



Report to Buckinghamshire Council Central Area Planning Committee

Application Number:	23/01814/APP
Proposal:	Erection of two three-bed dwellings (Use C3) on land adjacent to the public house utilising existing access off Worminghall Road, with associated parking and landscaping, including demolition of an outbuilding of the public house and reconfiguration of beer garden, children play area and car park of the public house
Site Location:	Land Adjacent To The Rising Sun PH, 36 Worminghall Road, Ickford, Buckinghamshire, HP18 9JD
Applicant:	N/A Punch Partnerships (PML) Limited
Case Officer:	Bibi Motuel
Ward(s) affected:	Bernwood
Parish-Town Council:	Ickford
Date valid application received:	28.06.2023
Statutory determination date:	23.08.2023 (EOT agreed to 10.1.2024)
Recommendation	Approval subject to conditions

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Cllr Greg Smith called in the application to planning committee in the event the officer recommendation is for approval. The call-in is made citing the strength of local opinion and concerns from the Parish Council. Cllr Sue Lewin stated that she agreed with Cllr Smith's comments and asked for this to be called in for discussion at committee. Following due process it was considered that the application should be considered at the relevant committee in line with the provisions in the Council's Constitution.
- 1.2 The application seeks planning permission for the for the erection of two three-bed dwellings on land adjacent to the public house, with associated parking and landscaping. It has been evaluated against the adopted Development Plan and the NPPF.

- 1.3 The site lies within the built up part of a medium village and so the site is in principle a sustainable location for limited small-scale development. There would be economic and housing land supply benefits in terms of the construction of the development itself.
- 1.4 The scheme has been considered acceptable in terms of its impact to housing mix, transport and parking, residential amenity, flooding and drainage, trees and landscape, ecology and heritage.
- 1.5 Given the Council's current lack of a robust 5yr HLS, VALP policy D3 can be attributed limited weight at this time. However, other policies within the VALP are to be given full weight, e.g., VALP policy S7 supports the effective and efficient use of previously developed land, supports the supply of new housing and has a presumption in favour of sustainable development. It sets out the need to support economic growth, taking into account both local business needs and wider opportunities for development. The NPPF places provision of new homes at the heart of sustainable development, recognising that a range of homes to meet the needs of present and future generations is key to meeting the overarching social objective. Delivering a sufficient supply of new homes is a key objective of the NPPF, and affordable homes should be sought on all major developments. This proposal is able to meet the sustainable development objectives set out in the NPPF.
- 1.6 Taking all the relevant factors into account, and having regard to the NPPF as a whole, all relevant policies of the VALP, Neighbourhood Plan, it is considered that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits and it is therefore **recommended for approval subject to appropriate conditions** as set out in section 10 of this report.

2.0 Description of Proposed Development

Site

- 2.1 The application site is a rectangular (approx.) area of land 0.2 hectares in size, located on the east side of Worminghall Road in the village of Ickford.
- 2.2 The site consists of the Rising Sun Public House along with its gardens and car parking areas to the rear. The Rising Sun is a Grade II listed building dating from the seventeenth century. The building is L-shaped, has one and a half storeys and consists of a timber frame with brick infill and a half hipped, thatched roof.
- 2.3 To the north and east is a new housing development (for 66 dwellings) permitted on appeal under 17/03322/AOP and 20/01531/ADP. To the south is 32, Wayside And 34 Worminghall Road, Grade II listed buildings. To the west,

beyond the road are 23 and 33 Worminghall Road, also Grade II listed buildings. Part of the site lies within the Ickford Conservation Area.

- 2.4 Within the garden there are a number of outbuildings and sheds. The garden area is lawned with benches. The access into the site is from the entrance to the north of the pub, leading to the tarmacked car park.

Proposal

- 2.5 The application seeks full planning permission for the erection of two three-bed dwellings (Use C3) on land adjacent to the public house utilising the existing access off Worminghall Road, with associated parking and landscaping, including demolition of an outbuilding of the public house and reconfiguration of beer garden, children play area and car park of the public house.
- 2.6 The two proposed semi-detached dwellings would be positioned to the east of the site, orientated so that they would face north east. As amended during the course of the application, the dwellings would be one and a half storeys, with a total height of about 6.7m and an eaves height of 3.1m. The pair of dwellings would measure 12.4m in width and 9.5m in depth.
- 2.7 The dwellings would have rendered walls, a painted brick plinth, clay tile roofs and painted timber doors and windows. There would be two small dormer windows and two rooflights at the front (north) and two small dormer windows and two rooflights at the rear (south). Each dwelling would have living accommodation at ground floor level and two bedrooms and a bathroom at first floor level.
- 2.8 At the front (north) there would be a gravel area with four parking spaces. To the rear each dwelling would have a garden and patio area.
- 2.9 The application is accompanied by:
1. Application form received on 14.6.2023
 2. Agent's covering letter received on 14.6.2023
 3. Drawing No. 23.3402.100 Rev P2 – Block Plan/Location Plan received on 14.6.2023
 4. Drawing No. 23.3402.002 Rev P1 – Existing Elevations received on 14.6.2023.
 5. Drawing No. 23.3402.001 Rev P2 – Existing Site Plan received on 10.10.2023.
 6. Amended Drawing No. 23.3402.101 Rev P16 – Proposed Site Plan received on 11.12.2023.
 7. Amended Drawing No. 23.3402.102 Rev P9 – Proposed Plans received on 15.11.2023

8. Amended Drawing No. 23.3402.103 Rev P9 – Proposed Elevations received on 15.11.2023.
9. Amended Drawing No. 23.3402.104 Rev P7 – Proposed Indicative Street Scene Section AA received on 15.11.2023.
10. Transport Statement prepared by TPA (Transport Planning Associates) dated June 2023 received on 28.6.2023.
11. Revised Heritage Statement prepared by R P Heritage dated November 2023 Project No. 2023-014 received on 28.6.2023.
12. Revised Planning, Design & Access Statement received on 15.11.2023.
13. Arboricultural Implications Assessment and Method Statement prepared by Ecourban Arboricultural Report ref 191231-AiA2 dated 12.6.2023 received on 28.6.2023.
14. Davis Coffey Lyons (DCL) Viability Assessment received on 17.10.2023.
15. Acoustic Testing Report dated 25.9.2023 prepared by Airtight & Noisecheck Ltd received on 17.10.2023.
16. Viability Study prepared by Savills on behalf of Buckinghamshire Council dated November 2023 received on 8.11.2023.
17. Ecology and Trees Checklist received on 28.6.2023.

3.0 Relevant Planning History – *The list below relates to the Rising Sun Public House.*

- 3.1 Reference: 88/02634/APP - Development: Porch. Decision: Approved on 1 December 1988.
- 3.2 Reference: 88/02635/ALB - Development: Porch. Decision: Approved on 1 December 1988.
- 3.3 Reference: 88/02812/ALB - Development: Demolish lean-to. Decision: Approved on 21 December 1988.
- 3.4 Reference: 06/01659/ALB - Development: Replacement of roof thatch and structural and internal repairs following fire and water damage. Decision: Approved on 18.8.2006.
- 3.5 Reference: 06/03269/ATC - Development: Fell one ash tree. Decision: Approved on 31 January 2007.
- 3.6 Reference: 07/00138/AAD - Development: Externally illuminated signs. Decision: Approved on 11 April 2007.
- 3.7 Reference: 07/00142/ALB - Development: Externally illuminated signs. Decision: Approved on 11 April 2007.
- 3.8 Reference: 07/00149/ALB - Development: Replace existing rear window with double door. Decision: Approved on 14 March 2007.

