



Report to Buckinghamshire Council – (Central) Planning Committee

Application Number:	23/00731/APP
Proposal:	Change of use from office (Class E) to residential institution (Class C2)
Site location:	39 Walton Road, Aylesbury, Buckinghamshire, HP21 7SR
Applicant:	Buckinghamshire Council
Case Officer:	Dayna Simmons
Ward affected:	AYLESBURY NORTH
Parish-Town Council:	AYLESBURY
Valid date:	6 March 2023
Determination date:	25 May 2023
Recommendation:	APPROVAL

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application seeks full planning permission for the change of use of an office (Class E) to a C2 (Residential Institution) for the care of up to 3 children. It has been evaluated against the adopted Vale of Aylesbury Local Plan and the NPPF.
- 1.2 The application site is located on Walton Road, Aylesbury and is a detached property.
- 1.3 This application has been considered with regards to the adopted Development Plan and it is concluded that the development is acceptable in terms of its impact on the wider area, the historic environment, residential amenity and parking and would comply with Policies BE1, BE2, BE3, E2 and T6 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework 2021.
- 1.4 The application is referred to the Planning Committee because 39 Walton Road is owned and maintained by Buckinghamshire Council and in accordance with the Council's Scheme of Delegation, such planning applications must be determined at the relevant Area Planning Committee to ensure openness and transparency.
- 1.5 Overall, having regard to the Development Plan and the NPPF, the application is recommended for conditional approval.

2.0 Description of Proposed Development

2.1 Site Location

2.2 The site comprises a detached two storey building to the north west of Walton Road in Aylesbury. The property is set back within its plot and from the highway.

2.3 The existing use of the property is as an office (Class E) and has 2 offices, a meeting room and a bathroom at first floor level and a kitchen, lounge, dining room, toilet and store room on the ground floor.

2.4 The property benefits from both a front and rear amenity space with off street parking spaces for 4 cars via hardstanding to the south west of the property.

2.5 Site Constraints

2.6 The site is located within Walton Historic Core, a Red Impact Zone for Great Crested Newts, and is adjacent to Walton Road Conservation Area.

2.7 Proposal

2.8 The proposal is for the change of use of the existing office building (Class E) into a 3 bedroom (Class C2) residential home for children which will include associated works of repair and modification and the provision of parking.

2.9 Externally, only repair and renovation works are proposed and would comprise the removal of an existing aluminium door and full height window and the creation of a new secure entrance within an existing opening and the installation of a new aluminium window and door. The existing close boarded fence which currently partially delineates the site from the highway would be removed and reinstated to the road facing elevations with a new 1.35m close boarded fence erected to screen the parking area. Four parking spaces are proposed in the existing hardstanding to the side of the building and an existing area between the building and Aylesbury Road will be used as a garden for the occupants. The proposed layout will provide three bedrooms and a staff office. Internally it is proposed to rearrange the internal stud wall to create a shower within the existing toilet on the ground floor and a minor alteration to the existing office to create a bedroom with separate independent access via a new single door. The separate kitchen and dining room will become a kitchen/diner and the existing store room will become a utility room.

2.10 The application is accompanied by:

- Application Form received on 06 March 2023
- Drawing No. 4069.WR.AB.01P Location Plan – received 06 March 2023
- Drawing No. 4069.WR.AB.02P Block Plan - received 06 March 2023
- Drawing No. 4069.WR.AB.03P Existing Ground and First Floor - received 06 March 2023
- Drawing No. 4069.WR.AB.04P Proposed Ground and First Floor - received 06 March

2023

- Drawing No. 4069.WR.AB.05P Existing Elevation - received 06 March 2023
- Drawing No. 4069.WR.AB.06P Proposed Elevation - received 06 March 2023
- Planning Statement – received 06 March 2023

3.0 Relevant Planning History

Reference: 00/01735/ACC

Development: Change of use from residential care facility to offices/meeting facility

Decision: APPROVED Decision Date: 7 September 2000

Reference: 22/04039/PAPCR

Development: Determination as to whether prior approval is required in respect of transport & highway impact, noise, contamination risk, flooding and locational considerations for conversion of commercial/business/service (class E) to 1 dwellinghouse

Decision: Deemed consent Decision Date: 6 March 2023

4.0 Representations

4.1 Ward Councillor Comments (Aylesbury North)

No comments received at the time this report was written.

4.2 Town Council Comments (*verbatim*)

Aylesbury Town Council has no objection to this application.

4.3 Environmental Health

Comments: No objection or comments to make regarding this application.

4.4 Social Services

Comments: At the time of writing this report, no comments have been received.

4.5 BC Archaeological Services

Comments: No objections

4.6 BC Transportation

Comments: No objections subject to conditions.

