



Report to Buckinghamshire Council – Central Area Planning Committee Report

Application Number:	21/04867/APP
Proposal:	Relocation of the Grade II listed John Hampden Statue
Site location:	Market Square, Aylesbury, Buckinghamshire
Applicant:	Buckinghamshire Council
Case Officer:	Mrs Nina Hewitt-Jones
Ward affected:	AYLESBURY NORTH
Parish-Town Council:	AYLESBURY
Valid date:	22 December 2021
Determination date:	
Recommendation:	Approve subject to conditions

1.0 Summary & Recommendation

- 1.1 This application is being reported to the Central Planning Committee for consideration as Buckinghamshire Council is the applicant and owner of the land.
- 1.2 It is proposed to move the John Hampden statue as part of the wider regeneration project for the Kingsbury and Market Square areas in Aylesbury.
- 1.3 It is considered that the proposal would preserve the architectural and historic interest of the listed buildings and the character and appearance of the conservation area.
- 1.4 The proposed public space improvements would contribute positively to their settings and enhance the quality of the public realm, there would be no adverse amenity impacts and the proposal would not have a material impact on the safety and operation of the adjoining public highway.
- 1.5 Recommendation – approve subject to the conditions set out at paragraph 8.1 of this report.

2.0 Description of Proposed Development

- 2.1 The application seeks full planning permission for the relocation of the John Hampden Statue, which is currently located at the western end of Aylesbury High Street.
- 2.2 The John Hampden statue is a Grade II Listed building and located within the Aylesbury

Conservation Area.

2.3 The application is accompanied by:

- a) Heritage Statement
- b) Design and Access Statement
- c) Arboricultural Survey
- d) Lighting Proposals - 210816 AYL Steering Group Presentation Oekka

3.0 Relevant Planning History

3.1 Reference: 21/04869/CPL

Development: Certificate of lawfulness for proposed Comprehensive public realm improvements including: adjustments to carriageway layouts as part of new predominantly level surface accessible ground plane throughout pedestrianised zone; replacement of ground plane materials; relaying of historic Dennerhill cobble setts to Market Square and other local areas within the reconfiguration proposals for improved accessibility; soft landscape improvements including high performance lawn, raingarden SUDS and raised planters for low maintenance perennial planting, new in-ground and planting bed or planter based (moveable) trees; new functional and feature lighting throughout; new replacement street furniture, including seating, wayfinding and interpretation signage, bicycle stands, bins, and bollards, etc; new power and water infrastructure for events (including markets); new pedestrian zone access control gateways with automated bollards and associated infrastructure.

Decision: Certificate Issued (Permitted Development) Decision Date: 14 February 2022

3.2 Reference: 21/04868/ALB

Development: Relocation of the Grade II listed John Hampden Statue

Decision: Pending consideration

4.0 Representations

4.1 No public representations received

5.0 Policy Considerations and Evaluation

Principle and Location of Development

VALP policy D1 (Delivering Aylesbury Garden Town (AGT))

VALP Policy D8 (Town Centre Redevelopment)

VALP Policy D9 (Aylesbury Town Centre)

5.1 Alongside the policy within VALP accompanying supplementary planning documents (SPDs) are being developed to support delivery of the Garden Town. These SPDs include:

- An AGT Framework and Infrastructure SPD will provide further guidance on the coordination of growth across AGT and linkages and improvements to the existing built environment and in particular the town centre.

- The Aylesbury Vale Design SPD will include strategic Garden Town design guidance

In addition to the AGT Framework and Infrastructure SPD which looks to 2033, a supporting narrative and vision document has been prepared to look beyond the VALP time period.

The Aylesbury Garden Town Prospectus sets out longer term strategic visions for the Garden Town which will help inform its future growth looking to 2050.

