider community from the development to the existing pedestrian network along Bicester Road, with onward connections to Long Crendon School and other village amenities; and to meet active travel objectives outlined in LTP 4, Policy S1 [h], BE3, T5 and T7 of the Vale of Aylesbury Local Plan and the NPPF.

13. The scheme for parking, garaging, and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park, and turn clear of the highway to minimise danger, obstruction, and inconvenience to users of the adjoining highway in accordance with Policies T5, T6 and T7 of the Vale of Aylesbury Local Plan and the NPPF.

14. Prior to the first occupation of the development hereby permitted, at least one electric vehicle charging point per dwelling shall be installed and thereafter be retained as approved.

Reason: To ensure adequate provision is made for electric vehicles and to accord with the NPPF and policies T6 and T8 of the Vale of Aylesbury Local Plan and the NPPF.

15. Prior to the first occupation of the development hereby permitted, the secure cycle parking as shown on the approved plans shall be fully implemented for each dwelling and shall not thereafter be used for any other purpose

Reason: To provide safe and suitable cycle parking to encourage sustainable travel to and from the development in accordance with Policy T6 of the Vale of Aylesbury Local Plan.

16. Prior to the commencement of any development works on the site (including site clearance), a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved CTMP shall be adhered to throughout the construction period. The CTMP shall include the following details:

- Construction traffic routing.
- Construction access details.
- Delivery hours outside of highway network peak periods.
- The parking of vehicles of site personnel, operatives, and visitors off the highway.
- Loading and unloading of plant and materials and storage of plant and materials used in constructing the development off the highway.
- The erection and maintenance of security hoarding.
- Wheel-washing facilities.
- Prior to development a condition survey of the highway and a commitment to rectify and repair shall be provided.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway during the construction of the development in accordance with Policies T5, T6 and T7 of the Vale of Aylesbury Local Plan and the NPPF.

17. Prior to commencement a survey of the highway shall be submitted to and approved in writing together with an undertaking that damage because of the development shall be repaired at cost to the developer. Within 3 months of the final property being occupied, a post development condition survey of the highway shall be submitted and approved in writing together highlighting necessary repairs.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway during the construction of the development in accordance with Policies T5, T6 and T7 of the Vale of Aylesbury Local Plan and the NPPF.

18. Prior to the commencement of development hereby approved, a detailed Archaeology Written Scheme of Investigation (WSI) shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the approved WSI works have been completed strictly in accordance with the approved details.

Reason: To ensure the appropriate recording of any archaeological remains affected by the development in accordance with Policy BE1 of the Vale of Aylesbury Local Plan and the NPPF.

19. Within 3 months of the completion of the WSI works two copies of the final report are to be provided to the Council's Historic Environment Record and confirmation of the submission shall be provided to the Local Planning Authority in writing.

Reason: To ensure a record of the site is maintained and correctly archived in accordance with Policy BE1 of the Vale of Aylesbury Local plan and the NPPF.

20. The development hereby permitted shall be implemented in accordance with the agreed mitigation plan (Precautionary Working Method Statement, Herpetofauna, 65 Bicester Road, AAe Environment Limited, March 2023, Report Ref: 213260 ). No variation to the agreed plan shall be made unless agreed in writing with the local planning authority before such change is made.

Reason: To protect and where possible enhance local biodiversity, protected species and other ecology in accordance with Policy NE1 of the Vale of Aylesbury Local Plan and the NPPF.

21. No development (including demolition) shall take place on site until a detailed badger report has been submitted to and approved in writing by the Local Planning Authority. The report shall include survey(s) of the site and surrounding, mitigation measures and if applicable, evidence of the relevant licence obtained. The development shall therefore be carried out in strict accordance with the approved details.

Reason: To protect and where possible enhance local biodiversity, protected species and other ecology in accordance with Policy NE1 of the Vale of Aylesbury Local Plan and the NPPF.

22. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has

been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”. i.e the ancient woodland and local wildlife site.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To ensure that development is undertaken in a manner which ensures important wildlife is not adversely impacted in accordance with Policy NE1 of the Vale of Aylesbury Local Plan and the NPPF.

23. Notwithstanding the submitted details, no work shall commence above slab level until a scheme for biodiversity enhancement, such as the additional planting, incorporation of permanent bat roosting feature(s), hedgehog homes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include an implementation programme and in combination with condition 6, the biodiversity enhancements shall provide at least 0.42 hedgerow units and 0.19 habitat units. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

Reason: To secure a degree of biodiversity net gain on site and to ensure appropriate protection and enhancement of biodiversity, to make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare in accordance with Policy NE1 of VALP and the NPPF.

24. No works on site shall commence (including site clearance) until a surface water drainage scheme for the site, based on the Proposed Surface and Foul Water Drainage Strategy (drawing no. OLL-LONGCRENDON.23/20, rev. P6, 13 September 2023, Mayer Brown) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the

development is completed. The scheme shall also include:

- Limit flows from the site to 2.0l/s
- Drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s), showing pipe numbers, gradients and sizes, complete together with storage volumes of all SuDS component(s).
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding.
- Construction details of all SuDS and drainage components.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction.