3.9 Reference: 07/01222/APP - Development: Car park extension. Decision: Approved on 28 June 2007.

4.0 Ward Cllrs and Parish/Town Council

Ward - Bernwood

Cllrs : Nic Brown

Gregory Smith

Susan Lewin

4.1 Comments received from Ward Councillor Greg Smith on 12 August as follows (verbatim): *“Given the strength of feeling locally I request that decisions on this application are called in to the Central Bucks Planning Committee”*.

4.2 Second comments received from Cllr Greg Smith on 10th December 2023 –

“My original reason for calling in this application was based on the strength of local opinion and concerns from the Parish Council that the application breached the local neighbourhood plan on several grounds, including compromising the conservation area.

Whilst I remain unbiased in my view of the application I believe that the strength of objection requires a full and public discussion in order to reach the correct decision on this application.”

4.3 18.12.2023 : Cllr Sue Lewin stated that she agreed with Cllr Smith’s comments and asked for this to be called in for discussion at committee.

Ickford Parish Council (Verbatim):

4.4 Ickford Parish Council Comments received on 18 July 2023 objecting to the application (verbatim):

“Please read Ickford Parish Councils Objections to the above planning.

We would expect the applicant to argue that the garden to the pub is excessive, and not needed for the ongoing viability of the pub known as the Rising Sun. This is an opportunity for them to sell off assets for the benefit of their company, and in so doing neither reinvesting in the development and facilities of the pub, nor considering the amenity in the village or the longer-term viability of the pub. Indeed, this could well jeopardise the viability of the pub and accelerate a decision by the applicant to close the pub permanently in the future. The fact remains that Ickford is a growing village with 99 new houses either recently constructed or under construction, so potentially far more customers for the pub, and previous landlords have successfully used the garden for social events, music festivals, private parties, weddings etc. We also play in the Bucks Aunt Sally league, which is a key social part of the village and restricting the garden size could well prevent this in future. There is a great opportunity here for an entrepreneurial tenant to capitalise and use the garden to

enhance the profitability of the Rising Sun considerably, and it would be a crime to remove this permanently through approving this application.

In addition:

The applicant seems to have given no regard at all to the Neighbourhood Plan. In fact, they reference the appeal decision for 42 Worminghall Road, which was made before Bucks adopted it. Specifically, policy BEH1 states that the Neighbourhood Plan attaches great weight to the conservation of Heritage assets...proposals that preserve those elements of the setting that make a positive contribution to the heritage asset should be treated favourably. The Rising Sun is a key heritage asset in a conservation area, and this proposal will detract from the setting, and therefore by definition should be refused.

Policy BEH2 deals with design in the conservation area, and this proposal fails that test as it does not demonstrate how it will preserve or enhance positive features of the area. The design proposed is also not reflective of the style of existing buildings, materials nor does it complement the character of traditional buildings or reflect the traditional building material palette utilised in the village. So, on failing BEH2 it should be refused. In a similar vein it fails to meet BEH3 The setting of the Conservation Area and therefore warrants refusal.

Policy ND1 deals with developments within the Settlement Boundary and states that proposals will be supported ... where they do not cause unacceptable harm to the amenity or living conditions of neighbouring occupiers. This proposal fails on this account as well, as clearly it affects the amenity of the setting and outside garden of the Rising Sun.

This proposal also fails tests under ND3 'Form', 'Design' and Materials.

Policy TT1 states ...new development ...will only be supported, where it can be demonstrated that any severe adverse residual cumulative impacts on the road network will be mitigated and highway safety will not be demonstrated. This development is adjacent to the new housing at 42 Worminghall Road, which necessitated major road alterations for safety, but these did not make any allowance for any additional traffic that could exit from an adjacent site. Whilst the applicant can argue that the traffic this proposal is minimal, the volume of traffic now passing through the village as a result of new developments within the village and surrounding habitations is of major concern, with speeding becoming a major issue to the extent that a community speed watch group is to be formed.

Policy CF1 Community Facilities lists the Rising Sun Public House as one. This states clearly that ...proposals that result in either a loss of or significant harm to a valued community facility, as listed will NOT be supported, unless it can be clearly demonstrated that it is no longer viable.... This will require evidence that the property has been actively marketed ... for at least 12 months. A new tenant landlord has been appointed, so the applicant clearly feels the pub is a viable proposition, and therefore fails this test. indeed, reducing the size of the garden for this proposal could well have a negative effect on its viability, and therefore value.

The ongoing issues with flooding, sewage and the infrastructure generally in Ickford have not been resolved, so this proposal will inevitably exacerbate the situation. The

Parish Council cannot find one reason why this proposal could be supported, indeed the overwhelming case here is for a refusal, and we would urge you to side with this evidence accordingly.”

4.5 14.12.2023 – *“Ickford PC oppose this planning on the same grounds as we opposed the original application. Please see previous objections/proposals”.*

5.0 Representations

5.1 60 representations received at the time of writing, 59 objecting and 1 supporting, raising the following summarised issues:

- Would be contrary to neighbourhood plan.
- Would detract from setting of heritage asset and conservation area
- Unsympathetic design does not reflect style of existing buildings.
- Cynical attempt by Punch Taverns to run the business down and eventually sell pub for use as a private dwelling.
- Overdevelopment of site. Dwellings are tiny and shoehorned into site.
- New houses would not be affordable.
- Would reduce size of garden of Setting Sun by 30-40%.
- Insufficient landscaping buffer between pub and new houses.
- Noise from public house would affect amenity of new residents.
- Would have negative impact on existing public house business and affect its viability. Pub is an asset of community value.
- Would exacerbate ongoing flooding/sewerage/infrastructure situation in Ickford.
- Local schools are over-subscribed and there is groundwater flooding.
- Roads are under pressure and dangerous.
- Would reduce parking for the pub and result in on street parking.
- Parking for new dwellings is insufficient. No electric charging points.
- 3 healthy trees cut down just before application submitted.
- Ickford has had its quota for new housing already.
- No sign of any energy efficient or eco-friendly homes.
- Potential loss of wildlife habitats.
- Access to dwellings through car park would not be practical.
- Development will help Ickford grow into a more diverse village and widen the community.
- Negative impact on property values.

6.0 Policy Considerations and Evaluation

Ickford Neighbourhood Plan (INP) was made in June 2021 and has full weight.

Relevant policies include

- NE1: Landscape, Views and Dark Skies
- NE2: Green Infrastructure & Biodiversity
- BEH1: Heritage Assets
- BEH2: Design in the Conservation Area
- BEH3: The Setting of the Conservation Area
- F1: Flooding
- ND1: Settlement Boundary
- ND2: High Quality Design
- ND3: New Housing Development
- ND4: Housing Mix and Affordability
- TT1: Traffic and Transport
- CF1: Community Facilities

Vale of Aylesbury Local Plan (VALP) was adopted on 15th September 2021 and therefore has full weight.

