



## Appeal Decision

Inquiry held on 17 January 2017

Site visit made on 26 January 2017

by **S R G Baird BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 21 March 2017**

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**Appeal Ref: APP/K0425/W/16/3146838**

**Land at Park Mill Farm, Princes Risborough**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Halsbury Homes Limited against Wycombe District Council.
  - The application Ref 15/07825/OUTEA, is dated 9 October 2015.
  - The development proposed is the construction of up to 500 dwellings, open space and ancillary development.
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### Decision

1. The appeal is dismissed and planning permission for the construction of up to 500 dwellings, open space and ancillary development is refused.

### Preliminary Matters

2. The application was submitted in outline with all matters reserved. The local planning authority (lpa) resolved that, had it determined, the application would have been refused for the reasons set out in Annex B. The applicant, the lpa and Buckinghamshire County Council (BCC) entered into a S106 Agreement. The inquiry was closed in writing on 14 February 2017.

### Application for Costs

3. At the inquiry an application for a partial award of costs was made by Halsbury Homes Limited against Wycombe District Council. This application is the subject of a separate Decision.

### Main Issues

4. At the start of the inquiry I identified 7 issues to be addressed. These included as separate issues, "*whether the proposal would contribute appropriately to the provision of infrastructure/community facilities directly related to the proposed development and the wider Princes Risborough Expansion Area*" and "*the implications of the development for the delivery of the Princes Risborough Expansion Area*". Having reviewed the evidence, I consider there is duplication between these issues and I have combined them.
5. In light of the above, I consider the main issues in this case are:
  1. the quantum of development and the effect on the character and appearance of the area;

2. whether the proposal would provide satisfactory living conditions for future residents with particular reference to odour;
3. whether the proposal makes adequate provision for the provision of affordable housing;
4. whether the proposal would maximise sustainable transport solutions;
5. the effect on the highway network;
6. whether the proposal would contribute appropriately to the provision of infrastructure/community facilities directly related to the proposed development and the wider Princes Risborough Expansion Area and the implications its delivery.

## **Development Plan & Emerging Planning Policy**

### Development Plan

6. The development plan comprises the Wycombe District Local Plan 2004 – Saved Policies (LP); the Wycombe Adopted Core Strategy 2008 (CS) and the Delivery and Allocations Plan 2013 (D&AP).
7. LP Policy H2 allocates the Park Mill Farm (PMF) site for residential development with a capacity of some 570 dwellings. The wording of the policy says that proposals are required to take account of the Development Principles set out in Appendix 2. The Development Principles list a brief description of the expected development solution and requirements in terms of site specific requirements; education/community provision; open space/play provision; housing mix and transport. The introduction to Appendix 2 notes that the Development Principles do not form "*an exhaustive or ...definitive list*" of what is required; rather they are noted as a starting point.
8. For PMF, the site specific requirement is for a development that is well integrated with Princes Risborough to be achieved through the provision of effective transport linkages to the town. Reference is made to, amongst other things, improvements to the Longwick Road Roundabout and new high quality pedestrian and cycle routes across the Aylesbury railway line to include routes across Wades Park to the town centre. LP Policies T4 and T5 seek the provision of convenient and attractive walking and cycling links. LP Policy G3 requires high standards of design and layout. LP Policy H8 seeks to make the best use of land through density standards.
9. CS Policy CS6 looks to identify opportunities to provide a minimum of 480 dwellings in Princes Risborough. On greenfield sites, CS Policy CS13 looks for at least 40% bed-spaces as affordable housing. CS Policy CS16 seeks to ensure development is consistent with the strategies and priorities of the Buckinghamshire Local Transport Plan, with appropriate provision being made for improvements or mitigation. CS Policy CS20 seeks to ensure that the traffic generated by a development does not materially increase traffic problems taking into account mitigation and convenient access by foot and cycle. CS Policy 21 requires that where a development creates the need for additional or improved infrastructure or facilities the developer makes the provision or provides an appropriate contribution.
10. The D&AP contains similar policies relating to transport, highways and infrastructure. Policy DM2 (1a) indicates that developments should, wherever possible, provide access to a high quality fully accessible attractive public transport service and where development is not already served by a bus service a

new or enhanced service maintained for a period of at least 5 years is provided. D&AP Policy DM16 sets out standards for open space provision.

#### Emerging Development Plan

11. Policy CP3 of the consultation draft of the New Wycombe District Local Plan (DLP) says that development in Princes Risborough will be directed to a major residential-led expansion area brought forward by the Princes Risborough Town Plan (PRTP). The PRTP was published in draft form in February 2016. Policy PRTP1 identifies the expansion area, which includes the application site, as a substantial area to the north-west of the Aylesbury railway line. Policy PRTP2 requires the expansion area to be taken forward on a comprehensive basis consistent with the principles shown on the Illustrative Concept Plan (ICP). Policy PRTP4 sets out development principles, which include integration with the existing town through the creation of opportunities for shared community uses, direct road links and sustainable transport modes.
12. Policy PRTP5 sets out development requirements in terms of infrastructure. These include: a link road from Lower Icknield Way to Summerleys Road, the southern part of which would cross the application site; off-site junction improvements; an underpass under and a footbridge over the Aylesbury railway line to link to the north-east and south-western corners of Wades Park; a "green lane" on the eastern boundary of the PMF site, a green corridor along the Aylesbury railway line to include land reserved for widening of the railway (Policy PRTP6); sufficient school places including 2 primary schools (1FE & 2FE<sup>1</sup>). The ICP shows the 2FE-school located in the south-east corner of the PMF site. Policy PRTP16 relates to infrastructure delivery.
13. The draft PRTP is not being taken forward as a free-standing plan but will be incorporated within the yet to be issued publication version of the DLP. All parties agree that given the stage the DLP has reached it should only attract limited weight. In my view, given that the PRTP is to be subsumed within the DLP and there are outstanding objections to fundamental elements of the PRTP only limited weight can be attached to it.