Reason: To ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Policy I4 of the Vale of Aylesbury Local Plan and the NPPF.

25. Prior to the installation of any external lighting associated with the development hereby permitted details shall be submitted in writing to and approved by the Local Planning Authority. Details shall include exact location of the lighting, illuminance level and the method of operation. For clarity, this excludes domestic lighting within private rear gardens. No other lighting shall thereafter be installed without the written agreement of the Local Planning Authority.

Reason: To protect the amenities of all occupiers, the character of the area and biodiversity in accordance with Policies BE1, BE2 and NE1 of the Vale of Aylesbury Local Plan.

26. The dwelling(s) hereby approved shall be constructed to meet as a minimum the higher standard of 110 litres per person per day using the fittings approach as set out in the 'Housing: optional technical standards' guidance and prescribed by Regulation 36(2)(b) of the Building Regulations 2010.

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; and to use natural resources prudently, and in accordance with Policy C3 of the Vale of Aylesbury Local Plan (adopted September 2021) and guidance contained in the NPPF (2021).

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no development covered by Classes A, B, C and E of Part 1 of Schedule 2 to that Order shall be carried out without the specific grant of planning permission from the Local Planning Authority.

Reason: To protect as far as possible, the character of the adjacent Conservation Area and the amenities and privacy of nearby properties in accordance with Policies BE2 and BE3 of the Vale of Aylesbury Local Plan

#### Informatives

The applicant is advised that highway works will need to be constructed under a Section 184 / 278 of the Highways Act legal agreement. This agreement must be obtained from the Highway Authority before any highway works are carried out on any footway, carriageway, verge, or any land forming part of the highway. Please contact Highways Development Management via [highwaysdm@buckinghamshire.gov.uk](mailto:highwaysdm@buckinghamshire.gov.uk)

It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

#### Protection of great crested newts and their breeding/resting places

Informative: The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England or opt into Buckinghamshire Council's District Licence. If a great crested newt is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

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

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

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

**Appendix A: Consultation Responses and Representations**

**Appendix B: Site Location plan**

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

### Councillor Comments

CLlr Nic Brown - No comments received.

CLlr Gregory Smith – Late call ins:

Email 01/02/2024:

I request that this application is called into the planning committee for full and public discussion:

- There is considerable local concern
- This development could have a significant impact on the conservation area.
- Further consideration of the traffic access could be beneficial.

CLlr Susan Lewin

Initial email 29/01/2024:

There is considerable local concern (which I share) about the highway safety implications of this application. I would strongly suggest a site visit by the committee to see how narrow and potentially dangerous Sandy Lane is. A new entrance and exit on to Sandy Lane could be problematic. I would like to call this application in to be discussed by committee.

Follow-up email 08/02/2024:

Sorry for the confusion over the late call in. I recall sending an email last year about the concerns over the highway. I questioned the creation of an entrance onto Sandy Lane, and although the response said that highways were satisfied that the visual splays conformed to regulations, concerns remain over the safety of this entrance. Not all concerns are necessarily recorded on the planning portal.

I think your comment about only 18 local comments is not relevant; as we are told on our planning training, the number of objections raised is not a material consideration. Surely the issue is over what they are saying?

I note too, the objection from Heritage:

“The proposals would have an undesirable urbanising effect on the local landscape, result in permanent loss of countryside, not respect the linear pattern of the village, have an enclosing effect on the conservation area, result in permanent alteration to the stone boundary retaining wall which is a locally important feature, and impact on views towards the conservation area. Whilst this would cause less than substantial harm to the significance of the designated heritage assets, the limited public benefits of this proposal would not outweigh this harm. The proposal due to the insensitive and unsympathetic nature would cause harm to the significance of the designated heritage assets. As such in heritage terms, this proposal would fail to comply with s.16, s.66 and s.72 of the P(LB&CA)A 1990, policy BE1 of the AVLP, and heritage advice in Section 16 of the NPPF”



Therefore, with the continuing concerns over the extra traffic on Sandy Lane and the heritage objections, I think it only fair that this is considered further by committee.

### Parish/Town Council Comments

Long Crendon Parish Council (Verbatim):

Long Crendon Parish Council objects to this application.

Whilst the quantum of proposed housing has been reduced the fundamentals of the proposed scheme are very similar to the one that was recently refused. Not much appears to have changed. Mention is made in the application in relation to the ancient stone wall to be removed on Sandy Lane to create a new access point to the application site. This wall had previously been demolished illegally and was ordered to be re-instated by the owners of the land at that time (enforcement notice EN17/2013 refers). It seems incongruous to permit its removal under this application. It is part of the conservation area. Creating a new highway access in this location on Sandy Lane would be intrusive. There is no clear and convincing justification for this in the application documentation. The Historic Buildings Officer in their report on a prior application for this site 'referenced 13/03502/APP' clearly articulated that the removal of a significant section of the stone boundary wall which is an important feature of this part of the conservation area adversely affects the impression of enclosure that is a key feature of the lane and thus the character of the conservation area. This latest application does not materially change the planning context which led to the issuing of the enforcement notice.