National Planning Policy Framework (NPPF) 2023

Planning Practice Guidance (PPG)

Aylesbury Vale Design Guide SPD (adopted on 30 June 2023)

Buckinghamshire Minerals and Waste Local Plan (July 2019) - Policy 1: Safeguarding Mineral Resources – within a Mineral Safeguarding Area but exempt from consultation as within an urban area and less than 10 houses.

Recycling and Waste: Advice note for developers 2015

7.0 Principle and Location of Development

Sustainability of the location

- 7.1 The overall spatial strategy set out in policy S2 of VALP is to direct new development to the larger settlements, with moderate amounts of development in villages and very restricted development in the other settlements that are not defined as villages in the settlement hierarchy.
- 7.2 Ickford is identified in Table 2 of VALP as a medium village. Medium villages have some provision key services and facilities, making them moderately sustainable locations for development.
- 7.3 Ickford is recorded as having a population of 680 in the 2011 census. The village has a number of amenities including St Nicholas Church, a village hall, play area, allotments, Ickford (primary) School, Village Stores and The Rising Sun pub/restaurant.

- 7.4 D3 of VALP supports small scale development within the built-up areas of strategic settlements, larger and medium villages, including infilling and development that consolidates existing development patterns. Policy ND1 of INP states that within settlement boundary, “proposals for new development will be supported which are appropriate in scale, design and character to the village”.
- 7.5 The site is within the built up part of Ickford, substantially enclosed by built development, including a new housing development to the north and east. Therefore, in broad sustainability terms, the site is in principle a sustainable location for limited small-scale development.
- 7.6 Turning to housing land supply, the latest Five-Year Housing Land Supply Position Statement (September 2023) for the Aylesbury Vale area is 4.5 years’ supply of deliverable housing sites for the 2023-28 period.
- 7.7 The proposal would contribute to housing land supply tempered by the scale of the development (gain of two net dwellings). It is considered that there would also be some economic benefits in terms of the erection of the development as well as the resultant increase in population which would contribute to the local economy. This is a benefit of the proposal, albeit limited. It is important to note that this development would have been recommended for approval regardless of the housing supply issue, as it is compliant with Local Planning Policy.
- 7.8 The NPPF promotes the value of using suitable brownfield (previously developed) land as much as possible. Policy S7 of the VALP also encourages the reuse of previously developed land (PDL). The NPPF defines previously developed land as land that was occupied by a permanent structure, including its curtilage. However, it excludes land in built up areas such as residential gardens etc. In this case, the land where the dwellings would be built comprises part of a parking area and pub beer garden and as it is not a residential garden, it can be considered as brownfield.
- 7.9 The application represents a proposal for a non-allocated housing site in the built up area of Ickford. Given the number of dwellings proposed, when considered in the context of Ickford, the scheme is small-scale and thus part 1 of policy D3 is relevant. Criteria 1(b) of policy D3 states that subject to other policies in the Plan, permission will be granted for “development that consolidates existing settlement patterns without harming important settlement characteristics, and does not comprise partial development of a larger site”. The site relates well to the existing pattern of development and would not extend into open countryside. As such, the principle of residential development of this site is considered acceptable. Councillor attention is directed to the fact that the Council’s current lack of 5yr HLS (paragraph 5.7 above) and the recent publication of the NPPF (Dec 23). This application was

received prior to the publication of the NPPF in Dec 23, and therefore in accordance with guidance set out in the NPPF this application falls to be determined at a time when policy D3 was considered out-of-date in so far as it seeks to restrict housing supply. The policy can be afforded limited weight in the consideration of this proposal. However, in the view of officers the current lack of 5yr HLS only strengthens the need for housing within the area on this otherwise already acceptable site. Had the Council been able to demonstrate a 5 yr HLS officers confirm that the principle of development would still have been supported.

Impact on the viability of the public house

- 7.10 Several objectors have raised concerns over the impact of the development on the viability of the use of the remainder of the site as a public house, in particular due to the loss of some parking spaces and part of the garden area.
- 7.11 Policy I3 of VALP seeks to resist proposals for the change of use of community buildings and facilities for which there is a demonstrable local need. Policy CF1 of INP states that “Development proposals that will result in either the loss of or significant harm to a valued community facility, as listed below, will not be supported, unless it can be clearly demonstrated that its continued use is no longer viable”. The Rising Sun pub is considered a community facility by virtue of this policy.
- 7.12 It is proposed to erect two dwellings on land to the rear of the pub, land which is currently used as part of its garden and parking area. A large number of local residents and the parish council raised strong concerns over the proposal, with many claiming that the proposal would have a negative impact on the public house business and affect its long term viability. Suggestions have been made by objections that the proposal was a deliberate attempt by the owners to run the business down and eventually convert the pub into a dwelling.
- 7.13 Conversely, the agent has suggested that the proposed development would have no material impact on the operation or future viability of the existing public house, which would remain fully operational during and following construction phase of the dwellings. The agent added that the proposed development would ensure the application site continues to provide a community facility (public house) for the local community. A letter from the applicant (Punch Pubs) appended to the Planning, Design & Access Statement states that part of the proceeds from the development would be invested in the Rising Sun, thus ensuring its viability for the future.
- 7.14 To enable the impact of the proposed development on the viability of the public house to be independently assessed, the applicant arranged for a Viability Assessment to be prepared by chartered surveyors Davis Coffey

Lyons (DCL), and their report was then reviewed by the Council's own viability consultant, Savills who has looked at this from an independent expert position.

- 7.15 Savills state, in their report, that the development would result in the loss of approximately 446.6 sqm of garden, retaining 1,090.94 sqm. Savills dispute some of the assumptions made by DCL with regards to sales, profit margins and wages. However, despite the lower level of sales adopted, Savills consider that the business is capable of making a profit and is currently viable. Savills looked at the likely trading performance post the proposed development and agree with the statements from DCL, for example that the building and trading space in the pub would be unchanged and that the loss of the part of the garden most remote from the pub would not have any effect on the physical seating capacity of the pub in trading terms as currently configured. It was agreed that whilst "it is possible that some families might choose not to go to this pub as a result of the reduced garden size, this is likely to be a small minimal impact."
- 7.16 In conclusion, Savills do not envisage turnover to fall by more than 5% and therefore consider that the property would remain viable if part of the garden is lost to development.
- 7.17 Whilst the concerns of objectors are noted, on the basis of the above evidence submitted by 2 recognised experts in the field of public house viability it is considered that the proposal would result in the public house remaining a viable business and so it would accord with Policy I3 of the VALP and Policy CF1 of INP. No alternative evidence has been submitted that would put into doubt the opinions from either the applicant's consultant or the Council independent assessor. The proposal will not because of this development put at risk the viability of the pub. If at some point in future, the pub was to close and a change of use sought, an application would be assessed in accordance with adopted policies in place at the time, it is not for this application to make that future assessment.
- 7.18 The principle is acceptable however all other relevant policies must be met before permission is granted. This issue is afforded neutral weight in the planning balance.

Affordable Housing and Housing Mix

SPD – Affordable Housing

VALP policies H1 Affordable Housing and H6a Housing Mix

INP policy ND4: Housing Mix and Affordability

- 7.19 Policy H1 of VALP states that developments of 11 or more dwellings gross or sites of 0.3ha or more will be required to provide a minimum of 25%

affordable homes on site. Policy H6a expects that new residential development provide a mix of homes, with the housing mix negotiated having regard to the council's most up-to-date evidence on housing need.