#### Other Relevant Documents

14. BCC has published Local Transport Plan 4 (LTP 4) for the period 2016–2036. LTP 4 policies are described as "*Big Picture Policies*". On public transport the plan notes that BCC's spending on public transport supports, amongst other things, buses which are not currently viable on a commercial basis and that BCC will work with partners to ensure developments are located near good public transport or provide the right transport. Policy 3 on managing the impact of new developments indicates that BCC will keep the county thriving and attractive by getting the best deal from new development. Policy 16 Total Transport says that BCC will work with partners to ensure public transport services best meet the county's needs, now and in the future.

### Reasons

#### *Issue 1 - Quantum of Development & Effect on Character and Appearance*

15. The lpa submits that after accounting for: open space; the impact of the sewage treatment works (STW); the link road and a school, the nett developable area (NDA) would not accommodate 500 dwellings at an acceptable density without adversely affecting the character and appearance of the area. The amount of

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<sup>1</sup> One Form Entry & 2 Form Entry

open space required to serve this development is agreed at some 7.48ha. This area would include a reservation strip along the railway line and a "green lane" on the eastern boundary. However, the appellant disputes the need to include within the land budget for the site: 2ha for the link road: 2ha for a primary school and additional land to take account of the odour buffer to the STW.

16. At this point it is pertinent to refer to a duplicate application submitted by the applicant. Although that application was withdrawn, given that it sets out the lpa's approach on a number of matters, it is an important material consideration. Whilst the Committee report does not specifically refer to a NDA figure, under the heading of Quantum of Development the report notes that, "*The proposal is for up to 450 dwellings which would equate to a net density of approx. 37 dwellings per hectare across the site...*" This would equate to a developable area of some 12.1ha. On the basis that the lpa took into account all the known constraints including the Movement Plan (Drawing No. DE235-003), a matter it did not dispute and given there was no indication in the lpa's evidence that the figures quoted above were an error, it is not unreasonable to conclude that the NDA of the site is some 12.1ha. Taking an overall density of 41 dwellings per hectare (DPH) this gives an overall quantum of 496 dwellings.
17. Although the ICP shows a site for a 2FE primary school in the south-east of the site, the PRTP only identifies 5 elements that are described as "*fixed elements*"; none of which include primary school sites. The lpa's witness on education matters acknowledged that other than seeking schools to the east and west of Longwick Road there was no education reason that required the school to be provided on the PMF site. In my view, other than assertion, there is little or no urban design analysis either within the PRTP, or the lpa's evidence, to support a specific requirement to reserve land within the PMF site for a school.
18. The duplicate application did not include a site for a primary school within the application site. The Committee Report indicates that a school would be provided outside the application site on land immediately to the north of the STW. The recommendation was to grant permission subject to the resolution of matters relating to: the odour contour; mitigation of highway impacts and an acceptable planning obligation. Setting aside for the moment the issue of how education provision in the expansion area is to be funded, there is nothing in the Committee Report that says or even implies that a site outwith the application site was a sub-optimal location either in education or urban design terms.
19. In light of the above, I consider there is nothing in the evidence or the supporting documentation that supports the lpa's assertion that, "*The site must include a site for a 1 form entry school and allow for its extension to a 2 form entry.*" In this context, I can see no planning reason why 2ha should be deducted from the gross developable area.
20. The lpa estimates the allowance for the link road requires 2ha based on a uniform 30m corridor as shown on the Movement Plan (Drawing No. DE235-003) submitted with the duplicate application. That said, feasibility work by consultants for the lpa on the link road shows a uniform width of 23.8m, which includes landscaping strips, through the site. The applicant puts forward a more nuanced approach that provides for the link road based on a minimum width of 19.3m for a carriageway with footways, cycle ways and landscaping on either side. This strip would expand at points to provide for turning into the various residential phases and contract where layout solutions permitted. On this basis, the applicant estimates that some 1.2ha would be a reasonable allowance for the link road. I appreciate the lpa's approach, particularly as this is an outline application. However, given the objective of using land efficiently and maximising

the potential number of dwellings, I consider the approach of determining the land budget on the basis of a uniform 30m strip to be overly cautious and an inefficient use of land.