- 5.2 Policy D8 builds on the town centre principles that were set out in the 2014 Town Centre Plan which supports the delivery of development and revival/growth of Aylesbury town centre and sets out a strategy for improving and contributing to delivery of the visions and aims set out in VALP policy D1.
- 5.3 Policy D9 encourages proposals to contribute positively to improving the quality of the town centre and to have particular regard to enhancements to the built environment, improvements for pedestrian access and environmental enhancements to the public realm.
- 5.4 By 2033, Aylesbury will have grown and would be an inclusive, accessible, innovative and forward-looking Garden Town that meets the needs and aspirations of existing and new residents, businesses and visitors. Aylesbury Garden Town will be a key hub, a place to visit, with a thriving and revitalised town centre.
- 5.5 The town centre plan and action plan 2014 will be integrated within a new comprehensive Garden Town Centre masterplan, ensuring that Aylesbury town centre will have an enhanced built and natural environment which acknowledges the changing retail landscape, with a mix of uses and shops, recreational facilities, open space and high quality public realm, creating spaces for people to engage and play. Renewal of the town centre will enhance the attraction of the historic core and creating well-designed developments that are sensitive to Aylesbury Vale's local character.
- 5.6 The proposal to relocate the John Hampden statue is part of a wider public realm improvements project for Kingsbury & Market Square (KMS), Aylesbury, which includes the space at the west end of the High Street where it meets Market Square, between the Lloyds and HSBC Bank buildings - the KMS proposal includes the naming of this currently undefined space as 'Hampden Place'.
- 5.7 The principle of the proposal would accord with policies D1, D8 and D9 of the VALP and the guidance set out in the NPPF.

Raising the quality of place making and design

VALP policy BE2 (Design of new development)

VALP policy NE4 (Landscape character and locally important landscape)

- 5.8 The proposal is to locally relocate the John Hampden Statue to a new position nearby, where it will be more prominent at the centre of a newly redefined public realm space, to be named Hampden Place.
- 5.9 The proposed location of the statue would be on axis, and proposes a better relationship with the Benjamin Disraeli Statue. The John Hampden Statue would be brought into a more meaningful relationship with the Listed and non-designated heritage asset buildings

surrounding it, through a proposed radial geometry of the public realm ground plane.

- 5.10 The relocation of this statue and wider regeneration project would create a safer and more attractive environment for all users and benefitting adjacent businesses.
- 5.11 The John Hampden Statue was relocated in 1988 from its original site at the top of Market Square and it is considered that this proposed further adjustment in siting would have no detrimental impacts that would not be significantly outweighed by the benefits arising from the small change proposed.
- 5.12 New planters and tree planting would further improve the setting of the John Hampden Statue at the heart of Hampden Place, and new lighting would be introduced to further improve the setting of the listed asset. These elements do not require planning permission and therefore are not considered as part of this application, they instead can be installed under Permitted Development by the Local Authority.
- 5.13 The proposal would accord with policies BE2 and NE4 of the VALP and the guidance set out in the NPPF.

Trees and hedgerows

VALP policy NE8 (Trees, hedgerows and woodlands)

- 5.14 Given the central town centre location of the proposal and its relation and separation distances from any nearby residential properties it is considered that the proposal would have an acceptable impact and would accord with policy BE3 of the VALP and the guidance set out in the NPPF.
- 5.15 The proposed relocation of the statue would require the removal of an existing tree which presently occupies the proposed relocation site. The application also includes the removal of another nearby existing tree.
- 5.16 The previous 1980s works defined the site as an island projecting north from the HSBC building, bound by carriageways on 3 sides from east round to south, including High Street, the link between Cambridge Street / Kingsbury across to Market Square, and the north corner of Market Square itself. The island site was edged along the carriageway by an arc of 4no Norway Maple trees.
- 5.17 It's understood through consultations that these trees are likely to have been planted in concrete sewer rings, which have inhibited their successful establishment and growth - this likely accounts for the previous failure and removal of two of the original 4 trees. The submitted Arboricultural Survey recommends the removal of a 3rd tree due to its poor health. This would leave one single tree with no remaining reading in relation to its original conception as part of an arcing group. The longer term health is questionable given the resultant outcome for the other 3 trees.
- 5.18 Norway Maple is not considered a suitable street tree for the site due to the aphid drop that it attracts, affecting the quality, appearance and maintenance of the surface below, and ultimately this negatively impacts the public realm in this location.
- 5.19 Acknowledging the clash with the optimum proposed Stature relocation position it is

considered that the loss of any context for the remaining tree, its species and its questionable long term health prospects, it is considered that the proposal would not result in the unacceptable loss of, or threaten the continued well-being of any trees, which make an important contribution to the character and amenities of the area. Therefore the benefits of this proposal outweigh the harm.