4.7 BC Economic Development

Comments: No further comments to make.

4.8 **Public Representations:** At the time of writing this report, no public representations have been received.

5.0 Policy Considerations and Evaluation

5.1 The Development Plan

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

- Policy S1 Sustainable development for Aylesbury Vale
- Policy BE1 Heritage Assets
- Policy BE2 Design of New Development
- Policy BE3 Protection of Amenity of Residents
- Policy E2 Other Employment Sites
- Policy NE1 Biodiversity and Geodiversity
- Policy T6 Vehicle Parking

5.2 Neighbourhood Plan

There is no 'made' neighbourhood plan for Aylesbury.

5.3 Design Advice Leaflets & Guidance Notes

Not applicable

5.4 National Policy

National Planning Policy Framework 2021

5.5 **Principle and Location of Development**

Vale of Aylesbury District Local Plan (VALP): S1 (Sustainable development for Aylesbury Vale)

5.6 Policy S1 of the VALP provides support for sustainable development and seeks to secure development that improves the economic, social and environmental conditions in the area. In addition, all development proposals should contribute positively to meeting the vision and strategic objectives for Aylesbury Vale and fit with the intentions and policies of the VALP (and policies within neighbourhood plans where relevant).

5.7 Section 8 of the NPPF on promoting healthy communities states that planning decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments and to ensure that facilities and services can develop in a way that is sustainable and integrated with the location of housing.

5.8 The proposal is for the change of use of the existing office building (Class E) into a 3 bedroom (Class C2) residential home for children which will include associated works of repair and modification and the provision of parking.

- 5.9 Consent was secured to turn the office building into dwelling under planning reference 22/04039/PAPCR, however this has not yet been implemented and as such the building still falls under Class E office use. However, the use of the building as a dwelling as a result of the consent is a material fallback position. This fallback position is considered both viable and deliverable. While it is noted that Policy E2 looks to retain employment floorspace unless it can be demonstrated that the property is no longer required, given the realistic fallback position it is considered that to require such evidence as part of this application is unreasonable. The use of the building as residential has been formally secured therefore an objection to the loss of employment space in this instance would be unreasonable.
- 5.10 In this instance, the benefits outlined detailing a well-managed environment for care of children in the planning statement should be supported. The surrounding area has a mixed use, with offices, residential dwellings and a school nearby. As such, the proposed use functioning as a residential home would propose no unacceptable harm to the area. On balance, the scheme can be considered as sustainable development and accord with the relevant policies within the development plan. The day-to-day management of the property in terms of care offering are not matters for this application and members should not be assessing what is required in terms of a child's care needs. The proposed scheme is considered to accord with policies S1 and E2 of VALP and relevant policies within the NPPF.
- 5.11 **Transport matters and parking**
VALP policies T1 (Delivering the sustainable transport vision), T4 (Capacity of the transport network to deliver development), T6 (Vehicle parking), Appendix B (Parking Standards)
- 5.12 It is necessary to consider whether the proposed development is located where the need to travel will be minimised, the use of sustainable transport modes can be maximised, and that safe and suitable access can be achieved.
- 5.13 Walton Road is a C-class road subject to a speed limit of 30mph. Parking restrictions along Walton Road would prevent any inappropriate overspill parking.
- 5.14 The proposed development includes four car parking spaces on hardstanding to the side of the site. There is permit holder parking to the side of the dwelling in William Harding Way which provides further opportunities to park an additional vehicle.
- 5.15 The site is within a sustainable location within walking and cycling distance of day to day facilities and public transport services. Given the nature of the use, it is likely that the vehicle trips generated by the proposed use would be significantly less than that associated with a Class E office use.
- 5.16 There will be no change to the existing access arrangement and the Highway Officer is has raised no objections regarding the access for the proposal.