21. The final element in this equation is the extent of the allowance for the odour buffer to the STW. Whilst it is agreed that there should be no residential development within the  $30\mu\text{E}/\text{m}^3$  odour concentration contour, there is disagreement as to the amount of land that would be affected. The lpa's land budget is based on assessments carried in 2016 for the lpa which shows that the  $30\mu\text{E}/\text{m}^3$  odour contour would extend over some 1.06ha shown for residential development. The applicant, using a different model and odour emission rates greater than that used by the lpa shows the potential  $30\mu\text{E}/\text{m}^3$  odour contour just clipping the potential housing area. Moreover, using the lpa's base data the applicant's model shows the  $30\mu\text{E}/\text{m}^3$  odour contour could be accommodated within the area to be set aside as open space.
22. The applicant's expert conclusion based on an assessment of the lpa's model, AERMOD, was that it produced erroneous results. Other than assert that a precautionary approach should be adopted, the lpa did not challenge the applicant's technical evidence or the suggestion that the lpa's model over-estimated the extent of the  $30\mu\text{E}/\text{m}^3$  odour contour. Given the objective of using land efficiently, I consider the lpa's approach to the  $30\mu\text{E}/\text{m}^3$  odour contour to be overly cautious and an over-estimate of the amount of potential residential land to be protected.
23. Based on the above considerations, I consider the NDA would be sufficient to accommodate the scale of development envisaged by the application. At a density of 41 dph, it is agreed that a development of up to 500 dwellings, would not have an unacceptable effect on the character and appearance of the area or the setting of the Chilterns Area of Outstanding Natural Beauty (AONB). Subject to careful attention to layout, and landscaping, matters that would be dealt through reserved matters submissions and conditions, I have no reason to disagree with that conclusion.

*Issue 2 - Living Conditions & Odour*

24. Having regard to the applicant's unchallenged evidence on the efficacy of the applicant's odour monitoring assessments and subject to a condition relating to no residential development within the  $30\mu\text{E}/\text{m}^3$  odour concentration contour, I consider there would be no material impact on the living conditions of future residents from odour.

*Issue 3 - Affordable Housing*

25. Consistent with requirements of CS Policy CS13, the S106 Agreement provides that not less than 40% of the bed-spaces shall be delivered as affordable housing.

*Issue 4 - Maximising Sustainable Transport Solutions*

26. Section 4 of the Framework sets out objectives relating to the promotion of sustainable transport. These include: locating developments in areas where the need to travel will be minimised and the use of sustainable transport modes can be maximised (paragraph 34) and that developments should have access to high quality public transport facilities (paragraph 35). With this application, the lpa's concern falls under 2 headings. The first concern is a failure to provide a long-term sustainable bus service and the second is a failure to provide safe, convenient and attractive access on foot and cycle across the railway line.

27. The lpa's position relating to the bus service is characterised by the applicant as seeking support for a service "in perpetuity". This characterisation was not, in my view, materially challenged and indeed it is an approach that the lpa appears to have adopted in the past. To require a developer to maintain a bus service in perpetuity is, in my view, untenable. I am not aware of any publicly funded service which operates under such a guarantee and no evidence was put to the inquiry showing that such services existed. The D&AP defines access to a high quality bus service as dwellings located no more than 250 to 400m from a bus stop; an all-day Monday to Saturday service with a reduced service in the evenings and on Sundays. The S106 Agreement provides for a sum of £1.9m to be paid to BCC for it to operate a bus service for 10 years to the PMF site and, if appropriate, for the money to be consolidated with other services and contributions. This part of the proposal accords with the requirements of D&AP Policy DM2 (1a), which seeks the maintenance of the bus service for only 5 years. Moreover, whilst the DLP is at a very early stage, given the spatial constraints associated with Wycombe District (i.e. large areas of Green Belt and AONB) the likelihood of some form of large scale development to the north-west of Princes Risborough within the next 10 to 15 years, where the above constraints do not apply, must be a strong. In these circumstances, as the lpa acknowledges, if additional large scale development comes forward the bus service serving PMF could become viable in the long term. In these circumstances, I consider the applicant's proposed provision is acceptable and consistent with development plan and Framework policy.
28. LP Policy H2 indicates that development of the PMF site will be required to take account of Development Principles contained at Appendix 2. These principles seek a development that is well integrated with Princes Risborough through effective transport linkages, which include new high quality routes across the Aylesbury railway. It was acknowledged that this reference should be read as referring to an underpass. LP Policy H2 and the expectations set out in Appendix 2 also have to be read in the context that the list of elements is neither exhaustive nor definitive.
29. The IHT<sup>2</sup> Guidelines for Journeys on Foot suggests acceptable and preferred maximum walking distances to: town centres as 400m and 800m; for commuting and schools as 1km and 2km and elsewhere as 800m and 1.2km respectively. Manual for Streets (MfS) highlights that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to 800m) walking distance of residential areas which residents may access comfortably on foot. However, this is not an upper limit and MfS states that walking offers the greatest potential to replace short car trips, particularly those under 2km.
30. In terms of providing pedestrian and cycle access to the town centre the application does not include an underpass. What is proposed includes the use of the access road running along the common boundary with the Hypnos factory and a pedestrian/cycle link through the adjoining Leo Labs residential site on the north-eastern boundary. The owner of the PMF site has a legal agreement with the Leo Labs developer/owner to take access through the site to Longwick Road. The Committee Report on the duplicate application recognised the opportunity to provide access to the application site through the Lea Labs site. On the evidence before me, I have no reason to dispute the applicant's submission that the Leo Labs S106 Agreement would not prevent the creation of this access. In addition there already exists a bridleway/footpath that runs along railway line. These proposed/existing links join Longwick Road north-west of the railway bridge. The

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<sup>2</sup> The Institution of Highways & Transportation

application also provides for off-site pedestrian/cycle improvements in the form of a cycleway/footway from the site access on Longwick Road to the Longwick Road/Brooke Road/Wellington Avenue junction to link with existing cycleway/footway provision. In addition, the existing foot crossings over the Aylesbury railway line that connect to the footpath links at Mount Way and Church Path to the town centre would remain. To the east there is an existing footpath/road to Summerleys Road, which would give pedestrian/cycle access to Princes Risborough railway station.