- 7.20 Policy ND4 of INP states that in new residential developments there shall be a variety of dwelling types and sizes. In particular, it supports schemes containing smaller less expensive market homes suitable for young families and affordable housing for rent and home ownership.
- 7.21 With regard to affordable housing, the provision of 2 dwellings on a site of 0.2 hectares in area would not meet the thresholds for requiring affordable housing contributions to be made.
- 7.22 With regard to housing mix, there would be two 2 bedroom dwellings. The finding of the Housing and Employment Development Needs Assessment (HEDNA) set out in the VALP indicate that, based on current figures and population growth, 3 bedroom homes are of the highest need followed by 4-bed houses. INP policy ND4 supports schemes containing smaller less expensive market homes suitable for young families.
- 7.23 Given the scale of the proposal, the provision of two 2 bedroom dwellings would be acceptable and, in this instance, does not require a mix of sizes. This would accord with VALP Policy H6a of VALP and ND4 of INP. This issue is afforded neutral weight in the planning balance.

Transport matters and parking

VALP policies T5 (Delivering transport in new development) and T6 (Vehicle parking), T8 (Electric vehicle parking), Appendix B (Parking Standards)

INP policy TT1 (Traffic and Transport)

- 7.24 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, and that safe and suitable access can be achieved, taking account of the policies in the NPPF.
- 7.25 The site is located in Ickford, within walking distance of village facilities and opposite a bus stop providing infrequent services to Aylesbury.
- 7.26 Several local residents raised concerns over local roads and some suggested that the access into the site is dangerous.
- 7.27 The Council's Highways Officer was consulted and stated that Worminghall Road is an unclassified road subject to a speed limit of 30mph. Near the site, parking and waiting restrictions are not present. The proposal benefits from a footway on the opposite side of the road.
- 7.28 The Highways Officer added that as the proposals would see the net gain of two dwellings on the site, the site would be subject to intensification in use

in the region of 8-12 vehicular movements (two-way) per day. As this is the case, the access arrangements serving the site will need to be assessed in order to determine their suitability to accommodate the level of vehicular movements anticipated.

- 7.29 With regards to the access, the site will utilise the existing pub car park access from Worminghall Road. After assessing the site, the Highways Officer is satisfied with the level of visibility at this access point. He added that the access has also operated safely in its use for the pub car park and no incidents have been recorded in the last 5 years on CrashMap. Finally, he confirmed that two cars can pass at the site access. No contrary evidence has been submitted by parties which would put into doubt this conclusion.
- 7.30 Turning to on-site parking provision, VALP Policy T6 states that all development must provide an appropriate level of car parking, in accordance with the standards set out in Appendix B. For a two bedroom dwelling, 2 spaces are required. Policy T8 requires that a new house with a garage or driveway provide one electric vehicle charging point.
- 7.31 The proposed development includes four parking spaces for the two proposed dwellings, which accords with the guidance. There would also be two cycle parking spaces. Following initial comments from the Highways Officer, two EV charging points were added. The Highways Officer noted that the size of the parking spaces is still below the VALP size standards (2.8m x 5m) and considered that this matter could be resolved by a suitably worded planning condition. However, an amended drawing was submitted by the agent showing larger parking spaces and the Highways Officer confirmed that these spaces are of the appropriate standard.
- 7.32 Several local residents have expressed concern that the proposed development would reduce the amount of on-site car parking associated with The Rising Sun public house which could result in displacement of demand for parking space on to local roads.
- 7.33 The Highways Officer states that the public house would have 18 parking spaces after the reconfiguration of the car park. The VALP standards requires a pub to have one space per 17sqm. The applicant states that the floor space of the pub is 172sqm. Therefore, on this basis, 10 spaces are required. Given that 8 spaces have been provided over this number, the Highways Officer is satisfied with the parking provision for the pub. Finally, he also confirm that there is enough space for vehicles to turn and leave the site in a forward gear.
- 7.34 Mindful of the above, there is no highways objection, subject to conditions and informatives.

7.35 It is therefore considered that the proposal would comply with Policies T6 and T8 of VALP, the Council's Parking Standards, Policy TT1 of INP and the NPPF in this regard. This issue is afforded neutral weight in the planning balance.

Raising the quality of place making and design

VALP policy BE2 (Design of new development), NE4 (Landscape character and locally important landscape).

INP policies ND1 (Settlement Boundary), ND2 (High Quality Design) and ND3 (New Housing Development)

Vale of Aylesbury Design SPD (adopted 2023)

7.36 The NPPF at paragraph 8, states that one of the overarching principles of the planning system is a social objective, including fostering well-designed, beautiful, and safe places. Policy BE2 of VALP states that new development should respect and complement the character of the site and its surroundings and the local distinctiveness and vernacular character of the locality, as well as important public views.

7.37 Policy D3 of VALP states that in larger villages, permission will be granted for development comprising infilling of small gaps in developed frontages and development that consolidates existing settlement patterns without harming important settlement characteristics.

7.38 Policy ND1 of the INP states that proposals within the settlement boundary will be supported which are appropriate in scale, design and character to the village; contribute to its local distinctiveness.

7.39 Policy ND2 states that the rural character of the village and its surroundings will be respected through high quality new development. Policy ND3 states that all new housing development will be required to deliver a well-designed scheme that links both visually and functionally to the existing village. It adds that new buildings must respect the scale of surrounding development and exhibit a simplicity of design.

7.40 The Vale of Aylesbury Design SPD, adopted in 2023, states that in general, traditional houses in the area have a distinctly rural character. The majority of traditional buildings in Aylesbury Vale, in both urban and rural areas, adopt a very consistent, simple form, with rectangular floorplans and pitched roofs over narrow spans. Materials should reflect the character of the area and also the style of architecture adopted. It adds that new buildings in a street should follow the established building line.

7.41 It is proposed to erect two three bedroom dwellings on land to the east of the site, behind the existing public house, which would be retained. As submitted, the pair of dwellings would have measured 12.3m in width by

10.6m deep, with a total height of about 7.6m. There would have been two dormers on the front (north) elevation and a total of four dormers on the south (rear) elevation. Materials would have included UPVC fascias, soffits and rainwater goods.

- 7.42 The parish council and several local residents raised concerns over the proposed design, stating that it would be unsympathetic, would not reflect the style or character of existing buildings and would be shoehorned into the site.
- 7.43 It is acknowledged that the dwellings would be positioned at the rear of the pub, beyond the existing building line and so would be a form of backland development. However, the northern part of the village is not particularly characterised by linear forms of development, particularly to the north of Sheldon Road and east of Worminghall Road. Backland development therefore is not objectionable in principle.
- 7.44 The streetscene drawing submitted showed that the new dwellings would have been large in scale, with a ridge height above that of the public house (maximum of about 7.1m). The Heritage Officer stated that the dwellings would be very bulky and would not be subservient to the surrounding buildings. The Heritage Officer also expressed concerns over the design, stating that the modern design, detailing and character do not relate well to the listed buildings or conservation area and that the proposal would be an unsympathetic addition.
- 7.45 As a result, further discussions were held with the heritage officer and amended drawings were submitted. As amended, the dwellings would be and a half storeys, with a total height of about 6.7m (a reduction of about 1 metre) and an eaves height of 3.1m. The pair of dwellings would measure 12.4m in width and 9.5m in depth. The number of dormer windows on the rear elevation was reduced from four to two, with two small rooflights added. The front porches were removed, and a chimney stack added to the east elevation. With regards to materials, the fascias, soffits and rainwater goods are now black aluminium. There would also be materials such as clay roof tiles, render, painted timber doors and windows that would be appropriate in a rural area.
- 7.46 As a result of these design amendments, the dwellings would sit subserviently behind the listed building, at about the same height as the Rising Sun, and would have a more traditional appearance that reflects the detailing and character of the Rising Sun public house and uses vernacular materials seen in the conservation area. The footprint of the development has been reduced slightly, from around 136 sqm to about 128 sqm. The Heritage Officer is now content with the design and considers that it accords with VALP.