- 5.20 Furthermore, it is noted that the loss of the trees would be off-set by the additional 44no trees proposed for the town centre through the wider KMS scheme, including specifically 3no in-ground columnar and 4no in-planter new multi-stem semi-mature trees to Hampden Place, a net gain of +5 in this immediate area.
- 5.21 It is considered that the proposal would accord with policy NE8 of the VALP and the guidance set out in the NPPF.

Amenity of existing and future residents

VALP policy BE3 (Protection of the amenity of residents)

- 5.22 Given the central town centre location of the proposal and its relation and separation distances from any nearby residential properties it is considered that the proposal would have an acceptable impact and would accord with policy BE3 of the VALP and the guidance set out in the NPPF.

Historic environment, Conservation Area and Listed Building Issues

VALP policies BE1 (Heritage Assets)

Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

NPPF Section 16 - Conserving and enhancing the historic environment

- 5.23 The Statue of John Hampden is a grade II listed structure and is located within Aylesbury Town Centre Conservation Area.
- 5.24 The statue depicts a nationally important figure from Aylesbury's history, provides a key marker within the town centre's landscape, and contributes to the heritage town centre setting of various other listed buildings, monuments and heritage assets.
- 5.25 The current setting of the John Hampden Statue is not original and does not contribute positively to the monument. The arrangement of the space around the statue is disjointed and limits the opportunity for appreciation, as does its proximity to vehicular traffic and clutter in the form of road signage, bollards, and poorly arranged street furniture.
- 5.26 The proposal seeks the relocation of the town's statue of John Hampden as part of public realm improvements to the surrounding area, including Market Square and Kingsbury.
- 5.27 The statue was previously moved in 1988 as part of a road improvement scheme. As the statue will not be modified or changed while being relocated, there would be no detriment to the significance of the statue. The movement will also enable an improved setting for the John Hampden Statue. The proposals will enable greater appreciation of the monument as a focal point within a dedicated public space. The pedestrianisation of the

area around the statue will improve accessibility, while new street furniture and planting will enhance the setting and provide visual reinforcement as to the importance of the statue. It is considered that these proposals would have a positive impact on the setting of the John Hampden Statue.

- 5.28 Regarding the impact on the conservation area, as the statue is not being removed from the town centre and continues to form an important part of the centre's public artwork and historic landscape, the heritage of the conservation area would not detrimentally suffer. The improved setting of the statue would enhance the historic centre of Aylesbury, creating space and encouraging the appreciation of the town's heritage assets.
- 5.29 The proposed relocation would not unacceptably impact either listed and buildings of local note. The public space improvements will contribute positively to their settings, with the radial paving in particular reinforcing the important connection between the town centre buildings and the public realm.
- 5.30 The proposals would preserve the architectural and/or historic interest of the listed buildings and the character and/or appearance of the conservation area and therefore complies with sections 16, 66 and 72 of the Act, which are accepted as a higher duty.
- 5.31 As the NPPF states, heritage assets are an irreplaceable resource, and it is important to conserve them in a manner appropriate to their significance. In NPPF terms the proposal due to the sensitive nature of the public realm enhancement works would cause no harm to the significance of the designated heritage assets.
- 5.32 For the reasons given above it is considered that the felt that proposals would comply with policy BE1 of the VALP.