31. Regarding the existing pedestrian links, the railway crossings would remain unattractive and difficult to use by the less mobile or those with prams. The bridleway, because of its condition, alignment and isolation, is neither an attractive or suitable route for cycle or pedestrian access to a residential development.
32. In calculating walking/cycling distances/times, the applicant uses the site and Phase 1 centroids as the starting point and the lpa uses several different points across the site to reflect the various potential development phases. In my view, the IHT distances are for guidance and are not rules. Taking a site centroid allows for the fact that some parts of a development would be closer and others would be further away and is an acceptable way of assessing accessibility. Use of an underpass located in the south-east corner of the site would result in the walk distance to the town centre, all of the schools and most other facilities falling between the IHT acceptable and preferred maximum distances. Whilst the use of the site access road or the route through the Leo Labs site would, in the majority of cases, be longer, some of the walking distances i.e. to the primary schools and some facilities would also fall within the IHT acceptable to preferred maximum distances and well within the MfS guidance that walking offers the greatest potential to replace short car trips, particularly those under 2km. These routes would be safe, convenient and attractive forms of access. Therefore, on balance, I agree with my colleague's conclusion in the 2012 appeal decision that in the absence of the underpass, the link via Longwick Road would be satisfactory in itself<sup>3</sup>.
33. Notwithstanding the above conclusion, I agree with the conclusion of my colleague in the 2007 decision<sup>4</sup> that the railway line "*represents a significant physical and psychological barrier between the site and the town*"; that the provision of an underpass would "*significantly improve pedestrian and cycle linkages to the town centre*" and "*in the absence of an underpass..., the proposal lacks the necessary integration with the settlement.*" Similarly, I agree with my colleague's conclusion in his 2012 report<sup>3</sup> that in the absence of the underpass "*the development would fail to take advantage of the opportunities of the site and would risk being unacceptably separated from the town, failing to be fully integrated socially...*" The potential for residential development to the north-west of the application site, in my view, only reinforces these conclusions.
34. Given the lpa's position that an underpass from the PMF site to Wades Park is necessary for the development of the larger expansion area to the north-west, I can understand the applicant's reticence in shouldering the full burden of its provision. However, whilst the provision of open space in the south-east corner of the site provides the opportunity to incorporate an underpass, neither the application nor the Agreement provides for that opportunity to be taken up by others to deliver the underpass.

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<sup>3</sup> APP/K0425/A/11/2154070

<sup>4</sup> APP/K0425/A/06/2020104

35. Notwithstanding my conclusions regarding the long-term adequacy of the proposed bus service and the acceptability of the pedestrian/cycle links via Longwick Road, given that an underpass would significantly improve links to the town centre and provide the integration between the site and the town centre the LP seeks, I consider the application conflicts with LP Policy H2 and fails to maximise the use of sustainable transport modes.

*Issue 5 - The effect on the Highway Network*

36. Amongst other things, Framework paragraph 32 indicates that, "*Development should only be prevented on transport grounds where the residual cumulative impacts of the development are severe.*" Thus, the test is whether after mitigation the cumulative effects of all expected developments would be severe. Whilst I note all the concerns and caveats that were discussed regarding the veracity of the modelling, it is an inescapable fact that the modelling supplied by the applicant and the contradictory conclusions of the professional witnesses are the only pieces of evidence I have before me on which to come to a conclusion as to whether the residual cumulative impacts of the development would be severe.
37. One of the main traffic routes through Princes Risborough is the A4010 which has 2 town centre roundabouts. These are the Longwick Road/Aylesbury Road junction (Tesco roundabout) and the New Road/Bell Street junction (New Road roundabout). The applicant and the lpa agree that without the development traffic conditions in the design year at both these roundabouts will be severe. The applicant acknowledges that without mitigation the development would result in the already severe conditions at these 2 roundabouts becoming materially or significantly worse.
38. The applicant proposes mitigation works to the Tesco roundabout to provide/improve the 2-lane accesses onto the roundabout from Longwick Road, Aylesbury Road and New Road. The exits from the roundabout would remain one-lane. The works to the Longwick Road arm involve widening the road and relocating the footway further west. This would remove the majority of a landscaped strip between the rear of the existing footway and the boundary with the Tesco car park. The car park is at a substantially lower level and the boundary is formed by a retaining wall. The lpa doubted whether this scheme could be achieved without including third party land. Moreover, a BCC Road Safety Assessment Report has identified several issues of concern with the proposed roundabout access and exit arrangements. From what I saw of the operation of these roundabouts and the nature of the immediate surroundings, I believe that the issues raised by BCC could be addressed through design refinements and the works proposed could reasonably be carried out within the existing highway. Accordingly, land ownership would not be a constraint to implementing the mitigation measures.
39. No improvements to the Bell Street/New Road roundabout are proposed. Here, the mitigation involves relocating the existing traffic light controlled pedestrian crossing further to the south-west to the junction with High Street. This would increase the capacity of the Bell Street exit from the roundabout. Improvements are also proposed to the New Road pedestrian crossing. Again the BCC report highlights several issues of concern but which I believe could reasonably be dealt with through design refinements.
40. Whilst I can see some benefits of the mitigation schemes as proposed the effects of these measures are unquantified. In this regard, the appellant's case obtains only limited support from the 2012 Inspector's report where he notes that agreement had been reached as to the effect of the development and the need

for mitigation that led to his conclusion that traffic could be safely and effectively accommodated on the existing road network<sup>5</sup>. However, there is nothing to show the context within which that conclusion was made, the extent of the works proposed or indeed if the Highway Authority had approved the works other than possibly giving an "in principle" approval. Given the wording of the condition suggested by the Inspector, this latter approach appears the most likely. Similarly, little support can be obtained from the Committee Report on the duplicate application. That report indicates that whilst a response had not been received from the Highway Authority it was likely to raise the same objections it raised with this application. The Committee report highlights that it had not been concluded whether there was a solution that would mitigate the highway impact and this issue needed to be resolved before permission could be issued.