7.47 Overall, it is considered that the proposal has successfully addressed the initial concerns in terms of design. As such, the proposal would accord with Policy BE2 of the VALP, policies ND1, ND2 and ND3 of the INP, the adopted Design SPD and the guidance set out in the NPPF. This issue is afforded neutral weight in the planning balance.

Amenity of existing and future residents

VALP policy BE3 (Protection of the amenity of residents).

INP policies ND2 (High Quality Design) and ND3 (New Housing Development)

7.48 The NPPF at paragraph 130 states that authorities should always seek to create places that have a high standard of amenity for all existing and future users.

7.49 Policy BE3 of VALP seeks to protect the amenity of existing residents and achieve a satisfactory level of amenity for future residents.

7.50 Policy ND2 of the INP supports proposals provided that it will not cause unacceptable harm to neighbouring properties by way of loss of privacy, daylight, noise, visual intrusion or amenity. ND3 adds that new residential buildings must be designed to mitigate against issues of overlooking and loss of residential amenity.

7.51 The nearest dwellings to the proposed dwellings would be the new housing development (for 66 dwellings) being built to the north and east, 32 and 34 Worminghall Road to the south and 23 and 33 Worminghall Road to the west. The retained public house would be around 22m to the north west. There would be a reasonable separation distance between the two new dwellings and the surrounding dwellings, with no dwellings closer than 35-40m away. There would also be landscaping screening to the north, south and east, as well as between the pub and the new dwellings. As such, there would be no overlooking or loss of privacy to any nearby dwellings.

7.52 Turning to the amenity impacts on the proposed dwellings on each other, there would be a 1.8m high close boarded fence along the mutual boundary. The dwellings would have first floor windows facing their rear gardens and whilst these may afford oblique views into each other's gardens, this is unavoidable in a built up area and is not sufficiently harmful to warrant a refusal. Therefore, despite their close proximity, there would be no unreasonable impacts on Plot 2 from Plot 1 and vice versa.

7.53 Concerns have been raised over the impact of the public house on the new occupants, in particular through noise and disturbance. The proposed dwellings would have their side elevations facing the public house and so the principle windows would be angled away from the pub. A noise assessment was requested by the Environmental Health officer in their initial comments,

and the submitted Acoustic Testing report recommends a number of mitigation measures, including acoustic trickle vents and a glazing system. Furthermore, there would be a 1.8m high acoustic fence along the boundary with the pub.

- 7.54 The EH officer was reconsulted and stated that Environmental Health accept the findings and the proposed mitigation, subject to the development being constructed with the mitigation measures as detailed.
- 7.55 The dwellings would have relatively small rear gardens. As a general rule, the Council expects to see a garden length of at least 10m for new dwellings to ensure adequate outdoor amenity space for the occupiers of the property. In this case, the rear gardens would be about 9m in length (including patio) and whilst this would be marginally below the normally expected length, it is noted that many of the new dwellings being built to the north east (Poplar Way) and on Golders Close to the south have similar sized gardens and so a refusal on this basis could not be sustained.
- 7.56 All habitable rooms in the two proposed dwellings would have sufficient natural light and the dwellings would, at 84 sqm each, comply with the minimum nationally prescribed space standard for a two bedroom, four person house over two floors of 79 sqm.
- 7.57 It is concluded therefore that the residential amenities of nearby dwellings and the occupiers of the new dwellings would not be materially affected and that this would accord with policy BE3 of VALP, ND2 and ND3 of the INP and the NPPF. This issue is afforded neutral weight in the planning balance.

Flooding and drainage

VALP policy I4 (Flooding)

INP policy F1 (Flooding)

- 7.58 Paragraph 167 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere.
- 7.59 Some residents have raised concerns that the development would exacerbate ongoing flooding/sewerage issues in Ickford.
- 7.60 Whilst these concerns are noted, the site is within Flood Zone 1 and the development would therefore be at low risk of fluvial flooding. It is not in an area susceptible to surface water flooding. With regard to drainage, the application form states that surface water would be disposed of via the main sewer. No technical points of objection have been submitted to the Council that would suggest that a flood reason for refusal could be sustainable if challenged.

7.61 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, Policy F1 of INP and the National Planning Policy Framework. This issue is afforded neutral weight in the planning balance.

Landscape Issues, including trees and hedgerows

VALP policies NE4 (Landscape character and locally important landscape) and NE8 (Trees, hedgerows, and woodlands).

INP policy NE1 (Landscape, Views and Dark Skies)

7.62 Policy NE4 of VALP requires that development must recognise the individual character and distinctiveness of particular landscape character areas set out in the Landscape Character Assessment (LCA), their sensitivity to change and contribution to a sense of place. The site lies with the Ickford Pastoral Vale Landscape Character Area (LCA) 8.12. This is a flat or gently sloping vale landscape, predominantly pastoral with small fields and good hedgerows.

7.63 However, the site lies with the built up part of the village, built development on all sides, including a large scale new housing development to the north east. As such, there would be no wider landscape impacts.

7.64 Policy NE1 of INP states that key views in and around Ickford should be maintained where possible. There would be no loss of any key views.

7.65 With regard to trees, Policy NE8 of VALP resists development that would result in the unacceptable loss of, or damage to, or threaten the continued well-being of any trees and hedgerows which make an important contribution to the character and amenities of the area. It adds that where trees within or adjacent to a site could be affected by development, a full tree survey and arboricultural impact assessment will be required as part of the planning application. Policy ND2 of INP states that proposals should retain and enhance natural features and boundaries, including trees, hedgerows and water courses, which contribute to visual amenity.

7.66 There are a number of trees and groups of trees located around the site. An Arboricultural Implications Assessment (AIA) and Arboricultural Method Statement (AMS) were submitted. The AIA identified that there are two Category B trees that would need to be removed and two Category C trees would also need to be removed to provide car parking spaces and the proposed dwellings.

- 7.67 The Council's Tree Officer was consulted and stated that two trees were removed immediately prior to submission of the application. In order for this to remain consistent with Policy NE8 of the VALP, compensatory planting would be required. The Tree Officer added that the tree protection measures as detailed on the submitted Tree Protection Plan (TPP) are sufficient and so a further TPP will not be required.
- 7.68 As such, there are no objections from the tree officer, subject to conditions.
- 7.69 Therefore, it is considered that the proposal would accord with policy NE4 and NE8 of VALP, policy NE1 of INP and the NPPF. This issue is afforded neutral weight in the planning balance.