Highways Impact and Parking

VALP policy T4 (Capacity of the transport network to deliver development)

VALP policy T5 (Delivering transport in new development)

VALP policy T6 (Vehicle parking)

VALP policy T7 (Footpaths and cycle routes)

VALP policy T8 (Electric Vehicle Parking)

- 5.33 The proposed development has been considered by the Highway Authority and an assessment has been undertaken in terms of the impact on the highway network including net additional traffic generation, access arrangements and parking provision.
- 5.34 The Highway Authority is satisfied that the proposal would not have a material impact on the safety and operation of the adjoining public highway.
- 5.35 As such the proposal would comply with policies T4, T5, T6, T7 and T8 of the VALP and the guidance set out in the NPPF.

6.0 Overall Assessment

- 6.1 In determining the planning application, section 38(6) of the Planning and Compulsory

Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

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 Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and to the statutory test of preserving the listed building under sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which are accepted as a higher duty. It has been concluded that the development would preserve the character and appearance of the conservation area and that the listed building and its setting would be preserved and so the proposal accords with sections 16, 66 & 72 of the Act. In addition, no harm would be caused to the significance of the heritage asset and as such the proposal accords with guidance contained within the NPPF.

6.4 It is concluded that the proposed development would accord with development plan policies BE1, BE2, BE3, D1, D8, D9, T4, T5, T6, T7, T8, NE4 and NE8 of the VALP and the guidance set out in the NPPF.

7.0 Working with the applicant / agent

7.1 In accordance with paragraph 38 of the NPPF 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 applicant was provided with pre-application advice and the application was acceptable as submitted and no further assistance was required. The application was

considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

8.0 Recommendation

8.1 Approve, subject to the following conditions:

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

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the details contained in the planning application hereby approved and the following drawings:

2001-PL-E-001 04 KMS Location Plan

2001-PL-E-214 01 KMS Hampden Place Existing Detail Plan

2001-PL-P-214 01 KMS Hampden Place Proposed Detail Plan

2001-PL-P-224 02 KMS Hampden Place Proposed Details Paving Plan

2001-PL-P-127 1 03 KMS Proposed Sections Hampden Place Section 5

2001-PL-P-127 2 03 KMS Proposed Sections Hampden Place Section 6

and in accordance with any other conditions imposed by this planning permission.

Reason: To ensure that the development is carried out in accordance with the details considered by the LPA.

- 3 All new or altered external surfaces shall be finished or made good to match those of the existing immediate locality.

Reason: To ensure a satisfactory appearance to the development and to comply with policies BE1 and BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

Informatives

- 1) 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.
- 2) 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.
- 3) In accordance with paragraph 38 of the NPPF 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.

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.

In this instance the applicant was provided with pre-application advice and the application was acceptable as submitted and no further assistance was required. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Councillor Comments

None

Parish/Town Council Comments

Aylesbury Town Council have no objection to this application

Consultation Responses (Summarised)

Rights of Way – *no comments*

EH – *no objections*

Heritage – *The proposals would preserve the architectural and/or historic interest of the listed buildings and therefore complies with sections 16/66 of the Act.*

The proposals would preserve the character and/or appearance of the conservation area and therefore complies with section 72 of the Act.

In NPPF terms the proposal would cause no harm to the significance of the heritage assets.

The proposals comply with Local Plan Policy – BE1

For the reasons given above it is felt that in heritage terms:

The application would not raise any heritage objection subject to the following conditions:

- *The method of moving the statue is to be agreed in writing with the LPA*
- *If the statue is not to be re-sited within the same 12 hour period as its removal and storage of the statue will be required, details of safe storage is to be agreed with the LPA*