41. Bearing in mind the criticisms of and the caveats attached to the traffic modelling, it appears to me that this proposal would result in significant increases in traffic on key parts of the local highway network that are already operating over capacity. Given the potential queue lengths that could occur at the Tesco roundabout, particularly on the Longwick Road link in the a.m. peak (203 units), the cumulative impact on existing and future residents would be severe and unacceptable. In the absence of any modelling of the effects of the proposed mitigation, I have, other than conflicting professional judgements, no way of confidently concluding that the mitigation measures as proposed would be effective. In this context, I do not believe the potential for mitigation could reasonably be dealt with by imposing a Grampian style condition. In light of the above, I conclude that the residual cumulative impacts of the development on the highway network would be severe and the application would conflict with CS Policy C20 and Framework paragraph 32.

*Issue 6 - whether the proposal would contribute appropriately to the provision of infrastructure/community facilities directly related to the proposed development and the wider Princes Risborough Expansion Area and the implications its delivery.*

42. In relation to public transport, I have concluded that the appellant's proposal would be consistent with development plan policy. Similarly, the sustainable urban drainage, open space, travel plan and affordable housing requirements of the application would be appropriately provided for by the S106 Agreement. I have also concluded that neither the application nor the Agreement provide for or allows the opportunity to provide for the underpass, which would integrate this development and the wider proposed expansion area to the north-west with the town and as such conflicts with development plan policy and the Framework's objective of maximising the use of sustainable transport modes.
43. Framework paragraph 72 sets out the importance placed on the need to ensure sufficient choice of school places to meet the needs of new and existing communities. The Framework indicates that Ipas should be proactive, positive and collaborative in meeting this requirement. Thus Ipas should give great weight to creating, expanding or altering schools.
44. There is currently capacity within the Princes Risborough planning area for 88 new dwellings that would fill the existing surplus primary school capacity. BCC starts from the position that it requires a new school where existing schools do not have scope to expand or are unsuitable to accommodate planned development. Here, the Ipa's position is that other than at 2 schools<sup>6</sup> there are no further

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<sup>5</sup> APP/K0425/A/11/2154070, paragraph 186.

<sup>6</sup> Great Kimble and Princes Risborough

opportunities to expand primary schools in the planning area. This, coupled with a need to maintain a minimum 5% surplus capacity, means there are insufficient primary school places to accommodate the need<sup>7</sup> generated by the application. Therefore, the shortfall should be met by the applicant providing land and a financial contribution of approximately £3.5m to build a new 1FE school with 26 pre-school places that is capable of being extended to a 2FE school (420 places).

45. At this stage it is pertinent to observe the lpa's requirements would, in my view, fail the Framework paragraph 204 and CIL Regulations tests. These indicate that planning obligations must be: necessary to make the development acceptable in planning terms; directly related to the proposed development and fairly and reasonably related in scale and kind to the proposed development. The 1FE school requirement is designed to meet not only the needs of the development but also the expansion area. Therefore, given the existing capacity within the school system and a demand generated by the development for only 157 places, a requirement to provide a minimum of 210 places cannot be said to be either directly related to or fairly and reasonably related in scale and kind to the proposed development. The lpa's evidence appears to recognise that this requirement is in excess of that required to meet the demands of the application site in that it indicates a willingness to agree a mechanism to pay the applicant back through contributions secured for other development in the expansion area.
46. The S106 Agreement as signed provides for a financial contribution towards Pre-School and Primary School Education. The Agreement provides for the contribution to be used to expand the number of places at the Monks Risborough, Princes Risborough, Great Kimble and Bledlow Ridge Primary Schools or any other Primary School in the Princes Risborough planning area or a new school serving the development.
47. In terms of school expansion, whilst the lpa submit that only 2 schools are suitable for expansion, the Draft Infrastructure Delivery Plan (February 2016) for the PRTP identifies the potential for 3 schools to accept expansion, these are Great Kimble- 56 places, Princes Risborough - 105 places and Bledlow Ridge - 70 places. Now, the lpa appear to dismiss the potential for expansion at Bledlow Ridge for 2 reasons. The first is distance, the school being some 5 miles to the south of the application site. However, apart from pointing to the distance, the lpa have not substantiated why, when the PRTP Infrastructure Delivery Plan was produced, that distance was an acceptable element of the expansion package and now it is not. Whilst the school is beyond walking distance from the site it is, in my view, reasonably accessible by other modes of transport. The second reason is whilst the Governing Body is open to exploring the possibility of expansion it appears to be seeking a feasibility study and as yet no study has been produced. Allied to this there appears to be a fear on the part of the education authority that if expansion is pushed, the school may exercise its right to become an Academy School. As with the first reason, given that in February 2016 the school was considered suitable for expansion the lpa have not substantiated why the absence of feasibility or that the school would seek to move out of the authority's control justifies excluding the potential for expanding this school from the assessment of potential available spaces. In these circumstances, I see no reason why Bledlow Ridge should be excluded from the assessment of potential places to meet the demands of the application site.
48. I can see merit in the principle of planning for a surplus capacity of school places and on the evidence before me the use of a 5% figure appears to be underpinned by advice and practice. The fact that several schools are operating over-capacity

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<sup>7</sup> Agreed at 22 pre-school and 157 primary school places

is not, in my view, a fatal criticism of the process. Rather it is potentially an indicator of an underlying situation which could include a service under stress or a fluctuation in demand. That said I do not have sufficient evidence before me to conclude either way. However, that does not undermine my conclusion that the inclusion of a 5% allowance in calculating available spaces is reasonable.