Ecology

VALP NE1 (Biodiversity and geodiversity)

INP NE2 (Green Infrastructure and Biodiversity)

- 7.70 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. Policy NE1 of VALP and NE2 of INP are also reflective of the NPPF in requiring all development to deliver a biodiversity net gain.
- 7.71 The Council's Ecologist was consulted and initially raised a holding objection and requested further evidence in the form of a Biodiversity Net Gain Report to demonstrate that BNG can be achieved as part of the proposed development. The Ecologist added that biodiversity enhancement features would need to be built into the development, namely 2 bat boxes, 2 bird boxes and hedgehog holes.
- 7.72 An Ecology and Biodiversity Net Gain Assessment was subsequently submitted, and this concluded that the development would result in a 12.93% BNG. However, the Council's Ecologist identified an error in the calculation and an updated metric was submitted. The Ecologist stated that the development would result in 11.40% habitat units and 10.77% hedgerow units within the site but later stated that the new site plan would result in a reduction of trees and hedgerows onsite which will influence the proposed biodiversity net gains, most likely negatively. Updated biodiversity net gain evidence was requested.
- 7.73 Updated evidence was then submitted showing a gain of 12.93% habitat units and 10.77% hedgerow units, with the agent clarifying that there would be no change to the trees and hedgerows. Notwithstanding this, the proposed hedgerow was then moved to another area within the site to

provide appropriate spacing for the parking area. Biodiversity net gain was not impacted by this change and the Ecologist confirmed that it should still achieve 0.1085 (12.93%) habitat units and 0.0740 (10.77%) hedgerow units.

- 7.74 To secure these gains, an ecological design strategy would need to be provided and biodiversity enhancement features will also be secured within the ecological design strategy.
- 7.75 The Ecologist added that there are no ponds within 250m of the application site and very little great crested newt records, however, the site and the surrounding area contains suitable terrestrial great crested newt habitat also the site is situated within a red impact zone. The Ecologist initially stated that it would be appropriate for a non-licence method statement to be secured for great crested newts to be secured through a planning condition subject to determination of the application. However, the agent queried this given that the closest pond is 240m from the site. The Ecologist responded by stating that whilst great crested newts do spend most of their time out of ponds within terrestrial environments and can travel over 250m away from a pond, a great crested newt informative would be more appropriate and proportionate in this instance instead of a non-licenced method statement.
- 7.76 Therefore, the Ecologist raises no objections, subject to a condition and informatives regarding protection of breeding birds and great crested newts.
- 7.77 It is considered that in terms of impact upon the natural environment, it has been demonstrated that the proposal would have an acceptable impact on protected species and their habitats. As such, the proposal would comply with VALP policy NE1, INP policy NE2 and relevant NPPF advice. This issue is afforded neutral weight in the planning balance.

Historic environment

VALP policies BE1 (Heritage Assets)

- 7.78 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 189 identifies heritage assets as an irreplaceable resource which should be conserved in a manner appropriate to their significance. Paragraph 203 states that the effect of an application on a non-designated heritage asset must be taken into account and that in weighing applications that affect such buildings, a balanced judgement will be required weighing the scale of any harm or loss and its significance.
- 7.79 Policy BE1 states that proposals will only be supported which do not cause harm to heritage assets.
- 7.80 Policy BEH1 of the INP states that the Neighbourhood Plan attaches great weight to the conservation of heritage assets. BEH2 states that proposals

must demonstrate that they aim to preserve or enhance the character or appearance of the Ickford Conservation Area. BEH3 states that proposals affecting the setting of the conservation area should demonstrate that the proposals have been designed to preserve or enhance the character or appearance of the conservation area and any designated and non-designated heritage assets within it.

- 7.81 The Rising Sun is a Grade II listed building which falls within the Ickford Conservation Area (CA). It also contributes towards the setting of other nearby listed buildings (LBs), primarily the Grade II 32 & 34 Worminghall Road. However, most of the rear beer garden and part of the car park falls outside of the CA.
- 7.82 A number of local residents and the parish council raised concerns over the impact of the proposed development on the setting of heritage asset and conservation area.
- 7.83 In her initial comments, as set out above in the section on placemaking and design, the Heritage Officer raised concerns over the scale and design of the proposed dwellings, stating that they would be greater in height than the public house with a design that would cause harm to the setting of the nearby listed buildings and detract from the significance of the CA. Following these comments, the applicant paused the application in order to engage with 'pre-application' type discussions with the heritage officer. Following this, amended drawings were submitted.
- 7.84 As outlined earlier in this report, the amended design reduced the height and scale of the proposed dwellings and would sit subserviently behind the listed building and be more traditional in appearance. The Heritage Officer considers that the proposal would be more sympathetic to the LB and CA and be unlikely to cause harm to the nearby LBs. Furthermore, it would now be in character with the CA and does not detract from its significance due to its traditional form, materials and relationship with the surrounding built form.
- 7.85 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 setting of the listed buildings under section 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 setting of the listed building would be preserved and so the proposal accords with section 66 & 72 of the Act.
- 7.86 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 and with the aims of policies BE1 of VALP and BEH1, BEH2 and BEH3 of INP. This issue is afforded neutral weight in the planning balance.

8.0 Weighing and balancing of issues / Overall Assessment

- 8.1 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.
- 8.2 The site lies within the built up part of a medium village listed within VALP, and so the site is in principle a sustainable location for limited small-scale development.
- 8.3 It is accepted that there would be economic benefits in terms of the construction of the development itself. The scheme would also deliver two net additional dwellings, thereby adding to the Aylesbury Area's housing supply.
- 8.4 The scheme has been considered acceptable in terms of its impact to housing mix, transport and parking, residential amenity, flooding and drainage, trees and landscape, ecology and heritage. However, these do not represent benefits of the scheme but rather demonstrate an absence of harm.
- 8.5 It is acknowledged that a tilted balance is engaged as a result of the Council being unable to demonstrate a 5-year land supply. Taking all the relevant factors into account, and having regard to the NPPF as a whole, all relevant policies of the VALP and NPPF, it is considered that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits and it is therefore recommended for approval.
- 8.6 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].
- 8.7 Human Rights Act (1998) 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.

9.0 Working with the applicant / agent

- 9.1 In accordance with paragraph 38 of the NPPF (2023) the Council approach decision-taking in a positive and creative way taking a proactive approach to

development proposals focused on solutions and work proactively with applicants to secure developments.

9.2 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.

9.3 In this instance, the applicant/agent was informed of the issues arising from the proposal and given the opportunity to submit additional information. This was found to be acceptable, so the application has been approved.

10.0 Recommendation

The officer recommendation is that the application be **APPROVED** 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 materials specified in the planning application from hereby approved and approved drawing no. 23.3402.103 Rev P9 received on 15.11.2023.

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 2023.

3. The scheme for parking, and manoeuvring indicated on the submitted plan ref 23.3402.101 Rev P16 received on 11.12.2023 shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction, and inconvenience to users of the adjoining highway and to comply with Policy T6 of the Vale of Aylesbury Local Plan, Policy TT1 of Ickford Neighbourhood Plan and National Planning Policy Framework.

4. Any hard surfaces within the development shall be made of porous materials, or provision shall be made to direct run-off water from the from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouses.