- 5.17 Taking the above into account, it is considered that the application accords with Policies T4, T5, T6 and T7 of VALP and the NPPF.
- 5.18 **Raising the quality of place making and design**
VALP policy BE2 (Design of new development).
- 5.19 The building would comprise a single self-contained unit of occupation and would not be broken up into separate "planning units". The proposed layout would provide three bedrooms and a staff office. Internally it is proposed to rearrange the internal stud wall to create a shower within the existing toilet on the ground floor and a minor alteration to the existing office to create a bedroom with separate independent access via a new single door. The separate kitchen and dining room would become a kitchen/diner and the existing store room would become a utility room. The building would contain all the normal facilities for day-to-day living and sleeping activities associated with use as a residential home.
- 5.20 There are minor changes proposed to the external appearance of the building which would include the insertion of a window and door into the north west side elevation of the building which would match existing openings. Given the very minor external changes proposed the proposal would not have a detrimental impact upon the Walton Historic Core or the adjacent Walton Road Conservation Area, the proposed change of use would have a neutral impact upon Heritage assets, as such, the proposal would accord with VALP policy BE1 and BE2.
- 5.21 **Amenity of existing and future residents**
VALP policy BE3 (Protection of the amenity of residents).
- 5.22 The NPPF at paragraph 130 sets out guiding design principles. One of the principles set out is that authorities should always seek to create places that have a high standard of amenity for all existing and future users.
- 5.23 Policy BE3 of VALP seeks to protect the amenity of existing residents and achieve a satisfactory level of amenity for future residents.
- 5.24 The home would accommodate up to three children with two members of staff always present. Given the small scale nature of the use, the level of movement to and from the property would be less than that of an office building. As such, would not intensify the use to the extent that it would be incompatible in this residential area.
- 5.25 The Council's Environmental Health Officer was consulted and did not offer any comments.
- 5.26 It is considered that the proposed change of use would not negatively impact upon the amenity of neighbouring dwellings and as such the proposal would comply with policy BE3

of VALP and NPPF in this regard.

5.27 Flooding and drainage

VALP policy I4 (Flooding)

5.28 Paragraph 167 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere.

5.29 Policy I4 of VALP requires a site specific Flood Risk assessment (FRA) on sites of 1 hectare or more in size or where there is evidence of flooding.

5.30 The site lies within Flood Zone 1 and is therefore considered to have a low probability of flooding. The site is not within an area susceptible to surface water flooding.

5.31 As the proposal is for a change of use of an existing building, it requires no new drainage infrastructure.

5.32 Therefore, the proposed development would be resilient to climate change and flooding and it would not increase flood risk elsewhere in accordance with Policy I4 of Vale of Aylesbury Local Plan and National Planning Policy Framework.

5.33 Ecology

VALP policy NE1 (Biodiversity and geodiversity)

5.34 Regard must be had as to how the proposed development contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF.

5.35 Policy NE1 of the VALP is reflective of the NPPF in requiring all development to deliver a biodiversity net gain.

5.36 It has been identified that the application site is set within a red impact zone for Great Crested Newt Habitats which means there is habitat suitability and Great Crested Newts may be present. However, given the nature of the proposal, it is considered that there is no reasonable likelihood of protected species or priority habitats being affected by the proposed change of use proposed.

5.37 The proposed works are therefore considered to comply with policy NE1 of the VALP and guidance within the NPPF. An informative has also been added in relation to Great Crested Newts.

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 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
- 6.3 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.
- 6.4 In this instance, the benefits outlined above are sufficient in this case and that the proposal would not result in any unacceptable harm to the area. On balance, the scheme can be considered as sustainable development and accord with the relevant policies within the development plan.
- 6.5 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.
- 6.6 **Human Rights**
- 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.

6.7 Equality Act 2020

Due regard, where relevant, has been had to the Buckinghamshire Council's equality duty as contained within the Equality Act 2010.

7.0 Working with the applicant / agent

In accordance with paragraph 38 of the NPPF (2021) Buckinghamshire Council takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. Buckinghamshire Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this instance, in this case, the application was considered to be acceptable as submitted and no further assistance was required.

8.0 Recommendation

The officer recommendation is that the application be **APPROVED** for the following reasons:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the details contained in the planning application hereby approved and drawing numbers 4069.WR.AB.01P, 4069.WR.AB.02P, 4069.WR.AB.04P, 4069.WR.AB.06P received 6th March 2023 and in accordance with any other conditions imposed by this planning permission.
3. The materials to be used in the development shall be as specified on the submitted application form and drawing number 4069.WR.AB.06P received by the Local Planning Authority on the 6th of March 2023.
4. The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the first occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.
5. Prior to first occupation a management plan is to be submitted for the written approval of the Local Planning Authority which shall demonstrate measures that are to be put in place ensure the property does not increase disturbance caused by the proposed use upon immediate neighbours. The facility will thereafter be operated in accordance with details approved.

6. At no time shall the use hereby granted permission provide care for more than 3 children.

Reasons:

1. 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. Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.
3. Reason: To ensure a satisfactory appearance to the development and to comply with policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.
4. 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.
5. Reason: To ensure the proposed use does not introduce unacceptable noise and disturbance to neighbours in accordance with Policy BE3 of the Vale of Aylesbury Local Plan.
6. Reason: To provide certainty as to what is being approved and what has been considered.

Informatives:

1. 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 an EPS mitigation licence from Natural England or the district licence distributed by Buckinghamshire Council. If a great crested newt is encountered during development, works must cease and advice should be sought from a suitably qualified ecologist.
2. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the

licence, please contact Transport for Buckinghamshire at the following address for information.