49. Whilst there may be the potential for the expansion of other primary schools (i.e. Monks Risborough) within the planning area, that situation does not appear to have been fully researched. As such I consider it would be inappropriate at this stage to factor in an allowance for further capacity at those schools. Therefore based on the agreed calculations, I consider that, when allowance is made for housing commitments, the potential for the expansion of Bledlow Ridge Primary School and allowing 5% for surplus capacity, there would be the capacity for some 295 houses to come forward on this site. The appellant submits that it would take some 8 years for the site to be developed to this figure and I have no basis on which to disagree with that submission. This period strikes me as sufficient for the education authority and the lpa to progress its plans for future school provision and expansion through the LP process and via an Infrastructure Delivery Plan.
50. Turning to the provision of pre-school places, I acknowledge that planning for this provision is more complex, given that parents who work outside Princes Risborough may, as a matter of convenience and journey planning, seek to place children in facilities near their place of employment. The lpa's figures for Princes Risborough town demonstrate this factor by showing net imports into Princes Risborough. Thus, on the evidence before me the lpa has not substantiated the request that the development should make direct provision or provide by way of the S106 Agreement a contribution for pre-school places.
51. One of the major elements of the PRTP is the provision of the link road from Lower Icknield Way to Summerleys Road, the southern part of which would cross the application site. Whilst the application makes provision for this road across the site, the lpa highlights that the applicant does not provide for the road up to the site boundary and the S106 Agreement does not include a financial contribution to its wider provision. In terms of connecting that phase of the link road through the applicant's land to adjoining sites, I consider this is a matter that could reasonably be dealt with by way of a planning condition.
52. Whilst the route of the link road is shown on the ICP, it is acknowledged and I have concluded that the PRTP can only attract limited weight. Whilst the road has provisionally been costed at some £58m there is, as far as I am aware, no breakdown or agreement as to how this should be apportioned to the potential development sites. The PRTP proposed allocations/policies are to be carried on through via the emerging DLP. The publication version of this plan has yet to be issued, consulted on and put forward for examination. The spatial and policy constraints that affect the wider District indicate that development allocations are likely to come forward in the Princes Risborough area. However, as I understand it, there are fundamental objections to the form of that expansion including the line/form of the link road that have yet to be resolved through public examination of the DLP. Therefore, it is not possible to say that the vision for the expansion area will come forward in the manner or the scale shown on the ICP. In these circumstances, a request to include a financial contribution towards the development of the link road would fail the tests set out at Framework paragraph 204 and the CIL Regulations.
53. Drawing all of the above together, I conclude on this issue that the application makes appropriate provision of infrastructure/community facilities directly related

to the development and would not prejudice the delivery of development in the wider area. As such the proposal would not conflict with the objectives of CS Policy 21.

#### Planning Balance and Conclusions

54. The lpa does not have a 5-year supply of housing land and as such Framework paragraphs 49 and 14 are applicable in determining this appeal. Paragraph 49 indicates that relevant policies for the supply of housing should not be considered up-to-date if the lpa cannot demonstrate a 5-year supply of deliverable housing sites. Framework paragraph 14 says that where 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 Framework as a whole.
55. LP Policy H2 and Appendix 2 is a relevant policy for the supply of housing. However, as the intention of Framework is to boost the supply of housing and Policy H2 is designed to deliver housing, the weight to be attached to its constituent elements has to be nuanced. This is particularly so given that the introduction to Appendix 2 indicates that the Development Principles it sets out are not definitive. That said, the railway represents a significant physical and psychological barrier between the site and the town, the provision of an underpass would significantly improve pedestrian and cycle linkages to the town centre and in the absence of an underpass, the proposal lacks the necessary integration with the settlement. Accordingly, I attach moderate weight to the conflict with LP Policy H2.
56. Framework paragraph 112 indicates that account should be taken of the economic and other benefits of Best and Most Versatile (B&MV) agricultural land. Here most of the site comprises B&MV agricultural land. However, given that the DLP strategy recognises the need to expand existing settlements and the site is allocated in the development plan for development, some loss of B&MV land would be an inevitable consequence of releasing land to meet the housing needs of the District. As such, I attach limited weight to this harm.
57. In terms of the benefits that would arise from this scheme, chief amongst these are the provision of market and affordable homes in a district where there is a lack of supply, albeit not all of the 500 market and affordable homes would be brought forward within 5 years. Added to this are the acknowledged economic benefits that would flow from the development particularly in furtherance of the lpa's emerging strategy to promote growth in the Princes Risborough area. New housing development and the contribution that this site would make is a key element of this vision/strategy. These are matters to which I attach significant weight.
58. The applicant lists several other elements of the scheme that would provide benefits including new and enhanced walking and cycling routes; safeguarding the railway buffer and the provision of open space. Whilst I acknowledge that these would provide additional benefits to existing and proposed residents they are elements generated by the needs of the development and as such I attach only moderate weight to them.
59. Notwithstanding the above conclusions, in the absence of a demonstration that the proposed highway mitigation measures would be acceptable, I attach considerable weight to my conclusion that the residual cumulative impacts of the development on the highway network would be severe and unacceptable. This factor coupled with the moderate weight I attach to the conflict with LP Policy H2

significantly and demonstrably outweigh the benefits of this application when assessed against the policies of the Framework as a whole. Accordingly for the above reasons and having regard to all other matters raised I dismiss this appeal.