Reason: In order to reduce the risk of flooding and to accord with policy I4 of Vale of Aylesbury Local Plan, Policy TT1 of Ickford Neighbourhood Plan and the National Planning Policy Framework.

5. Notwithstanding any indications illustrated on drawings already submitted, no development above slab level shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. Landscape details shall include:
 - 1) a scaled plan showing all existing trees, shrubs and hedgerows to be retained, including crown spreads and trees and plants to be planted with size and species included;
 - 2) details of tree pits and maintenance requirements for their establishment; and
 - 3) location, type and materials to be used for hard landscaping.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless already agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory landscaping of the site in the interests of amenity to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development and remain consistent with Policy NE8 of the Vale of Aylesbury Local Plan, policy NE1 of the Ickford Neighbourhood Plan and National Planning Policy Framework.

6. All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the completion of the development, whichever is the sooner. Any retained trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development and in accordance with policy NE8 of the Vale of Aylesbury Local Plan, policy NE1 of the Ickford Neighbourhood Plan and the National Planning Policy Framework.

7. No development shall take place until an ecological design strategy (EDS) addressing biodiversity net gain, 0.1085 (12.93%) habitat units and 0.0740 (10.77%) hedgerow units and biodiversity enhancement features has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.
 - a) Purpose and conservation objectives for the proposed works.

- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Details of biodiversity enhancement features local and model specifications (i.e. hedgehog holes within proposed new fencing/boundaries, a minimum of two bat boxes and two bird boxes)
- h) Persons responsible for implementing the works.
- i) Details of initial aftercare and long-term maintenance.
- j) Details for monitoring and remedial measures.
- k) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the development safeguards protected wildlife and achieves a net gain in biodiversity in accordance with policy NE1 of the Vale of Aylesbury Local Plan, policy NE2 of the Ickford Neighbourhood Plan and National Planning Policy Framework.

8. The development hereby permitted shall only be carried out in accordance with the details contained in the planning application hereby approved and the following drawing numbers 23.3402.100 Rev P2 received on 14.6.2023; 23.3402.102 Rev P9, 23.3402.103 Rev P9 and 23.3402.104 Rev P7 received on 15.11.2023; 23.3402.101 Rev P16 received by the Local Planning Authority on 11.12.2023 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 of the development by the Local Planning Authority and to comply with the National Planning Policy Framework.

9. The dwellings hereby permitted shall be constructed with the noise mitigation measures set out in the Acoustic Testing Report (Airtight and Noise Check Limited dated 25th September 2023) and these shall thereafter be retained in perpetuity.

Reason: To preserve the amenities of the occupants of the proposed dwellings and to comply with BE3 of the Vale of Aylesbury Local Plan, ND2 and ND3 of the Ickford Neighbourhood Plan and the National Planning Policy Framework.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of any dwelling nor the erection of any garage shall be carried out within the curtilage of any dwelling the subject of this permission, no windows, dormer windows, no buildings, structures or means of enclosure shall be erected on the site which is the subject of this permission other than those expressly authorised by this permission.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of the dwellings or erection of a garage, windows, buildings, structures or means of enclosure having regard for the particular layout and design of the development, in accordance with policies BE1, BE2 and BE3 of Vale of Aylesbury Local Plan and National Planning Policy Framework.

11. No development shall take place on the building(s) hereby permitted above ground level until samples/details of the materials proposed to be used on the external surfaces of the development, including clay roof tiles, render, cladding and bricks, have been made available to be viewed on site and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that materials are in keeping with the local vernacular and will not detract from the setting of the Listed Building and character of the Conservation Area and to comply with policy BE1 of Vale of Aylesbury Local Plan, policies BEH1, BEH2 and BEH3 of the Ickford Neighbourhood Plan and the National Planning Policy Framework.

12. The rooflights hereby permitted as shown on drawing 23.3402.103 Rev P9 "Proposed Elevations" received on received on 15.11.2023 shall be flush fitting Conservation rooflights.

Reason: To ensure that materials are in keeping with the local vernacular and will not detract from the setting of the Listed Building and character of the Conservation Area and to comply with policy BE1 of Vale of Aylesbury Local Plan, policies BEH1, BEH2 and BEH3 of the Ickford Neighbourhood Plan and the National Planning Policy Framework.

13. Prior to their installation, elevation drawings (scale 1:20) fully detailing the new windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved specification and retained thereafter.

Reason: To ensure that materials are in keeping with the local vernacular and will not detract from the setting of the Listed Building and character of the Conservation Area and to comply with policy BE1 of Vale of Aylesbury Local Plan, policies BEH1,

BEH2 and BEH3 of the Ickford Neighbourhood Plan and the National Planning Policy Framework.

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

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; and to use natural resources prudently, and in accordance with Policy C3 of the Vale of Aylesbury Local Plan (adopted September 2021) and guidance contained in the NPPF (2023).

15. The development hereby approved shall store all additional runoff within the site and either reuse it or release it into the ground through infiltration. Where the additional runoff is not to be re-used or on-site infiltration methods are not proposed, details of how the risk of flooding elsewhere will not be increased shall be submitted to and approved by the local planning authority prior to any development taking place. The approved details shall thereafter be implemented prior to the development being brought into use and thereafter managed and maintained for the lifetime of the development.

Reason: To ensure that the development does not increase the risk of flooding elsewhere and in accordance with policy I4 of Vale of Aylesbury Local Plan and Paragraph 167 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

16. The residential dwelling hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' as a minimum prior to first occupation. Such provision shall be maintained for the lifetime of the development.

Reason: To ensure the adequate provision of accessible and adaptable dwellings in accordance with Policy H6c of the Vale of Aylesbury Local Plan.

Informatives:

1. 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.
2. 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.

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

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

4. **Protection of great crested newts and their breeding/resting places**

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

5. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

6. Your attention is drawn to the "Recycling and Waste: Advice Note for Developers 2019" to assist developers and planning applicants by highlighting Buckinghamshire Council's current management of refuse and recycling collections and what provisions will be expected when proposals for new dwellings and commercial premises come forward in the future and the adopted policy on waste container charges. Developers should contact the Council's Operations and Waste Management Section for specific advice on current recycling collection arrangements. <https://www.buckinghamshire.gov.uk/waste-and-recycling/developers-bins-for-new-builds/waste-management-planning-guide-former-aylesbury-vale-area/>

7. Developers are encouraged to maximise the water efficiency of the development. Thames Water offer environmental discounts for water efficient development which reduce the connection charges for new residential properties. Further

information on these discounts can be found at
<https://www.thameswater.co.uk/developers/charges>

8. Noise, Odour and Dust from Construction/Demolition

Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.

By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk

This is an advisory scheme. Should the applicant not adopt this specific scheme then Environmental Health recommend a similar scheme be considered to achieve the same effect as described above.

Site operational hours for works that generate noise over the boundary of the premises:

Monday to Friday - 8am until 6pm

Saturday - 8am until 1pm

Sunday, Bank Holidays and Public Holidays – No noisy works

Outside of these times, no noisy equipment should be used that would be audible to nearby residents.

The determination of this application falls within the scope of Officer delegated powers.