Highways – *no highway objections, subject to Informatives*

•*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.*

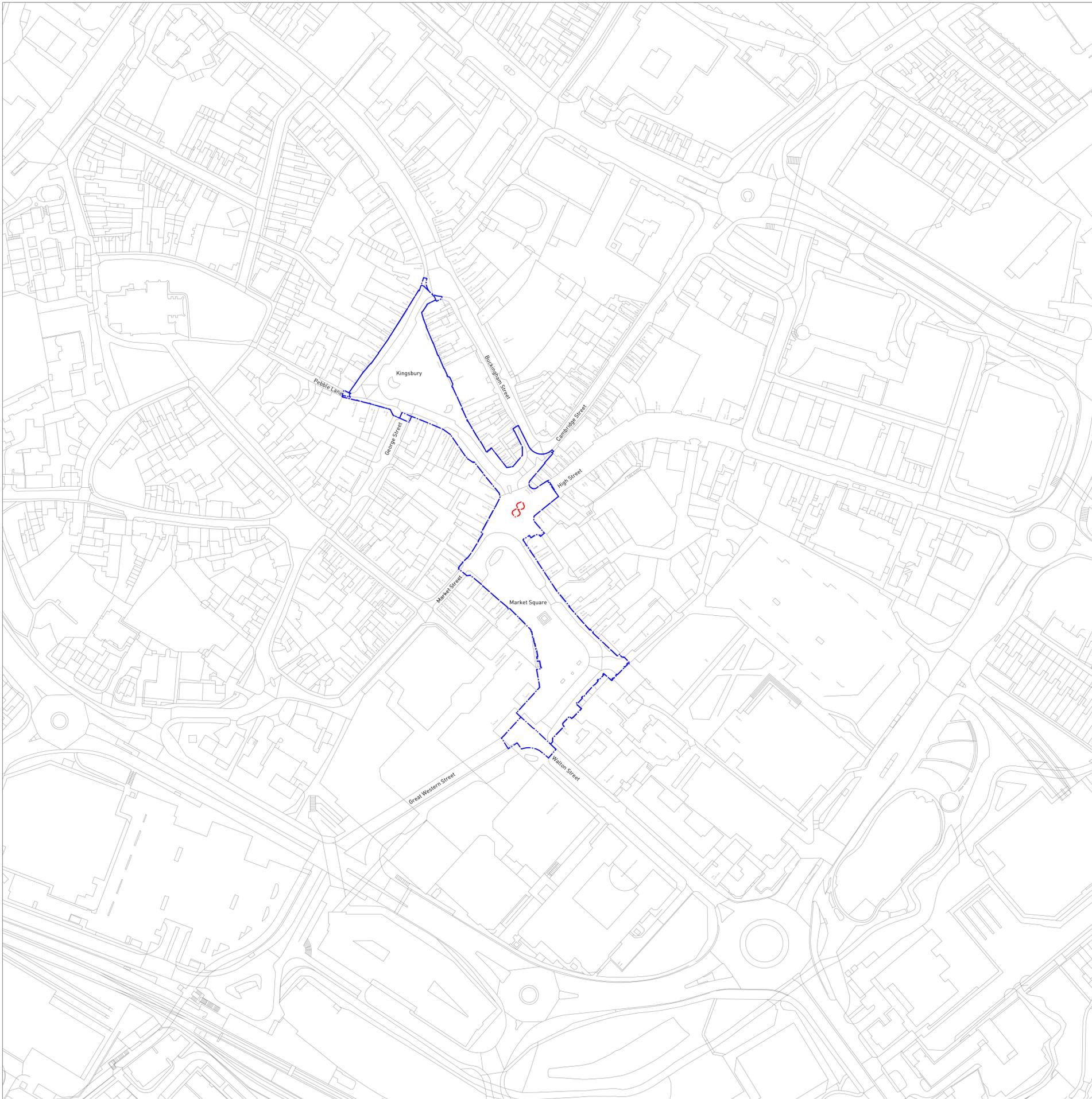
Representations

Amenity Societies/Residents Associations

None

Other Representations

None



Note
All dimensions must be checked on site and NOT scaled from this drawing. Any discrepancies are to be reported to the architect prior to construction.

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KEY
— Application boundary
— Land owned by applicant adjacent to application boundary

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Rev	Date	Description
01	2021/01/13	Information
02	2021/02/26	Information - Pre-Planning App
03	2021/06/18	Information - Road Safety Audit
04	2021/11/25	Planning Issue



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client	Buckinghamshire Council
job no.	2001
job title	Kingsbury & Market Square
drg title	Kingsbury & Market Square Location Plan

drawn	UP
checked	UP
scale	1:1250 @ A1
date	Nov 2021
status	Planning
drg no.	2001-PL-E-001 rev 04