*George Baird*  
Inspector

## **Annex A – PUTATIVE REASONS for REFUSAL**

1. The development would constitute EIA (Schedule 2) development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In the absence of requested additional environmental information, the submitted Environmental Statement is deficient in relation to odour modelling therefore the environmental effects of the development cannot be properly assessed. As such the only way to determine the application is by the refusal of planning permission.
2. On the basis of the submitted information, it is considered that the additional traffic likely to be generated by the proposal would have a severe impact upon the safety and flow of users of the existing highway network within Princes Risborough Town Centre leading to a severe impact on the operation of the Longwick Road/Aylesbury Road/New Road/Duke Street junction and the New Road/Bell Street/ junction contrary to the National Planning Policy Framework, policies CS16 (Transport) and CS20 (Transport and Infrastructure) of the Adopted Core Strategy DPD, Policy DM2 (Transport Requirements of Development Sites) of the Delivery and Site Allocation Plan and the aims of the Buckinghamshire Local Transport Plan.
3. It has not been demonstrated that the proposed development could be served by a viable bus service and the proposed bus service to serve the development fails to provide a suitable level of service that is viable in the short and long term. The location of the site is such that it has limited access by public transport. The site's distance from a high frequency bus service and the absence of direct footway and cycle links to the town centre is such that it is likely to be reliant on the use of the private car and would fail to maximise sustainable transport modes. The development would be contrary to the National Planning Policy Framework, Policies CS16 (Transport), CS20 (Transport and Infrastructure) of the Adopted Core Strategy DPD and policy DM2 (Transport Requirements of Development Sites) of the Delivery and Site Allocation DPD, policy PRTP5 (Development requirements) of the Princes Risborough Town Plan Area Action Plan (Draft Consultation Document) and the aims of the Buckinghamshire Local Transport Plan.
4. The development fails to demonstrate that the quantum of development proposed, taking account of constraints, can acceptably fit on the site to achieve a high standard of design and layout that is compatible both with the existing character and appearance of the surrounding townscape and the proposed Princes Risborough expansion area. As such the development would be contrary to the National Planning Policy Framework, policy CS19 (Raising the quality of place shaping and design) of the Adopted Core Strategy DPD, policies G3 (General Design Policy), H8 (Appropriate Development Densities) of the Adopted Local Plan and policies PRTP2 (Comprehensive approach to the expansion area), PRTP4 2 (Expansion area development principles), PRTP5 (Development requirements) and PRTP14 (Delivery of infrastructure) of the draft Princes Risborough Town Plan Area Action Plan (Draft Plan Consultation Document).
5. The proposed development would prejudice the delivery and implementation of properly planned comprehensive development and infrastructure for the major residential expansion of Princes Risborough as set out within the Princes Risborough Town Plan Area Action Plan (Draft Plan Consultation Document). As such the development would be contrary to policies CS21 (Contribution of Development to Community Infrastructure) of the Adopted Core Strategy DPD, policy DM19 (Infrastructure and Delivery) of the Delivery and Site Allocations DPD and policies PRTP2 (Comprehensive approach to the expansion area), PRTP4

- (Expansion area development principles), PRTP5 (Development Requirements), PRTP6 (Provision and safeguarding of transport infrastructure) and PRTP14 (Delivery of Infrastructure) of the Princes Risborough Town Plan Area Action Plan (Draft Consultation Document).
- 6 In the absence of a planning obligation the development would fail to both safeguard and ensure the delivery of on-site infrastructure & strategic infrastructure necessary to make the development acceptable in planning terms which would prejudice the delivery of the major residential expansion of Princes Risborough as set out within the Princes Risborough Town Plan Area Action Plan (Draft Plan Consultation Document). The development would be contrary to policies CS21 (Contribution of Development to Community Infrastructure) of the Adopted Core Strategy DPD, policy DM19 (Infrastructure and Delivery) of the Delivery and Site Allocations DPD and policies PRTP4 (Expansion area development principles), PRTP5 (Development Requirements), PRTP6 (Provision and safeguarding of transport infrastructure) and PRTP14 (Delivery of Infrastructure) of the Princes Risborough Town Plan Area Action Plan (Draft Consultation Document).
  - 7 The proposed development would fail to safeguard land needed for the future development of the railway line and rail infrastructure between Princes Risborough and Aylesbury. The development would therefore be contrary to policies CS1 (Overarching Principle-Sustainable Development) and CS16 (Transport) of the Adopted Core Strategy DPD, policies PRTP6 (Provision and safeguarding of transport infrastructure) and PRTP14 (Delivery of Infrastructure) of the Princes Risborough Town Plan Area Action Plan (Draft Plan Consultation Document) and the Buckinghamshire Local Transport Plan 3.
  - 8 The proposed development fails to provide safe, convenient and attractive access on foot and by cycle to directly link the proposed development and the town centre across both the Aylesbury railway line and along the Longwick Road. The absence of such route(s) results in an unsatisfactory degree of integration of the development with Princes Risborough, would not give sufficient encouragement to walking and cycling as an alternative means of transport to the of the car and raises safety objections. It would also prejudice the wider delivery and integration of the Princes Risborough residential expansion area. As such the proposed development would be contrary to the National Planning Policy Framework, policies CS16 (Transport), CS20 (Transport and Infrastructure) of the Adopted Core Strategy DPD, Policy DM2 (Transport Requirements of Development Sites) of the Adopted Delivery and Site Allocation Plan, Appendix 2 of the Adopted Local Plan, the aims of the Buckinghamshire Local Transport Plan 3 and policies PRTP6 (Provision and safeguarding of transport infrastructure) and PRTP14 (Delivery of Infrastructure) of the Princes Risborough Town Plan Area Action Plan (Draft Consultation Document).
  - 9 The development fails to make adequate provision and secure affordable housing as such it would not contribute to the objective of creating mixed and balanced communities. In the absence of a suitable agreement to secure the required level of affordable housing the development would be contrary to the National Planning Policy Framework; Policy CS13 (Affordable Housing and Housing Mix) of the Adopted Core Strategy DPD and the Planning Obligations Supplementary Planning Document.
  - 10 In the absence of a legal agreement to secure: - a) the provision and maintenance of public open space; b) the management and maintenance of SUDS; c) sufficient primary school places. The development would fail to address