DATE: 14.12.2023

SIGNED: *Bibi Motuel*
Planner

PROFESSIONAL CHECK: Agree
Recommendation

DATE

Appendix A: Consultation Responses and Representations

Councillor Comments

- Comments received from Ward Councillor Greg Smith on 12 August as follows (verbatim): *“Given the strength of feeling locally I request that decisions on this application are called in to the Central Bucks Planning Committee”*.
- Second comments received from Cllr Greg Smith on 10th December 2023 – *“My original reason for calling in this application was based on the strength of local opinion and concerns from the Parish Council that the application breached the local neighbourhood plan on several grounds, including compromising the conservation area. Whilst I remain unbiased in my view of the application I believe that the strength of objection requires a full and public discussion in order to reach the correct decision on this application.”*
- 18.12.2023 : Cllr Sue Lewin stated that she agreed with Cllr Smith’s comments and asked for this to be called in for discussion at committee.

Ickford Parish Council Comments received on 18.7.2023 (verbatim):

“Please read Ickford Parish Councils Objections to the above planning.

We would expect the applicant to argue that the garden to the pub is excessive, and not needed for the ongoing viability of the pub known as the Rising Sun. This is an opportunity for them to sell off assets for the benefit of their company, and in so doing neither reinvesting in the development and facilities of the pub, nor considering the amenity in the village or the longer-term viability of the pub. Indeed, this could well jeopardise the viability of the pub and accelerate a decision by the applicant to close the pub permanently in the future. The fact remains that Ickford is a growing village with 99 new houses either recently constructed or under construction, so potentially far more customers for the pub, and previous landlords have successfully used the garden for social events, music festivals, private parties, weddings etc. We also play in the Bucks Aunt Sally league, which is a key social part of the village and restricting the garden size could well prevent this in future. There is a great opportunity here for an entrepreneurial tenant to capitalise and use the garden to enhance the profitability of the Rising Sun considerably, and it would be a crime to remove this permanently through approving this application.

In addition:

The applicant seems to have given no regard at all to the Neighbourhood Plan. In fact, they reference the appeal decision for 42 Worminghall Road, which was made before Bucks adopted it. Specifically, policy BEH1 states that the Neighbourhood Plan attaches great weight to the conservation of Heritage assets...proposals that preserve those elements of the setting that make a positive contribution to the heritage asset should be treated favourably. The Rising Sun is a key heritage asset in a conservation area, and this proposal will detract from the setting, and therefore by definition should be refused.

Policy BEH2 deals with design in the conservation area, and this proposal fails that test as it does not demonstrate how it will preserve or enhance positive features of the area. The design

proposed is also not reflective of the style of existing buildings, materials nor does it complement the character of traditional buildings or reflect the traditional building material palette utilised in the village. So, on failing BEH2 it should be refused. In a similar vein it fails to meet BEH3 The setting of the Conservation Area and therefore warrants refusal.

Policy ND1 deals with developments within the Settlement Boundary and states that proposals will be supported ... where they do not cause unacceptable harm to the amenity or living conditions of neighbouring occupiers. This proposal fails on this account as well, as clearly it affects the amenity of the setting and outside garden of the Rising Sun.

This proposal also fails tests under ND3 'Form', 'Design' and Materials.

Policy TT1 states ...new development ...will only be supported, where it can be demonstrated that any severe adverse residual cumulative impacts on the road network will be mitigated and highway safety will not be demonstrated. This development is adjacent to the new housing at 42 Worminghall Road, which necessitated major road alterations for safety, but these did not make any allowance for any additional traffic that could exit from an adjacent site. Whilst the applicant can argue that the traffic this proposal is minimal, the volume of traffic now passing through the village as a result of new developments within the village and surrounding habitations is of major concern, with speeding becoming a major issue to the extent that a community speed watch group is to be formed.

Policy CF1 Community Facilities lists the Rising Sun Public House as one. This states clearly that ...proposals that result in either a loss of or significant harm to a valued community facility, as listed will NOT be supported, unless it can be clearly demonstrated that it is no longer viable.... This will require evidence that the property has been actively marketed ... for at least 12 months. A new tenant landlord has been appointed, so the applicant clearly feels the pub is a viable proposition, and therefore fails this test. indeed, reducing the size of the garden for this proposal could well have a negative effect on its viability, and therefore value.

The ongoing issues with flooding, sewage and the infrastructure generally in Ickford have not been resolved, so this proposal will inevitably exacerbate the situation. The Parish Council cannot find one reason why this proposal could be supported, indeed the overwhelming case here is for a refusal, and we would urge you to side with this evidence accordingly."

14.12.2023 – "Ickford PC oppose this planning on the same grounds as we opposed the original application. Please see previous objections/proposals".

Consultation Responses

Highways:

- **19.07.2023** - Additional information is required.
- **24.11.2023** – No objection subject to condition and informatives.
- **11.12.2023** – No objection subject to condition and informatives.

Ecologist:

- **13.7.2023** – Holding objection. Insufficient information has been provided. Further information is required re biodiversity net gain.

- **24.10.2023** – Holding objection. Insufficient information has been provided. Further information is required re biodiversity net gain.
- **9.11.2023** – No objection subject to conditions.
- **13.11.2023** – No objection subject to conditions.
- **17.11.2023** – Holding Objection due to the changes in the site plan an updated biodiversity net gain metric and report is required to be provided and reviewed.
- **27.11.2023** – No objection subject to conditions.
- **11.12.2023** – No objection subject to conditions.

Environment Health:

- **14.7.2023** - A noise assessment report is required.
- **26.10.2023** – No objection subject to informative.
- **28.11.2023** – no additional comments to make.

Heritage Officer:

- **19.7.2023** – The proposal would result in less than substantial harm to the setting of the listed building and detracts from the significance of eh Conservation Area. In heritage terms the application does not comply with the relevant heritage policy and therefore unless there are sufficient planning reasons, it should be refused for this reason.
- **1.12.2023** – No objection subject to conditions.

Tree Officer:

- **18.7.2023** – No objection subject to conditions.
- **21.11.2023** – No objection subject to conditions.

Representations

60 representations received at the time of writing, 59 objecting and 1 supporting, raising the following summarised issues:

- Would be contrary to neighbourhood plan.
- Would detract from setting of heritage asset and conservation area
- Unsympathetic design does not reflect style of existing buildings.
- Cynical attempt by Punch Taverns to run the business down and eventually sell pub for use as a private dwelling.

- Overdevelopment of site. Dwellings are tiny and shoehorned into site.
- New houses would not be affordable.
- Would reduce size of garden of Setting Sun by 30-40%.
- Insufficient landscaping buffer between pub and new houses.
- Noise from public house would affect amenity of new residents.
- Would have negative impact on existing public house business and affect its viability. Pub is an asset of community value.
- Would exacerbate ongoing flooding/sewerage/infrastructure situation in Ickford.
- Local schools are over-subscribed and there is groundwater flooding.
- Roads are under pressure and dangerous.
- Would reduce parking for the pub and result in on street parking.
- Parking for new dwellings is insufficient. No electric charging points.
- 3 healthy trees cut down just before application submitted.
- Ickford has had its quota for new housing already.
- No sign of any energy efficient or eco-friendly homes.
- Potential loss of wildlife habitats.
- Access to dwellings through car park would not be practical.
- Development will help Ickford grow into a more diverse village and widen the community.
- Negative impact on property values.

Appendix B: Site Location plan