Transport for Buckinghamshire (Streetworks)

10th Floor, New County Offices

Walton Street, Aylesbury,

Buckinghamshire

HP20 1UY

01296 382416

3. 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.

4. 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.

List of approved plans:

<i>Received</i>	<i>Plan Reference</i>
<i>06 March 2023</i>	<i>4069.WR.AB.01P Location Plan</i>
<i>06 March 2023</i>	<i>4069.WR.AB.02P Block Plan</i>
<i>06 March 2023</i>	<i>4069.WR.AB.04P Proposed Ground and First Floor</i>
<i>06 March 2023</i>	<i>4069.WR.AB.06P Proposed Elevation</i>

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Ward Councillor Comments (Aylesbury North Ward)

No comments received at the time this report was written.

Town Council Comments (verbatim)

Aylesbury Town Council has no objection to this application.

Consultation Responses

Environmental Health

Comments: At the time of writing this report, no comments have been received.

Environmental Health

Comments: No objection or comments to make regarding this application.

Social Services

Comments: At the time of writing this report, no comments have been received.

BC Archaeological Services

Comments: No objections

BC Transportation

Comments: No objections subject to conditions.

BC Economic Development

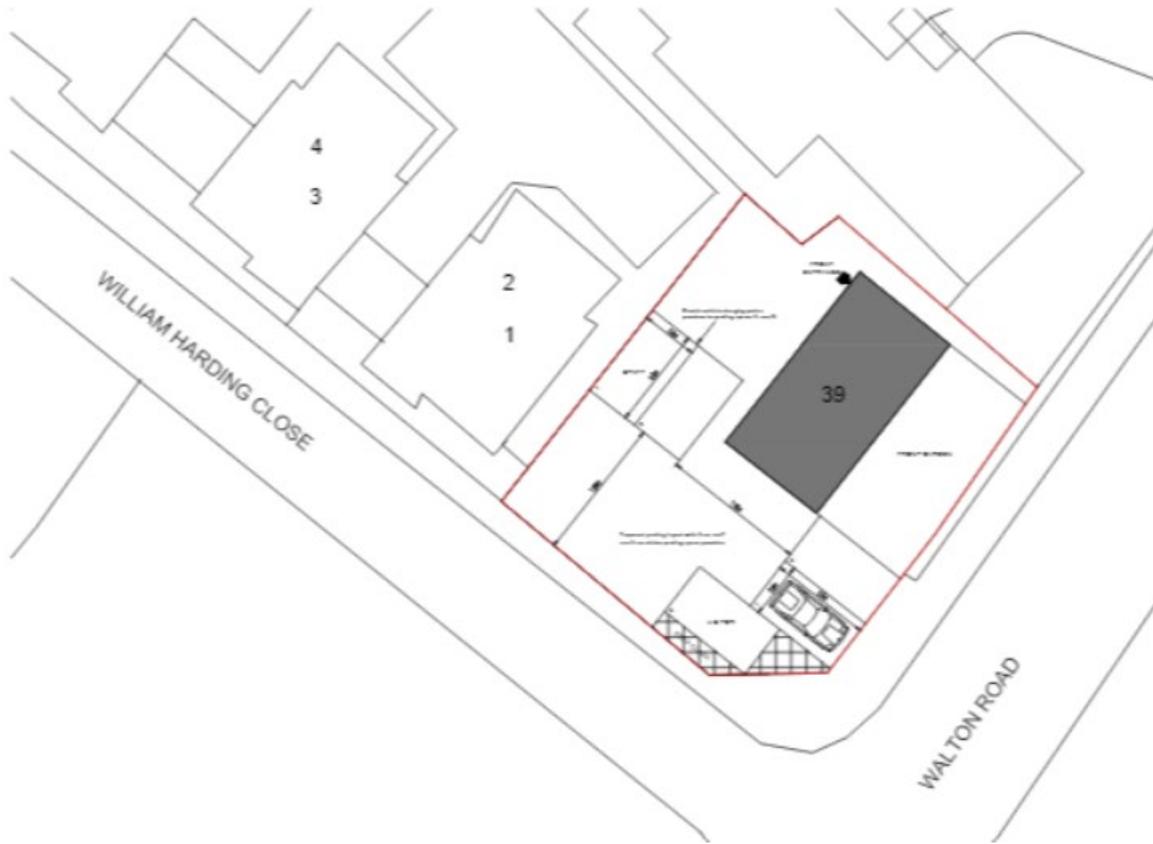
Comments: No further comments to make.

Representations

Other Representations

At the time of writing this report, no public representations have been received.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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