infrastructure needs arising from the development. As such the development would be contrary to policies CS19 (Raising the Quality of Place Shaping and Design), CS18 (Waste/Natural Resources and Pollution) and CS21 (Contribution of Development to Community Infrastructure) of the Adopted Core Strategy DPD, policy DM16 (Open Space in New Development) of the Adopted Delivery and Site Allocations Plan and the Planning Obligations Supplementary Planning Document.

## **ANNEX B - APPEARANCES**

### **FOR THE APPELLANT**

Satnam Choongh of Counsel, instructed by Sebastian Charles, Solicitor, Aardvark Planning Law.

He called:

M Dobson M.A, M. Phil, MRTPI, MRICS.  
HD Town Planning.

A Williams BA (Hons), DipLA, DipUD, CMLI.  
Define.

J J Ellis BSc (Hons), MSc CEng, MICE, MCIHT.  
RPS.

O Nicholson BA (Hons).  
EPDS Consultants.

J Pullen PhD CSci, CChem, MRSC, FIAQM, MIEEnvSc.  
RPS.

C Simkins BA (Hons). MRTPI.  
RPS.

### **FOR THE LOCAL PLANNING AUTHORITY**

Suzanne Ornsby Q.C. instructed by Julie Openshaw, District Solicitor, Wycombe District Council.

She called:

S Oborn BSc, PGC. MHBC, AMIHBC.  
Conservation and Design Officer, Wycombe District Council.

S Chainani MSc.  
School Place Planning Commissioning Partner, Buckinghamshire County Council.

A Clarke BA (Hons) AES.  
Public Transport Manager, Buckinghamshire County Council.

M Radley BSc, MSc.  
Team Leader, Highways Development Management, Buckinghamshire County Council.

L Bellinger BSc, Dip TP, MRTPI.  
Principal Officer, Major Developments and Design Team, Wycombe District Council.

## **FOR PERSIMMON HOMES (NORTH LONDON) LIMITED**

Andrew Williamson of Walker Morris LLP, instructed by Craige Burden of Persimmon Homes (North London) Limited.

He called:

D Hutchinson BSc (Hons) Dip TP, MRTPI.  
Pegasus Planning Group Limited.

M Stevens MCIHT  
Milestone Transport Planning Limited.

## **INTERESTED PERSONS**

Mr J Romaya.  
Local Resident.

Cllr. A Ball.  
Princes Risborough Town Council.

Cllr. A Turner.  
Ward Member for The Risboroughs.

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

- Doc 1 - Costs application by Halsbury Homes Limited.
- Doc 2 - Lpa response to the Halsbury Homes Limited costs application.
- Doc 3 - Statement of Common Ground, General Planning Matters.
- Doc 4 - Statement of Common Ground, Housing.
- Doc 5 - Statement of Common Ground, Highways & Transport.
- Doc 6 - Princes Risborough Town Council 11 January 2017, Underpass Delivery.
- Doc 7 - Road Safety Assessment Report. Bucks County Council.
- Doc 8 - Submission by Mr J Romaya.
- Doc 9 - Submission by Cllr. Turner.
- Doc 10 - Submission by Cllr. Ball.
- Doc 11 - Title No. BM398064.
- Doc 12 - Title No. BM21500.
- Doc 13 - Deed of Grant, Ashill Land Limited & Harbour Castle Limited.
- Doc 14 - S106 Update- Bus Provision.
- Doc 15 - Figure 3A – Odour Areas Update.
- Doc 16 - Extract from Inquiry Transcript pages 129-132.
- Doc 17 - Plans 7 & 8, Extract from Leo Labs S106 Agreement.
- Doc 18 - Extract from PPS 3.
- Doc 19 - Extract from PPG 13.
- Doc 20 - S106 Summary Schedule – CIL Compliance.
- Doc 21 - Kent County Council & Kingsway Investments (Kent) Limited and Kenworthy - House of Lords 1971.
- Doc 22 - 260R. v Elmbridge Borough Council (1992) 63 P. & C.R. 260.
- Doc 23 - Lpa list of suggested planning conditions.
- Doc 24 - Applicant's list of suggested planning conditions.
- Doc 25 - Persimmon suggested planning conditions.
- Doc 26 - S106 Agreement.