We are very concerned about the proposed new access arrangements on a blind corner on Sandy Lane and as there is no other way to come from Shabbington in a lorry (due to the narrow bridges there). This particular road has a higher percentage of lorry movements compared to other village roads. In addition when the other roads around Shabbington are flooded, as is often the case annually, there is a marked increase in vehicular traffic on this road as it is the only one left open. None of this is referenced in the transport statement accompanying this application and the danger to road users, particularly pedestrians and cyclists, is thus under-represented.

The proposed development does not sit well with its neighbours in the Conservation Area. The scale, massing and suburban site layout of the proposed development next to the Conservation Area continues to be inappropriate.

The application documentation is inconsistent within itself. Mentioned in different documents for this application are references to 2x 5 beds + 2x 4beds + 1x 3 beds, 3x 3 beds + 2x 4beds, 1x 3 beds + 4x 4 beds. This inconsistency makes us consider the overall validity of the supporting documentation. There may have been some re-use of previously submitted documents from prior applications, but the documents do not appear to have been suitably updated for this latest application.

The Design and Access document states that existing trees and hedges of value around the boundaries of the site will be retained. This is clearly not true in that to demolish and rebuild the stone wall on Sandy Lane and also provide a 2M wide footpath adjacent the application site will

require the complete removal of more than a negligible number of trees and hedges abutting that lane.

#### Consultation Responses (Summarise)

Thames Valley Police – CPDA – under the threshold of 10 units therefore unable to assess the application or visit the site.

Affordable Housing – Houses should all be M4(2) compliance and the relevant affordable unit should be M4(3) standard. The size of the units must be broadly in line with the NDSS and affordable unit(s) should not be distinguishable from open market housing in terms of design, built quality and materials. A plan is needed to highlight the affordable unit.

Archaeology – The site has the potential to contain medieval settlement / prehistoric settlement. The development is likely to harm a heritage asset therefore a condition is recommended should permission be granted.

Ecology (initial comments) – Objection, further information is needed.

Follow-up: In conclusion the recent submissions on BNG have addressed most of the matters raised in our comments to date. However, there remains a loss of grassland habitat units and as such trading rules are still not satisfied. It is possible that a financial contribution, secured via a planning obligation.

Ecology (GCN) Initial comments – objection, further information is needed.

Follow-up: The provided method statement will be able to address the residual risk of impacting individual great crested newts and/or their habitats. Further to this I recommend a compliance condition is put in place to secure the method statement.

Heritage – The proposal due to the insensitive and unsympathetic nature would cause less than substantial harm to the designated heritage assets.

Highways - I note that the application site was subject to a previous planning application (ref: 22/02904/APP) for seven dwellings and the Highway Authority raised concern with additional vehicular and pedestrian access along Sandy Lane. This current planning application proposes five dwellings on the application site, which is located off Sandy Lane, immediately north of Lancaster Lodge, and highway works are proposed which seek to address the highway concerns. In addition, the applicant has undertaken further studies / investigation works and provided evidence to demonstrate a satisfactory solution for vehicular and pedestrian access. No objection subject to conditions and informatives.

Follow up comments from Highways Officer:

*In assessing this planning application, I have considered the existing road conditions along Sandy Lane, including the hill and bend in the location of the proposed access. I have reviewed*

*the plans submitted as part of this planning application and visited the site, and can confirm that acceptable forward visibility can be achieved for vehicles turning right off Sandy Lane into the proposed access, and that acceptable forward visibility can also be achieved for northbound traffic towards right-turning vehicles. Forward visibility of 43 metres is required for a new access onto a 30mph speed limit road and this can be achieved.*

*To assist in my explanation, I include the following google street view image showing the view for southbound traffic along Sandy Lane, at the point where a vehicle would be crossing traffic to turn right into the development access.*

*I would add that a new access sited and laid out in general accordance with the approved plans and constructed in accordance with Buckinghamshire Council's highway standards would be secured by planning condition. This would require the developer to undertake a detailed access design which would be audited and approved by the Highway Authority before the access is constructed. This condition would ensure that the required forward visibility is achieved and that a suitable access is provided to minimise danger, obstruction, and inconvenience to users of the highway and of the development.*

*Please rest assured that the forward visibility at the proposed access has been thoroughly and carefully considered along with the highway impacts of the planning application.*

LLFA – (Initial comments) Object due to insufficient information regarding surface water drainage scheme.

Follow-up: No objection subject to condition.

Trees – No objection subject to conditions and do not recommend a new TPO.

## **APPENDIX B: Site Location Plan**



## Donotscale–thismapisindicativeonly

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